

IN THE CHANCERY COURT OF PEARL RIVER COUNTY, MISSISSIPPI

DAVID PAUL DAMMON and TERESA L. DAMMON

PLAINTIFFS

VS.

CIVIL ACTION NO. 21-0149-CS

PEARL RIVER COUNTY, MISSISSIPPI; LYNN FITCH IN  
HER CAPACITY AS ATTORNEY GENERAL FOR THE  
STATE OF MISSISSIPPI; HAL KITTRELL IN HIS CAPACITY  
AS DISTRICT OF ATTORNEY FOR PEARL RIVER COUNTY,  
MISSISSIPPI; JAMES R. NICHOLS -EST-; AND ANY AND ALL  
PERSONS HAVING OR CLAIMING ANY LEGAL OR EQUITABLE  
INTEREST IN THE FOLLOWING DESCRIBED PROPERTY SOLD  
FOR TAXES ON AUGUST 27, 2018 VIZ: PLAT OF OZONA SUB  
BLOCK 297 & PT BLOCK 296 CONTAINING 5.70 AC,  
PARCEL NUMBER 517735000000601 S-T-R 35-05S-17W  
PPIN 18730 YR 2017 DEED BOOK 1045 PAGE 0136

DEFENDANTS

**AGREED FINAL JUDGMENT**

THIS DAY this cause came on to be heard upon the Complaint, Application and Motion for Entry of Default, Affidavit for Entry of Default, Answer by the State of Mississippi and Hal Kittrell; Pearl River County, Mississippi; and Entry of Default against JAMES R. NICHOLS -EST- AND ANY AND ALL PERSONS HAVING OR CLAIMING ANY LEGAL OR EQUITABLE INTEREST IN THE FOLLOWING DESCRIBED PROPERTY SOLD FOR TAXES ON AUGUST 27, 2018 VIZ: PLAT OF OZONA SUB BLOCK 297 & PT BLOCK 296 CONTAINING 5.70 AC, PARCEL NUMBER 517735000000601 S-T-R 35-05S-17W PPIN 18730 YR 2017 DEED BOOK 1045 PAGE 0136, and the Court having read and considered the pleadings and it appearing to the satisfaction of the Court that the Plaintiff is entitled to the relief sought, the Court does hereby FIND, ORDER AND ADJUDGE as follows:

FILED

DEC 09 2021

1

MELINDA SMITH BOWMAN CHANCERY CLERK  
BY  D.C.

1. That all Defendants to the Complaint are before this Court on process duly and legally issued, served and returned upon them in the form, manner and time required by law, and that the Court has jurisdiction over the parties and the subject matter herein and that all of said Defendants except the State of Mississippi, Hal Kittrell, Pearl River County, Mississippi, have failed to answer or otherwise defend as to the Plaintiffs Complaint or to serve a copy of any answer or other defense which they might have upon the Attorney of Record for the Plaintiff; therefore, the Entry of Default was properly rendered against all of said Defendants except the State of Mississippi, Hal Kittrell; Pearl River County, Mississippi.

2. That the land herein described while assessed to JAMES R. NICHOLS -EST-, was sold for delinquent and unpaid taxes County ad valorem taxes for the fiscal year 2017. Said tax sale was not redeemed within the time required by law and the said land was sold to Plaintiffs herein as authorized and in the manner required by law.

3. At the tax sale dated August 27, 2018, the subject property was sold for taxes due and unpaid thereon for the year 2017 to MS TL LLC TESCO CUSTODIAN which became the purchaser thereof. Said land was properly assessed and said sale was made and certified in the manner required by law after all required notices were given. After said sale remained on file in the office of the Chancery Clerk of Pearl River County, Mississippi for the redemption period of more than two years and all required notices were given by the appropriate authorities, the tax sale was not redeemed by any party.

4. After the time for redemption had passed, the Chancery Clerk of Pearl River County, Mississippi, executed a Chancery Clerk's Conveyance to MS TL LLC TESCO CUSTODIAN dated December 1, 2020, recorded in the land records of Pearl River County Chancery Clerk's office on December 1, 2020, as Instrument #20200011268 in Book 2020, Page 11268, a copy of which was attached to Complaint as **Exhibit "C"**. Plaintiffs would then state that MS TL LLC TESCO CUSTODIAN signed a Quitclaim Deed to American Pride Properties, LLC dated December 18, 2020 and recorded on February 24, 2021 as Instrument #2021002020, in Book 2021 Page 2020, a copy which was attached to Complaint as **Exhibit "B"**. Plaintiffs, DAVID PAUL DAMMON and TERESA L. DAMMON, acquired ownership of said property by virtue of a Quitclaim Deed signed to them by American Pride Properties, LLC dated December 28, 2020, recorded in land records of Pearl River County, Mississippi, on January 14, 2021, as Instrument #2021000475, Book 2021, Page 475, and attached to Complaint as **Exhibit "A"**. Plaintiffs also had a Corrective Quitclaim Deed recorded in land records of Pearl River County, on September 30, 2021, recorded as Instrument #20210010816 Bk 2021, Page 10816 for the sole purpose of correcting the legal description and to replace that certain Quitclaim Deed filed of record in Deed Book 2021, at Page 475 (**Exhibit "A"**).

5. That the tax sale was in all respects regular, legal and valid and that the tax sale was not redeemed; that the same became final and vested title to the hereinabove described land in Plaintiff.

6. The State consents to hearing on the Plaintiff's prayer for relief at any time, provided the final Order includes the following exception: **possible claims arising from certificates of land sold at tax sales conducted in the years 1967-1968 and 1970-1972 for which years Pearl River County did not provide the State with any certifications.** The State of Mississippi takes no

position as to the claims asserted by the Plaintiff.

7. Defendant, Pearl River County, Mississippi is a nominal defendant in this action and takes no position as to the claims asserted by Plaintiff.

8. That the title of DAVID PAUL DAMMON and TERESA L. DAMMON, is hereby quieted and confirmed, and that it be, and it hereby is, declared to be the owners of a fee simple title to the following described land situated in Pearl River County, Mississippi:

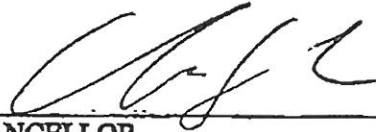
VIZ: PLAT OF OZONA SUB BLOCK 297 & PT BLOCK 296 CONTAINING 5.70 AC,  
PARCEL NUMBER 517735000000601 S-T-R 35-05S-17W PPIN 18730 YR 2017  
DEED BOOK 1045 PAGE 0136

**With the exception of possible claims arising from certificates of land sold at tax sales conducted in the years 1967-1968 and 1970-1972 for which years Pearl River County did not provide the State with any certifications**

9. That the title of DAVID PAUL DAMMON and TERESA L. DAMMON, be, and the same hereby is quieted and confirmed against all Defendants PEARL RIVER COUNTY, MISSISSIPPI; LYNN FITCH IN HIS CAPACITY AS ATTORNEY GENERAL FOR THE STATE OF MISSISSIPPI; HAL KITTRELL IN HIS CAPACITY AS DISTRICT OF ATTORNEY FOR PEARL RIVER COUNTY, MISSISSIPPI; JAMES R. NICHOLS -EST-; AND ANY AND ALL PERSONS HAVING OR CLAIMING ANY LEGAL OR EQUITABLE INTEREST IN THE FOLLOWING DESCRIBED PROPERTY SOLD FOR TAXES ON AUGUST 27, 2018 VIZ: PLAT OF OZONA SUB BLOCK 297 & PT BLOCK 296 CONTAINING 5.70 AC, PARCEL NUMBER 517735000000601 S-T-R 35-05S-17W PPIN 18730 YR 2017 DEED BOOK 1045 PAGE 0136, and against all the world, and that all of said Defendants be and they hereby are, enjoined from claiming or asserting any right, title, or interest in said land adverse to the Plaintiffs, its successors, assigns and grantees.

10. That the Clerk of this Court be, and hereby is, ordered and directed to record the Final Judgment in this Cause in the Book of Final Records of this Court, and in the Land Deed Records of Pearl River County, Mississippi.


SO FOUND, ORDERED AND ADJUDGED, this the 6th day of December, 2021.


  
\_\_\_\_\_  
CHANCELLOR

PREPARED BY:

*/s/ David Pilger*  
DAVID PILGER, PLAINTIFFS ATTORNEY

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CHRISTINA J. SMITH  
for PEARL RIVER COUNTY, MS

  
\_\_\_\_\_  
NANCY MORSE PARKES,  
Special Assistant Attorney General  
for the State of Mississippi