

Stanley Bychurch

From: Pat Rich
Sent: Wednesday, August 18, 2021 3:13 PM
To: Stanley Bychurch; Kendall Ladner
Subject: AOE 691 Apona Stree
Attachments: 691 Apona St.Survey.Marks.AOE.Survey.pdf

Good afternoon,

Christopher Marks would like to **abandon the 5' easement** along the common property line between lots **117 & 118, Phase 2, Unit 5, Blk 9** for the purpose of constructing a new residence. **With the street address of 691 Apona Street.**

Does your company or office need this easement to provide current or future services? Please provide me your written comments by Friday, August 27th.

Thanks in advance,

J. Pat Rich
Planning and Zoning Administrator

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525
228-242-1613

Don't see any problem with the
abandonment of the easement -
but we will need access of at least
twenty foot of easement for the big
rem ditch to DHE.
The roads edge at DHE will
also have to maintain the existing
lg. gully to main ditch. There
is a lot of water that goes
there

Stanley Bychurch
8/19/21

Abandonment of Easement Request

Pat,

I have reviewed the request to abandon the easement off of 691 Apona Street (between lots 117 & 118) at proposed address 691 Apona Street. Coast Electric agrees to abandon the easement between lots 117 & 118.

If you have any questions, please give me a call.

Thanks,

Kendall Ladner

Director of System Engineering

(228) 216-8889

DIAMONDHEAD WATER & SEWER DISTRICT

REQUEST FOR AN ABANDONMENT OF EASEMENT

DATE: 27 Jul 21

PROPERTY OWNER OR OWNERS: Christopher J. Marks
Allison B. Marks

PHONE NUMBER: (228) 365-4415

EMAIL ADDRESS: Cmarks1979@gmail.com

DESIRE TO HAVE UTILITY EASEMENT ABANDONED BETWEEN:

PROPERTY DESCRIPTION: PHASE 2 UNIT 5 BLOCK 9 LOT 117

PHASE 2 UNIT 5 BLOCK 9 LOT 118

PHASE _____ UNIT _____ BLOCK _____ LOT _____

PROPERTY ADDRESS: 691 Apona Street

CUSTOMER SIGNATURE: [Signature]

OFFICE USE ONLY:

DATE APPROVED: 7/28/2021

APPROVED BY: [Signature]

ABANDONMENT FEE: \$50.00 CK # 1112 RR

APPROVED BY BOARD: Motion 9.3. @ 8/12/21 [Signature]

EMAILED COPY: (SIGN/DATE) [Signature] 8/13/21

2021 4746
Recorded in the Above
Deed Book & Page
03-30-2021 03:38:50 PM
Timothy A Kellar
Hancock County

Prepared by:
Melissa Nunley Reso
Attorney at Law, MS Bar No. 101506
2318 Pass Road, Unit 3
Biloxi, Mississippi 39531
228-207-0484

Return to:
Team Title, LLC
2318 Pass Road, Unit 3
Biloxi, Mississippi 39531
228-207-0484

FILE NUMBER- 21-2886-MS

Indexing Instructions: EXEMPT

STATE OF MISSISSIPPI
COUNTY OF HANCOCK

QUITCLAIM DEED

For and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, I,

James E. Morris, a married man (GRANTOR)

P.O. Box 10139
Biloxi, MS 39531
(228) 207-1203

do hereby convey, release and quitclaim to:

Christopher J. Marks and wife, Allison B. Marks (GRANTEES)

225 Winter Garden Dr
F2, Long Beach MS 39560
(228) 365-4415

As joint tenants with full rights of survivorship and not as tenants in common, all right, title and interest in the following described real property situated and located in Hancock County, State of

Prepared by:
Melissa Nunley Reso
Attorney at Law, MS Bar No. 101506
2318 Pass Road, Unit 3
Biloxi, Mississippi 39531
228-207-0484

Return to:
Team Title, LLC
2318 Pass Road, Unit 3
Biloxi, Mississippi 39531
228-207-0484

FILE NUMBER- 21-2886-MS

Indexing Instructions: EXEMPT

**STATE OF MISSISSIPPI
COUNTY OF HANCOCK**

QUITCLAIM DEED

For and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, I,

James E. Morris, a married man (GRANTOR)

*P.O. Box 10139
Biloxi, MS 39505
(228) 207-1203*

do hereby convey, release and quitclaim to:

Christopher J. Marks and wife, Allison B. Marks (GRANTEES)

*225 Winter Garden Dr
F2, Long Beach MS 39560
(228) 365-4415*

As joint tenants with full rights of survivorship and not as tenants in common, all right, title and interest in the following described real property situated and located in Hancock County, State of

Mississippi, more particularly and certainly described as:

Lot 117, Block 9, Unit 5, Diamondhead, Phase 2, according to the map or plat thereof recorded in Plat Book 4 at Page 37-40, inclusive in the Office of the Chancery Clerk of Hancock County, Mississippi.

AND ALSO:

Lot 118, Block 9, Unit 5, Diamondhead, Phase 2, a subdivision of Hancock County, as per the official map or plat thereof on file and of record in the Office of the Chancery Clerk of Hancock County, Mississippi.

Together with all and singular the rights, privileges, improvements and appurtenances to the same belonging or in anywise appertaining.

The conveyance herein is subject to all easements, roadways, servitudes, restrictive covenants and oil, gas and other mineral reservations, exceptions, conveyances ad leases of record or obvious on reasonable inspection of the subject property.

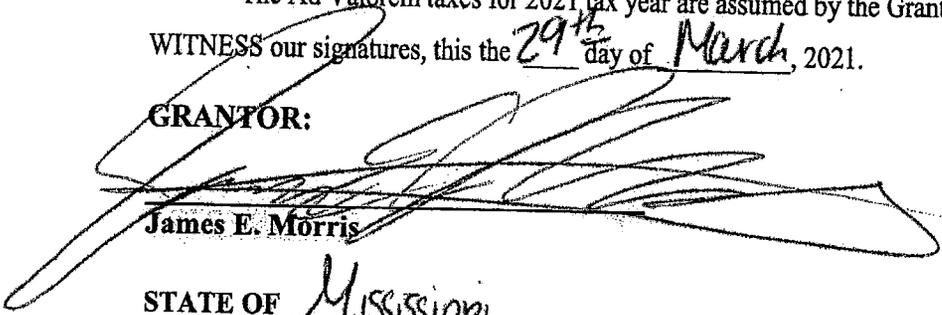
If bounded by water, the conveyance granted herein shall not extend to any part of the above described property which is tideland or coastal wetland as defined in the Mississippi Coastal Wetlands Protection Act and this conveyance includes any natural accretion and is subject to erosion due to the action of the elements.

The property is no part of the homestead of the Grantor herein.

The Ad Valorem taxes for 2021 tax year are assumed by the Grantees herein.

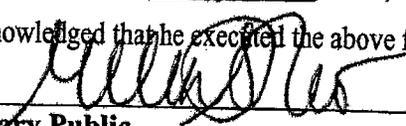
WITNESS our signatures, this the 29th day of March, 2021.

GRANTOR:


James E. Morris

STATE OF Mississippi
COUNTY OF Hancock

Personally appeared before me, the undersigned authority in and for the said County and State, on this 29th day of March, 2021, within my jurisdiction, the within named **James E. Morris**, acknowledged that he executed the above foregoing instrument on the day and year herein indicated.


Notary Public

My Commission expires: 10/23/24

TAX NOTICES: Grantees are responsible for the property taxes.



IN THE CHANCERY COURT OF HANCOCK COUNTY, MISSISSIPPI

CHRISTOPHER J. MARKS
and ALLISON B. MARKS

PLAINTIFFS

VERSUS

CASE NO. 21-244-MA

FILED

JUL 15 2021

TIMOTHY A. KELLAR
CHANCERY CLERK

BY:  _____ D.C.

ATTORNEY GENERAL, LYNN FITCH;
DISTRICT ATTORNEY, CROSBY PARKER;
HANCOCK COUNTY, MISSISSIPPI;
SAFECO PROPERTIES, LLC;
COAST DELTA CONTRACTING, LLC;
AND ANY AND ALL PERSONS OR ENTITIES
HAVING OR CLAIMING A LEGAL OR EQUITABLE
CLAIM OR INTEREST IN THE FOLLOWING
DESCRIBED PROPERTY PREVIOUSLY SOLD
TO THE STATE OF MISSISSIPPI ON OR ABOUT AUGUST 29, 2011
FOR DELINQUENT 2010 HANCOCK COUNTY
PROPERTY TAXES:

DEFENDANTS

Lot 117, Block 9, Unit 5, Diamondhead, Phase 2, a subdivision of Hancock County according to the official map or plat thereof on file and of record in Plat Book 4, Pages 37-40, inclusive, in the office of the Chancery Clerk of Hancock County, Mississippi. Tax Parcel No. 131A-0-01-038.000

and

Lot 118, Block 9, Unit 5, Diamondhead, Phase 2, a subdivision of Hancock County according to the official map or plat thereof on file and of record in Plat Book 4, Pages 37-40, inclusive, in the office of the Chancery Clerk of Hancock County, Mississippi. Tax Parcel No. 131A-0-01-037.000

JUDGMENT FOR CONFIRMATION OF TAX TITLE

This cause came on for consideration on the Motion filed by the Plaintiffs, Christopher J. Marks and Allison B. Marks, for Entry of Judgment by Default and Final Judgment in this cause, and the Court, being fully advised in the premises, finds that it has jurisdiction over the parties and of the subject matter in this action and FINDS, ORDERS AND ADJUDGES, as follows:

2021 11947
Recorded in the Above
Deed Book & Page
07-23-2021 10:24:12 AM
Timothy A Kellar
Hancock County

1. The Clerk has entered default against the Defendants Safeco Properties, LLC; Coast Delta Contracting, LLC, and any and all persons or entities having or claiming a legal or equitable interest in the following described property, for failure to plead, answer or otherwise defend the Complaint for Confirmation of Tax Title:

Lot 117, Block 9, Unit 5, Diamondhead, Phase 2, a subdivision of Hancock County according to the official map or plat thereof on file and of record in Plat Book 4, Pages 37-40, inclusive, in the office of the Chancery Clerk of Hancock County, Mississippi. Tax Parcel No. 131A-0-01-038.000

2021 1194B
Deed Book & Page

and

Lot 118, Block 9, Unit 5, Diamondhead, Phase 2, a subdivision of Hancock County according to the official map or plat thereof on file and of record in Plat Book 4, Pages 37-40, inclusive, in the office of the Chancery Clerk of Hancock County, Mississippi. Tax Parcel No. 131A-0-01-037.000

2. The Attorney General, on behalf of the State of Mississippi and the District Attorney, has filed an answer in this cause asserting no claim or interest in the subject property, excepting any portions held in public trust by the State of Mississippi.

3. Hancock County, through its attorney, has filed an answer in this cause asserting no current claim or interest in the subject property.

4. The relevant conveyances of the subject property are as follows:

A.

Lot 117, Block 9, Unit 5, Diamondhead, Phase 2, a subdivision of Hancock County according to the official map or plat thereof on file and of record in Plat Book 4, Pages 37-40, inclusive, in the office of the Chancery Clerk of Hancock County, Mississippi. Tax Parcel No. 131A-0-01-038.000

- 1) Special Warranty Deed from Pinehurst Receivables Associates, Inc. (successor by merger to Diamondhead Receivables Associates, Inc.) to Purcell Co., Inc. (formerly Diamondhead Corporation), dated November 17, 1988, and recorded in Deed Book BB33, Page 152;

- 2) Warranty Deed from Purcell Co., Inc. to Ulysses J. Rodney, Sr. and Carol C. Rodney, as an estate in the entirety with full rights of survivorship, dated October 10, 1989, and recorded in Deed Book BB43, Page 437;
- 3) Warranty Deed from Ulysses J. Rodney, Sr. to Royal Homes, LLC, dated February 14, 2007, and recorded in Deed Book 2007, Page 6009 (with death certificate of Carol C. Rodney attached thereto);
- 4) Warranty Deed from Royal Homes, LLC to Safeco Properties, LLC, dated March 6, 2009, and recorded in Deed Book 2009, Page 3114;
- 5) Tax sale to the State of Mississippi on or about August 29, 2011 for delinquent 2010 Hancock County property taxes assessed to Safeco Properties, LLC, not redeemed;
- 6) Forfeited Tax Land Patent (No. 86539) from the State of Mississippi to James E. Morris, dated November 2, 2017, and recorded in Deed Book 2017, Page 15515;
- 7) Quitclaim Deed from James E. Morris to Christopher J. Marks and wife, Allison B. Marks, dated March 29, 2021, and recorded in Deed Book 2021, Page 4746 (Lots 117 and 118).

2021 11949
Deed Book & Page

B.

Lot 118, Block 9, Unit 5, Diamondhead, Phase 2, a subdivision of Hancock County according to the official map or plat thereof on file and of record in Plat Book 4, Pages 37-40, inclusive, in the office of the Chancery Clerk of Hancock County, Mississippi. Tax Parcel No. 131A-0-01-037.000

- 1) Warranty Deed from Diamondhead Corporation to James L. McCarthy and Dorothy L. McCarthy, husband and wife, dated July 13, 1977, and recorded in Deed Book AA18, Page 509;
- 2) Quitclaim Deed from James L. McCarthy and wife, Dorothy L. McCarthy to Diamondhead Country Club and Property Owners Association, Inc., dated December 6, 2002, and recorded in Deed Book BB255, Page 219;
- 3) Quitclaim Deed from Diamondhead Country Club and Property Owners Association, Inc. to James R. Dollar, dated July 3, 2003, and recorded in Deed Book BB266, Page 316;
- 4) Quitclaim Deed from James R. Dollar to Coast Delta Contracting, LLC, dated August 16, 2007, and recorded in Deed Book 2007, Page 20054;

- 5) Tax sale to the State of Mississippi on or about August 29, 2011 for delinquent 2010 Hancock County property taxes assessed to Coast Delta Contracting, LLC, not redeemed;
- 6) Forfeited Tax Land Patent (No. 85159) from the State of Mississippi to James E. Morris, dated June 30, 2017, and recorded in Deed Book 2017, Page 9602;
- 8) Quitclaim Deed from James E. Morris to Christopher J. Marks and wife, Allison B. Marks, dated March 29, 2021, and recorded in Deed Book 2021, Page 4746 (Lots 117 and 118).

5. The Court finds that the subject property was properly levied and assessed for the tax year 2010 and that the Tax Assessor and Collector of Hancock County and the Board of Supervisors of Hancock County did all things proper and according to law in the assessments and equalization of assessments for said property for said tax year. The Ad Valorem property taxes for this tax year on the subject parcels became delinquent and said parcels were properly advertised for sale according to law. The subject property was sold to the State of Mississippi for delinquent Hancock County property taxes, the sales being recorded in the Tax Sale records.

2021 11950
Deed Book & Page

6. The Court finds that the assessed owners did not redeem the subject property within two years of the tax sales as provided by law. Further, all notices of the expiration of the redemption period were properly made by the Chancery Clerk of Hancock County, Mississippi.

IT IS THEREFORE, ORDERED AND ADJUDGED that subject to the exceptions of any portions held in public trust by the State of Mississippi, the Plaintiffs' title to the following described property is hereby finally and conclusively confirmed and validated in the Plaintiffs, and the Forfeited Tax Land Patents Nos. 86539 and 85159 to the Plaintiffs' predecessor in interest, James E. Morris, were lawful and valid in all respects and they are hereby reformed to conform to the legal descriptions as set out herein:

Lot 117, Block 9, Unit 5, Diamondhead, Phase 2, a subdivision of Hancock County according to the official map or plat thereof on file and of record in Plat Book 4, Pages 37-40, inclusive, in the office of the Chancery Clerk of Hancock County, Mississippi. Tax Parcel No. 131A-0-01-038.000

and

2021 11951
Deed Book & Page

Lot 118, Block 9, Unit 5, Diamondhead, Phase 2, a subdivision of Hancock County according to the official map or plat thereof on file and of record in Plat Book 4, Pages 37-40, inclusive, in the office of the Chancery Clerk of Hancock County, Mississippi. Tax Parcel No. 131A-0-01-037.000

IT IS FURTHER ORDERED AND ADJUDGED that a copy of this Court's judgment shall be recorded in the land records of the Chancery Clerk of Hancock County, Mississippi.

SO ORDERED AND ADJUDGED on this the 13 day of July 2021.

[Signature]
 CHANCELLOR

STATE OF MISSISSIPPI COUNTY OF HANCOCK
 I hereby certify that the above foregoing is a true and correct copy of Judgment rendered in Chancery Case No. 21-274 on the 15th day of July 2021 as the same now appears of record and on permanent file in my office.

Witness my signature and seal of office, the 15th day of July 2021

BY: *[Signature]* CHANCERY CLERK D.C.



Presented to the Court by:

[Signature]
 Kelly Michael Rayburn
 Attorney for Plaintiffs
 P.O. Box 2566
 Gulfport, MS 39505
 Tel: (228) 539-2400
 MSB# 8604

ICC



[Signature]

Hancock County
 I certify this instrument was filed on
 07-23-2021 10:24:12 AM
 and recorded in Deed Book
 2021 at pages 11947 - 11951
 Timothy A Kellar