

IN THE CHANCERY COURT OF JACKSON COUNTY, MISSISSIPPI

FIRST PRESBYTERIAN CHURCH
OF PASCAGOULA, MISSISSIPPI

PETITIONER

VS.

NO. 2007-0275-RP

PRESBYTERY OF MISSISSIPPI

DEFENDANT

FINAL DECLARATORY JUDGMENT

This matter comes before the Court on the Motion, *ore tenus*, requesting entry of a Final Judgment filed on behalf of the Petitioner, First Presbyterian Church of Pascagoula, Mississippi, and the Defendant, The Presbytery of Mississippi, in the interest of peace and unity among the congregations comprising the Presbytery of Mississippi, which Presbytery having withdrawn its contested pleadings heretofore filed, and the Court, considering the Petition of First Presbyterian Church of Pascagoula, the exhibits attached thereto, and applicable law, and finding that entry of a Final Judgment is appropriate, does:

HEREBY ORDER, ADJUDGE AND DECREE that a Judgment be and is hereby issued declaring that all property, whether real or personal, together with all buildings and improvements thereon, wherever located, held by, for or in the name of First Presbyterian Church of Pascagoula, First Presbyterian Church of Pascagoula, Inc., or its Trustees, including, but not necessarily limited to the real property described on Exhibit "A" hereto, and all property which may hereafter be acquired in any manner by First Presbyterian Church of Pascagoula, First Presbyterian Church of Pascagoula, Inc., or its Trustees, (collectively "the Property"), is held and

owned in fee simple for the sole and exclusive use and benefit of First Presbyterian Church of Pascagoula and/or First Presbyterian Church of Pascagoula, Inc., which hold all of the Property titled in its name, or that of its Trustees, in full, complete, fee simple and unfettered ownership, all in accordance with the laws of the State of Mississippi, Petitioner's recorded deeds and Petitioner's articles of incorporation.

IT IS FURTHER, ORDERED, ADJUDGED AND DECREED that neither the Presbytery of Mississippi, nor any person, entity, administrative unit, agency, commission, committee, or governing body acting on behalf of the Presbytery of Mississippi, or in its stead, or claiming by, through or under the Presbytery of Mississippi, has any right, title or interest in or to the Property, whether in trust or otherwise, nor any right to determine or control, directly or indirectly, the use or ownership of the Property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Presbytery of Mississippi, and any person in active concert or participation with it, on its behalf or in its stead, shall not take any retaliatory action against First Presbyterian Church of Pascagoula, First Presbyterian Church of Pascagoula, Inc., its trustees, officers, agents or employees, that violates, directly or indirectly, this Judgment, or that otherwise may affect the property rights of First Presbyterian Church of Pascagoula, First Presbyterian Church of Pascagoula, Inc., or its Trustees, including but not limited to: 1) filing any documents in the mortgage and conveyance records or other records that place a cloud on title to the Property, or 2) otherwise making any claims with respect to Property, real or personal, held by, for or in the name of the First Presbyterian Church

of Pascagoula, First Presbyterian Church of Pascagoula, Inc., or its Trustees, which claim to right, title and ownership of its property is fully adjudicated herein, as reflected by this Final Judgment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that since the provisions of the Petitioner's complaint requesting injunctive relief are mooted by this Court's entry of the Final Declaratory Judgment, and are withdrawn by the Petitioner.


IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this Final Judgement shall be indexed in the land records maintained by the Chancery Clerk of Jackson County, Mississippi.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Judgment shall be considered a Final Judgment in accordance with Rule 58 MRCP and the Clerk is directed to enter same upon the general docket of the Court pursuant to Rule 79(a) MRCP and provide the parties with notice of such entry pursuant to Rule 77(d) MRCP.

SO ORDERED, ADJUDGED AND DECREED on this ____ day of _____, 2007.

CHANCELLOR

PRESENTED TO THE COURT BY:



W. MARK EDWARDS, MSB#8935
Attorney for First Presbyterian Church
of Pascagoula, Mississippi
PAGE, MANNINO, PERESICH
& McDERMOTT, P.L.L.C.
759 Vieux Marche' Mall
P. O. Drawer 289
Biloxi, MS 39533
Telephone: (228) 374-2100
Facsimile: (228)436-5051

APPROVED AS TO FORM AND CONTENT BY:



REV. JOHN C. DUDLEY, Stated Clerk
Presbytery of Mississippi
710 South 28th Avenue, Suite A
Hattiesburg, Mississippi 39402

EXHIBIT "A"

TRACT I

All of Lots 1, 2, and 3, Block "A", Cassel's Addition as per plat of record in Plat Book 1, page 19, on file in the Chancery Clerk's Office of Jackson County, Mississippi, less, however, that portion of said Lot 1 heretofore conveyed by Pascagoula Housing Corporation to the City of Pascagoula, Mississippi, for Street purposes, by deed recorded in Book 81, pages 248 to 249, of the Land Deed Records of Jackson County, Mississippi, the said lands hereby conveyed being more particularly described as bounded by a line running as follows, to-wit:

Commencing at a point on the West margin of South Pascagoula Street, which point is the Southeast corner of Lot 3, Block "A" of said Cassel's Addition, and which said point is 194.65 feet South 11 degrees 3 minutes East from the intersection of the present South margin of Lincoln Avenue with the present West margin of South Pascagoula Street, and from thence running north 11 degrees 3 minutes West along the West margin of South Pascagoula Street 194.65 feet to the said intersection of said Lincoln Avenue and South Pascagoula Street; thence south 89 degrees 32 minutes West along the South margin of Lincoln Avenue a distance of 181.65 feet to the Northwest corner of Lot 1, Block "A" of said Cassel's Addition, thence due South along the West margin of said Lots 1, 2 and 3 of Block "A" of said Cassel's addition a distance of 189.3 feet to the southwest corner of said Lot 3, and thence North 89 degrees 57 minutes East a distance of 218.8 feet to the West margin of South Pascagoula Street, the point of beginning, together with all privileges and appurtenances appertaining thereto. (Acquired October 8, 1953)

TRACT II

That certain parcel of land situated in Cassel's Subdivision, a subdivision according to the map or plat thereof recorded in Plat Book 1, Page 19, Records of Plats on file in the offices of the Chancery Clerk of Jackson County, Mississippi, and being more particularly described as follows, to wit:

Commencing at the Southwest corner of Lot 6, Block A, Cassel's Subdivision, Plat Book 1, Page 19, Jackson County, Mississippi, as a point of beginning and run thence North along the West margin of Lots 1-6, Block A. Cassel's Subdivision, to a point being the Northwest corner of Lot 1, Block A, Cassel's Subdivision; thence run South 89° 40' West 30 feet, more or less, to the Northeast corner of Lot 1, Block B, Cassel's Subdivision; thence run South along the East line of Lot 1 and Lot 14, Block B, Cassel's Subdivision, 400 feet, more or less, to the Southeast corner of Lot 14, Block B, Cassel's Subdivision; thence run East 30' back to the point of beginning.

Also: a 30 foot alley way lying between Block A and Block B, Cassel's Subdivision, as designated on a map or plat of Cassel's Subdivision, Plat Book 1, Page 19, Jackson County, Mississippi. (Acquired February 7, 1991, and Correction to include names of Trustees on February 11, 1993)

TRACT III

A piece or parcel of land situated in Claim Section 6, Township 8 South, Range 6 West, Jackson County, Mississippi, and being a part of Lots 1, 2, 3, 4, 5, and 6, Square A, of the A. P. Cassel's Addition, as per map or plat thereof, recorded in Plat Book 1, Page 19, Records of Plats of Jackson County, Mississippi and being more particularly described as follows:

Commencing at iron pin at the intersection of the North margin of West Wright Street (formerly Factory Street) and the West margin of South Pascagoula Street and from said point of beginning, run West a distance of 254.2 feet to an iron pin; thence run North a distance of 374.3 feet to the South margin of Ingalls Avenue and being the Northwest corner of Lot 1, Block A, of said Cassel's Addition; thence run North 89 degrees 32' East a distance of 181.0 feet along the South margin of Ingalls Avenue to a point where the South margin of Ingalls Avenue intersects with the West margin of South Pascagoula Street; thence run South 11 degrees 03' East a distance of 383.07 feet along the West margin of South Pascagoula Street and back to the point of beginning. This being the same property as conveyed to the Trustees of the First Presbyterian Church of Pascagoula, Mississippi, by deeds dated October 8, 1953, recorded in Book 134, Page 355; deed dated September 30, 1968, recorded in Book 341, Page 471; and deed dated January 8, 1970, recorded in Book 369, Page 232, all in the Land Deed Records of Jackson County, Mississippi.