

IN THE CHANCERY COURT OF LEE COUNTY, MISSISSIPPI

IN THE MATTER OF THE ALTERATION OF
THE SUBDIVISION PLAT OF CLUBSIDE
COMMERCIAL SUBDIVISION

CAUSE NO. _____

PETITION FOR THE ALTERATION OF THE
SUBDIVISION PLAT OF CLUBSIDE
COMMERCIAL SUBDIVISION

COMES NOW, CLUBSIDE, LLC, a Mississippi limited liability company, Petitioner, pursuant to Section 19-27-31 of the Mississippi Code Annotated of 1972, as amended, requesting that this Court approve the alteration of the recorded plat of Clubside Commercial Subdivision and would most respectfully show unto this Court the following facts, to-wit:

I.

That the Petitioner, Clubside, LLC, is a Mississippi limited liability company duly authorized and licensed to do business in the State of Mississippi and has equitable right to bring this action to amend and alter the plat of Clubside Commercial Subdivision.

II.

That the Defendants are:

1. Obad Saeed, who is an adult resident citizens of Pontotoc County, Mississippi and may be served with process at their principal address of 461 Highway 9 South, Pontotoc, Mississippi 38863; and
2. CB&S Bank, which is an Alabama banking corporation whose principal address is 14331 Highway 15 N, Ripley, Mississippi 38663 and may be served with process by serving any corporate officer duly authorized to accept said service; and
3. Monroe Family Real Estate, LLC, a Mississippi limited liability company whose

principal address is 142 Autumn Hills, Tupelo, Mississippi 38801 and who may be served with process by serving its registered agent, Michael Monroe at his principal address of 142 Autumn Hills, Tupelo, Mississippi 38801; and

4. Community Bank of Mississippi, which is a Mississippi banking corporation whose principal address is 1905 Community Bank Way, Flowood, Mississippi 39232 and may be served with process by serving any corporate officer duly authorized to accept said service; and

5. The City of Tupelo, Mississippi, who may be served with process by serving a copy of the summons and Complaint on the Mayor, Hon. Todd Jordan, at 71 East Troy Street, Tupelo, Mississippi 38804.

That Clubside, LLC, caused a portion of the land owned by it in the Southeast Quarter of Section 21, Township 9 South, Range 5 East, City of Tupelo, Lee County, Mississippi to be subdivided and designated as Clubside Commercial Subdivision, a plat of which was duly filed for record as in Plat Cabinet C at Slide 153 of the records of Maps and Plats in the office of the Chancery Clerk of Lee County, Mississippi. A copy of said recorded Plat is attached hereto as Exhibit "A" and incorporated herein by reference.

III.

That the Petitioner, Clubside, LLC, was conveyed all rights, title and interest to the development by the Trustees/Elders of the West Main Church of Christ as evidenced by that certain conveyance recorded in Instrument No. 2020013717 of the land records of Lee County, Mississippi.

IV.

That the Petitioner desires to alter and revise the original subdivision plat of Clubside Commercial Subdivision in accordance with the proposed revised plat of Clubside Commercial

Subdivision (the "Revised Plat"). A copy of the Revised Plat is attached hereto as Exhibit "B" and incorporated herein by reference.

V.

That the Petitioner desires to revise the Plat by combining Lot Nos. 13, 14 and 15 and creating one single lot designated as Lot No. 20 on the Revised Plat and deleting the interior lot lines and corresponding easements along said interior lot lines of Lot Nos. 13, 14 and 15 of Clubside Commercial Subdivision.

VI.

That only Lot Nos. 13, 14 and 15 are affected by the alteration of the Plat in that these lots are being combined into one single Lot No. 20 and deleting the reserved utility and drainage easements along the interior lot lines of the current Lot Nos. 13, 14 and 15 Clubside Commercial Subdivision as reflected on the original Plat of the Subdivision attached hereto as Exhibit "A".

VII.

That Petitioner will attempt to obtain a Waiver of Process, Entry of Appearance and Joinder from each lot owner in Clubside Commercial Subdivision and their respective lienholders, if any. Further, Petitioner will publish one time in a newspaper of general circulation, which publication shall clearly state the objects and purposes of this Petition as required by Section 19-27-31 of the Mississippi Code Annotated of 1972, as amended.

WHEREFORE, PREMISES CONSIDERED, Clubside, LLC, respectfully requests and prays as follows, to-wit:

1. That the Chancery Clerk issue process pursuant to Rule 4 M.R.C.P. to such persons or entities as requested by Petitioner;
2. That the Chancery Clerk publish one time in a newspaper of general circulation notice

of this Petition pursuant to Section 19-27-31 of the Mississippi Code of 1972, as amended, as requested by Petitioner;

3. That this Court enter its Order approving the alteration of the original Plat of Clubside Commercial Subdivision directing the Chancery Clerk of Lee County, Mississippi to record the Revised Plat of Clubside Commercial Subdivision attached hereto as Exhibit "B" in the records of Maps and Plats on file in the Office of the Chancery Clerk of Lee County, Mississippi;

4. That the Court enter an Order terminating all easements and set back requirements along the interior lot lines of the original Lot Nos. 13, 14 and 15 of Clubside Commercial Subdivision and that the Revised Plat reflect one only new lot identified as Lot No. 20 of Clubside Commercial Subdivision and that the Court direct the Chancery Clerk to make a memorandum on the face of the Plat referencing this Court's Order and referencing the Revised Plat; and

5. For such other relief, general and specific to which it may be entitled in the premises.

Respectfully submitted, this the 6 day of June, 2024.

CLUBSIDE, LLC



By: _____
Tommy M. Morgan
Its: Manager

Riley, Caldwell, Cork & Alvis, P.A.
Post Office Box 1836
Tupelo, Mississippi 38802
(662-842-8945)

By: _____
Steven E. Cork, MSB No. 6525
Attorneys for Petitioner

STATE OF MISSISSIPPI

COUNTY OF LEE

Personally appeared before me the undersigned authority in and for said county and state, TOMMY M. MORGAN, in his capacity as the Manager of CLUBSIDE, LLC, who after being by the undersigned sworn, states upon oath that the facts and circumstances as set out therein are true and correct as therein stated.

SWORN TO AND SUBSCRIBED BEFORE ME THE UNDERSIGNED AUTHORITY,
this the 6 day of June, 2024.

Morgan C. Brewer
NOTARY PUBLIC

My Commission Expires: 8/12/24



IN THE CHANCERY COURT OF LEE COUNTY, MISSISSIPPI

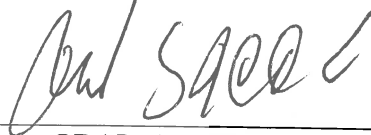
IN THE MATTER OF THE ALTERATION OF
THE SUBDIVISION PLAT OF CLUBSIDE
COMMERCIAL SUBDIVISION

CAUSE NO. _____

JOINDER AND WAIVER OF PROCESS

Now comes OBAD SAEED, in the above styled cause, and having received a copy of the Complaint for the Alteration of the Subdivision Plat of Clubside Commercial Subdivision as filed herein, and joins in said Complaint in this cause to the same effect as if he had been personally served with process in the manner and time required by law, hereby waives service of process and consents to a final hearing of the Complaint at any time and place fixed by the Court.

WITNESS MY SIGNATURE, this the 6th day of June, 2024.



OBAD SAEED

STATE OF MISSISSIPPI

COUNTY OF LEE

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the county and state aforesaid, OBAD SAEED, who acknowledged that he signed and delivered the above and foregoing Joinder and Waiver of Process on the day and year therein mentioned as his own voluntary act and deed on the day and year therein mentioned.

Given under my hand and seal, this the 6th day of June, 2024.

Morgan C. Brewer
NOTARY PUBLIC

MY COMMISSION EXPIRES: 8/12/26



IN THE CHANCERY COURT OF LEE COUNTY, MISSISSIPPI

IN THE MATTER OF THE ALTERATION OF
THE SUBDIVISION PLAT OF CLUBSIDE
COMMERCIAL SUBDIVISION

CAUSE NO. _____

JOINDER AND WAIVER OF PROCESS

Now comes MICHAEL MOORE MONROE, in his capacity as the sole Member of MONROE FAMILY REAL ESTATE, LLC, in the above styled cause, and having received a copy of the Complaint for the Alteration of the Subdivision Plat of Clubside Commercial Subdivision as filed herein, and joins in said Complaint in this cause to the same effect as if he had been personally served with process in the manner and time required by law, hereby waives service of process and consents to a final hearing of the Complaint at any time and place fixed by the Court.

WITNESS MY SIGNATURE, this the 17 day of June, 2024.

MONROE FAMILY REAL ESTATE,
LLC

By: 
MICHAEL MOORE MONROE
Its: Member

STATE OF MISSISSIPPI

COUNTY OF LEE

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the county and state aforesaid, Michael Moore Monroe, who acknowledged that he signed and delivered the above and foregoing Joinder and Waiver of Process on the day and year therein mentioned in his capacity as the sole Member of MONROE FAMILY REAL ESTATE, LLC having been first duly authorized to do so by the Operating Agreement of said Company.

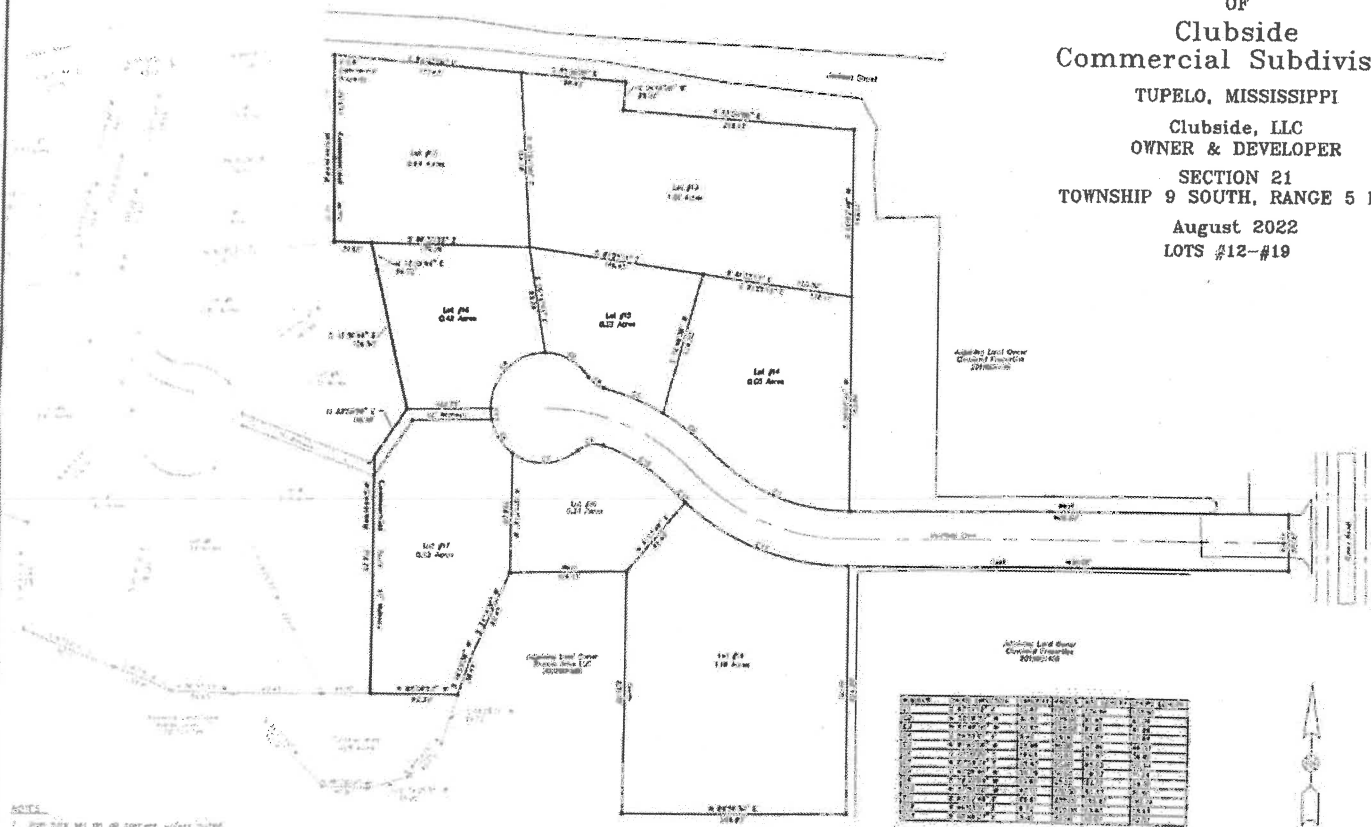
Given under my hand and seal, this the 17th day of June, 2024.

Morgan C. Brewer
NOTARY PUBLIC

MY COMMISSION EXPIRES: 8/12/24



FINAL PLAT
OF
Clubside
Commercial Subdivision
TUPELO, MISSISSIPPI
Clubside, LLC
OWNER & DEVELOPER
SECTION 21
TOWNSHIP 9 SOUTH, RANGE 5 EAST
August 2022
LOTS #12-#19



- Notes
1. When data has an odd count, we'll round
 2. Therefore, unless one of the inputs is an odd count the following
Fastest lat time = 10 feet
Average lat time = 10 feet
Slowest lat time = 10 feet
 3. Only one of the change elements are presented on slides
unless otherwise noted on page
Fastest lat time = 10 feet
Average lat time = 10 feet
Slowest lat time = 10 feet
 4. If duplicate time exists
 5. If duplicate time exists

Scale 1"=60'
Marked Based on Grid North
By U.S.C.S. MS Dept
July 23 on Estimation by
G.S. United Nations
Station—Kilometer

SHEET 2

rabbits:

EXHIBIT

A

FINAL PLAT
OF
Clubside
Commercial Subdivision

TUPELO, MISSISSIPPI
Clubside, LLC
OWNER & DEVELOPER

SECTION 21
TOWNSHIP 9 SOUTH, RANGE 5 EAST

August 2022
LOTS #12-#19

The conditions that are understood in the series of the concrete system of the mind, being defined, take themselves by images, measured in the time. Usually, Municipal Managers, County Officers or otherwise as shown below have to be a member of this part or may be approved, who to declare in the City of Tampa, Municipal for public use of all streets, easements (except minor easements) and right-of-way shown thereon for all local purposes in which the county may invest or allow the same to be used and when construction of the same is approved by the City Council, ordinance, or resolution, or ordinance of City of Tampa for the benefit of the public, and declaration shall be a condition.

The undersigned grants an irrevocable license to City of Seattle to enter upon designated surface water storage areas for emergency work to prevent or mitigate the failure of the dam to maintain such storage area, the responsibility for which shall remain with the undersigned.



CERTIFICATE OF ACKNOWLEDGMENT

STATE OF MISSISSIPPI
COUNTY OF LEE

Respectfully approved before me, John J. [illegible], the Clerk and
John J. [illegible], Registered Professional Engineer, each
of whom acknowledged to me that he signed and delivered this report and
the certification thereon as their own act and deed, on the day and year
above mentioned, Green under the hand and seal of office on this the
10th day of February, 1920.

Pauline K. Miller

Mr. CONNOR: Thank you.

312/235

Certificate of Approval for Recipients

I hereby certify that the advertisement filed herein has been placed in compliance with the advertisement regulations of City of Tuleton, WA, and that the City Council's resolution of the streets, easements, and rights-of-way within Tuleton, and has been approved by the City of Tuleton for recording in the East County Courthouse Clerk's Office.

Restrictive Covenants. The property located in [redacted] (hereinafter referred to as "the property") is shown on the plat is subject to restrictive covenants which are set out in an instrument recorded in Book No. [redacted] of the deed records of Los Angeles County.

CERTIFICATE OF ACCURACY

I, Stanley Moore, Registered Professional Engineer, do hereby certify that at the request of Tommy Morgan, architect, I have subdivided and plotted and drafted the following described land as follows to wit:

[illegible]

Sold commercial property containing 6.21 acres

I hereby certify that the plan shown and described hereto is a true and correct survey of the accuracy required by Los County and that the monuments have been placed at shown herein, in accord with the requirements of the subdivision regulations.

001-3 2022

PE 016706, P. 3, 000000
MISSIONS/DESIGNATION NUMBER

Chemistry Clerk's Certificate, 1

Clerk of the Chancery Court in and for Lee County,
Mississippi do hereby certify that the Final Plat of
Sideline Subdivision
shown by map filed for record in my office on
this the _____ day of _____
_____ A.D. 19__ was duly recorded in Book _____ Page _____ of
the records of said court and state of

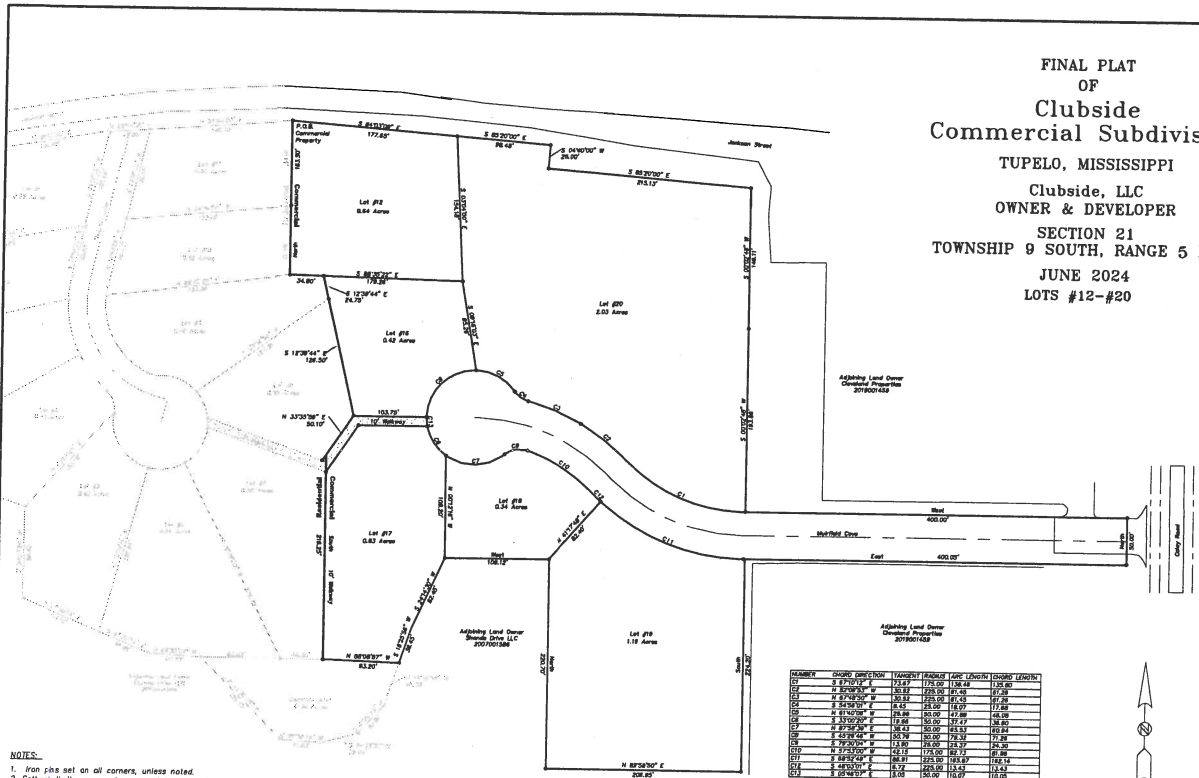
Clerk of Lee County, Mississippi.

SHEET 1

FINAL PLAT
OF
Clubside
Commercial Subdivision

TUPELO, MISSISSIPPI
Clubside, LLC
OWNER & DEVELOPER

SECTION 21
TOWNSHIP 9 SOUTH, RANGE 5 EAST
JUNE 2024
LOTS #12-#20



- NOTES:
1. Iron pins set on all corners, unless noted.
 2. Setback limits are as shown on plat and as follows:
Front lot line - 10 feet
Rear lot line - 10 feet
Side lot line - 10 feet
Side street line - 10 feet
 3. Utility and drainage easements are provided as follows unless otherwise noted on plat:
Front lot line - 10 feet
Rear lot line - 10 feet
Side lot line - 10 feet
Side street line - 10 feet
 4. Lf denotes line data
 5. Cf denotes curve data

Scale 1"=60'
Meridian Based on Grid North
By S.P.C.S. MS East
NAD 83 as Established by
G.P.S. Virtual Reference
Station-Mississippi

SHEET 2

This certifies that the undersigned is the owner of the property shown on this map, having acquired title thereto by deed(s) recorded in the Lee County, Mississippi Chancery Clerk's Office or otherwise as shown below and that by submission of this plat or map by approval, I/we do dedicate to the City of Tupelo, Mississippi for public use all streets, easements (except minor drainage easements), and rights-of-way shown thereon for all lawful purposes to which the county may devote or allow the same to be used and upon acceptance thereof and in accordance with all City policies, ordinances and regulation or conditions of City of Tupelo for the benefit of the public, said dedication shall be irrevocable.

The undersigned grants an irrevocable license to City of Tupelo to enter upon designated surface water drainage areas for emergency work to prevent or eliminate the failure of the owner to maintain such drainage areas, the responsibility for which shall remain with the undersigned.

Owners

CERTIFICATE OF ACKNOWLEDGMENT:

STATE OF MISSISSIPPI
COUNTY OF LEE

Personally appeared before me, _____, the Owner and, _____, (Registered Professional Engineer), each of whom acknowledged to me that he signed and delivered this plat and the certificates thereon as their own act and deed, on the day and year herein mentioned given under my hand and seal of office on this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

Certificate of Approval for Recording:

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of City of Tupelo, MS, and that the City accepts dedication of the streets, easements, and rights-of-way shown thereon, and has been approved by the City of Tupelo for recording in the Lee County Chancery Clerk's Office.

_____, 20____
(Seal)

Restrictive Covenants. The property located in _____ (Clubside Subdivision Commercial) as shown on this plat is subject to restrictive covenants which are set out in an instrument recorded in Book No. _____ of the deed records of Lee County, Mississippi.

CERTIFICATE OF ACCURACY:

I, Stewart Moore, Registered Professional Engineer, do hereby certify that at the request of Tommy Morgan, partner, I have subdivided and plotted the following described land as follows to wit:

Commencing at a (found) 5/8 inch re-bar marking the Northwest corner of Southtown Subdivision which is officially recorded in Plat Cabinet B, Slide 15 in the Records of Plats and Maps in the Chancery Clerk's Office of Lee County, Mississippi, said point is also referenced as being the Northwest corner of the Northwest Quarter of Section 26, Township 9 South, Range 5 East, City of Tupelo, Lee County, Mississippi on said Subdivision Plat; run thence North a distance of 774.28 feet to a point; thence East a distance of 1175.08 feet to a (found) 3/4 inch re-bar at the Northwest corner of the Mindelw T. Austin Revocable Trust property (Deed #201601015); thence run North 33 Degrees 00 Minutes 35 Seconds East a distance of 359.43 feet to a (set) 3/4 inch re-bar on the South right-of-way line of West Jackson Street Extended (20 feet from centerline); run thence, along the South right-of-way line of West Jackson Street Extended, North 60 Degrees 00 Minutes 00 Seconds East a distance of 120.74 feet; North 85 Degrees 35 Minutes 00 Seconds East a distance of 197.44 feet to a set iron pin and the Point of Beginning; thence continue along said right of way South 88 Degrees 20 Minutes 00 Seconds East a distance of 269.98 feet to a (set) 3/4 inch re-bar; South 04 Degrees 40 Minutes 00 Seconds West a distance of 25.00 feet to a (found) concrete right-of-way marker (45 feet from centerline); South 85 Degrees 20 Minutes 00 Seconds East a distance of 215.13 feet to a (set) 3/4 inch re-bar; thence, leaving said South right-of-way line of West Jackson Street Extended, run South 00 Degrees 02 Minutes 48 Seconds West a distance of 342.97 feet to a (found) 3/4 inch re-bar; run thence West a distance of 400.00 feet to a (found) 3/4 inch re-bar on the West right-of-way line of Coley Road; run thence South 00 Degrees 02 Minutes 48 Seconds West a distance of 30.00 feet, along said West right-of-way line of Coley Road, to a (set) 3/4 inch re-bar; thence, leaving said West right-of-way line of Coley Road, run West a distance of 400.00 feet to a (set) 3/4 inch re-bar; run thence South a distance of 224.18 feet to a (found) 3/4 inch re-bar; run thence South 89 Degrees 59 Minutes 50 Seconds West a distance of 208.33 feet to a (found) 3/4 inch re-bar; run thence North a distance of 220.71 feet to a (found) 3/4 inch re-bar; run thence West a distance of 109.12 feet to a (found) 3/4 inch re-bar; run thence South 24 Degrees 14 Minutes 30 Seconds West a distance of 82.44 feet to a (found) 3/4 inch re-bar; run thence South 18 Degrees 25 Minutes 56 Seconds West a distance of 38.45 feet to a (found) 3/4 inch re-bar; thence run North 88 Degrees 08 Minutes 57 Seconds West 93.20 feet to a set iron pin; thence run North 216.25 feet to a set iron pin; thence run North 33 Degrees 35 Minutes 39 Seconds East 50.10 feet to a set iron pin; thence run North 12 Degrees 39 Minutes 44 Seconds West 151.25 feet to a set iron pin; thence run North 88 Degrees 35 Minutes 22 Seconds West 34.50 feet to a set iron pin; thence run North 163.50 feet to a found iron pin on the South right of way of West Jackson Street Extended and the Point of Beginning.

Said commercial property containing 6.21 Acres.

I hereby certify that the plan shown and described hereon is a true and correct survey of the accuracy required by Lee County and that the monuments have been placed as shown hereon, in accordance with the requirements of the subdivision regulations.

SURVEYOR

P.E. #18796, P.L.S. #02835
MISSISSIPPI REGISTRATION NUMBER



FINAL PLAT
OF
Clubside
Commercial Subdivision

TUPELO, MISSISSIPPI
Clubside, LLC
OWNER & DEVELOPER

SECTION 21
TOWNSHIP 9 SOUTH, RANGE 5 EAST
JUNE 2024
LOTS #12-#20

Chancery Clerk's Certificate: I

Clerk of the Chancery Court in and for Lee County, Mississippi, do hereby certify that the Final Plat of _____ Clubside Subdivision this _____ day of _____, 20____, was filed for record in my office on _____ and was duly recorded in _____ Plat Cabinet _____ of the records of maps and plats of _____ land of Lee County, Mississippi. Given under my hand and seal of office on this _____ day of _____, 20____.
(Seal)

SHEET 1