

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

CHESTNUT DEVELOPERS, LLC

PLAINTIFF

vs.

CAUSE NO. CI-2010-0235-R

FAIRVIEW DEVELOPMENT SERVICES, INC.,  
HORACE B. LSETER, JR., and individual, STERLING  
CONSULTANTS, INC., HENRY LAWSON, an individual,  
WARREN EXCAVATION, BURNS COOLEY DENNIS, INC.,  
BEAR CREEK WATER ASSOCIATION, INC., B&B  
ELECTRICAL & UTILITY CONTRACTORS, INC.,  
ADCAMP, INC., and DOE DEFENDANTS 1 THROUGH 46

DEFENDANTS

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SUBPOENA DUCES TECUM

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STATE OF MISSISSIPPI  
COUNTY OF MADISON

TO: PROCESS SERVER: GREETINGS

WE COMMAND YOU TO SUMMON:

**Custodian of Records**  
**Warnock & Associates**  
**160 W. Center Drive**  
**Canton, MS 39046**  
**(601) 855-2250**

Pursuant to Rule 45(b)(2) of the Mississippi Rules of Civil Procedure, to be and appear at the offices of Jernigan Copeland & Anderson, PLLC, 587 Highland Colony Parkway, Ridgeland, Mississippi 39157, on the 23<sup>rd</sup> day of October, 2013, at 10:00 a.m., and to produce and bring with him/her the following documents, *or in the alternative*, to mail the documents listed below to Jernigan Copeland & Anderson, PLLC, P.O. Box 2598, Ridgeland, Mississippi 39158-2598, attention: Clyde X. Copeland, III, Esq.:

- 1) A **certified** copy of the following:

A true correct and complete copy of all drawings, plats, diagrams, blue prints, sketches, field notes, calculations, letters, electronic mail, correspondence, specifications, architectural drawings, design drawings, design calculations, laboratory report, laboratory findings, data, all tests

performed to determine soil type, soil density, soil moisture content, drainage flow, surface elevation, any and all other documents and tangible things that you have in your possession, care, custody and control that pertains to the development, construction and present condition of that certain piece of real estate commonly known as Chestnut Hill Subdivision, Madison, Mississippi;

- 2) In addition, this subpoena requires that you complete, along with the foregoing documents and things, the attached affidavit of custodian of business records and return same with the records subpoenaed hereby fully executed and notarized by your duly authorized custodian of business records.

This subpoena duces tecum does not require your appearance. The items requested may be delivered by you in person or by United States mail to arrive at the aforesaid location on or before the date and time stated therein. However, no records are to be sent until ten (10) days from the date that this subpoena is served.

**HEREIN YOU SHALL NOT FAIL UNDER PENALTY IN SUCH CASE PROVIDED,** and have then and there this writ.

WITNESS my signature and seal of office this, the 11<sup>th</sup> day of October, 2013.

*Natalie Kirby DC*  
DEPUTY CLERK



**RETURN**

I, \_\_\_\_\_, Process Server, do hereby certify that I am not a party to the encaptioned civil action, am not less than 18 years of age, and have delivered the above and foregoing SUBPOENA DUCES TECUM by personally serving a copy of same upon \_\_\_\_\_.

THIS the \_\_\_\_ day of \_\_\_\_\_, 2013.

PROCESS SERVER

\_\_\_\_\_  
(SIGN NAME HERE)

\_\_\_\_\_  
(PRINT NAME HERE)

\_\_\_\_\_  
(PRINT ADDRESS HERE)

**AFFIDAVIT OF RECORDS CUSTODIAN**

State of \_\_\_\_\_

County of \_\_\_\_\_

Personally appeared before me, the undersigned authority in and for the aforesaid jurisdiction, \_\_\_\_\_ who, after being duly sworn, [PLEASE PRINT NAME] did depose and say:

- 1. I am the duly authorized custodian of the records attached to this Affidavit;
- 2. I have firsthand knowledge about the making, maintenance and storage of the attached records;
- 3. The attached records are a true and correct copy of business records maintained by **Warnock & Associates;**
- 4. The attached records were:

Made at or near the time of the occurrence of the matters set forth therein by, or from information transmitted by, a person with knowledge of those matters; kept in the course of regularly conducted activity; and made as part of the regular practice of the business, institution, association, profession, or occupation.

\_\_\_\_\_  
[PLEASE SIGN]

Name: \_\_\_\_\_  
[PLEASE PRINT]

SWORN to and subscribed before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
\_\_\_\_\_