

52

BOOK

5 PAGE 258

INDEXED
8330

STATE OF MISSISSIPPI
COUNTY OF MADISON

LIS PENDENS NOTICE

TO THE CLERK OF THE CHANCERY COURT OF MADISON COUNTY:

You are hereby notified that on the 10 day of Aug., 1988, the undersigned P. W. BOZEMAN hereby asserts his claim and lien against certain oil, gas and minerals rights owned by Federal Intermediate Farm Credit Bank of Jackson, Jackson, Mississippi (Credit Bank), and located and situated in the States of Mississippi, Louisiana and Alabama, more particularly described as shown in Exhibit "A", which is attached hereto and made a part hereof by reference.

The claim of the undersigned is that the minerals, which are more specifically described in Exhibit "A" attached hereto, should be conveyed to him by the Credit Bank according to the contract entered into between P. W. Bozeman and Credit Bank, and the parties affected thereby are Federal Intermediate Farm Credit Bank of Jackson, 1800 East County Line Road, Ridgeland, Mississippi 39157, and James L. Toft, 93 N. Crownpointe Road, Jackson, Mississippi 39211. The basis of the claim by the undersigned is that on or about November 30, 1987, Credit Bank, by and through its President and authorized agent, James L. Toft, entered into an agreement and contract under the terms and conditions of which plaintiff agreed to purchase from said Credit Bank, for a consideration of \$27,300,000.00, the mineral interests described in Exhibit "A" attached hereto. The aforesaid agreement between P. W. Bozeman, Credit Bank and James L.

For Authority to Cancel See
Book 6 Page 202
Billy V Cooper C.C.
By: K. Gregory D.C.
6-21-91

Toft was later confirmed in writing by George R. Cotner, who was present when the agreement was made and was serving on the Executive Committee of the Board of Directors of said Credit Bank, as shown by affidavit attached hereto as Exhibit "B" and made a part hereof by reference. in accordance with the provisions of said agreement, P. W. Bozeman, on or before December 15, 1987, tendered to Credit Bank and James L. Toft the sum of \$27,300,000.00 as the consideration for said minerals and requested that Credit Bank and James L. Toft convey the subject mineral interests to the undersigned. Nevertheless, Credit Bank willfully refused and still refuses to convey said mineral interest to the undersigned, in violation of the aforesaid agreement between the parties on November 30, 1987.

The undersigned therefore is entitled to a lien against the oil, gas and mineral interests described in Exhibit "A" attached hereto.

This the 10 day of aug, 1988.


P. W. BOZEMAN

HERRING, LONG & JOINER
ATTORNEYS AT LAW
P. O. BOX 344
129 EAST PEACE STREET
CANTON, MISSISSIPPI 39046
601/859-2573 or 969-9369

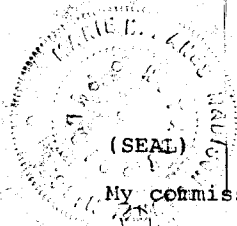
STATE OF MISSISSIPPI

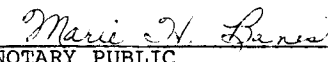
COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for said county and state, the within named P. W. BOZEMAN, who being first duly sworn by me, states on his oath that the matters and facts contained and set forth in the above and foregoing Lis Pendens Notice are true and correct as therein stated.


P. W. BOZEMAN

SWORN TO AND SUBSCRIBED before me, this the 10th day
of August, 1988.




NOTARY PUBLIC

My commission expires:

January 31, 1989

PROPERTIES CONVEYED BY FEDERAL LAND BANK OF JACKSON TO FEDERAL
INTERMEDIATE CREDIT BANK BY DEED DATED SEPTEMBER 30, 1987:

STATE OF MISSISSIPPI

County	Held by Production	FBI Mineral Acres
Adams	375.00	1,454.30
Alcorn	-0-	5,371.68
Amite	342.33	14,436.74
Attala	-0-	8,249.79
Benton	-0-	4,801.69
Bolivar	-0-	7,808.86
Calhoun	-0-	8,060.13
Carroll	-0-	9,101.77
Catahouche	310.83	12,571.10
Choctaw	-0-	5,543.19
Clatsop	-0-	7,389.66
Clarke	646.79	7,663.63
Clay	1,411.26	12,238.01
Cochran	-0-	1,146.95
Coahoma	120.00	27,253.90
Covington	1,281.12	16,358.94
Dade	-0-	499.71
DeWitt	20.31	3,184.67
Franklin	40.00	3,413.37
George	-0-	2,266.82
Greene	40.00	2,621.19
Grundy	-0-	3,343.44
Hancock	-0-	197.50
Harrison	-0-	648.00
Hinds	294.26	21,915.73
Holmes	-0-	9,725.55
Humphreys	-0-	7,304.99
Issaquena	-0-	3,550.71
Itawamba	-0-	2,451.36
Jackson	-0-	936.24
Jasper	511.73	6,604.37
Jefferson	-0-	5,440.07
Jefferson Davis	5,113.72	10,584.88
Jones	800.25	8,006.14
Kemper	-0-	2,832.00
Lafayette	-0-	6,036.88
Lamar	-0-	2,243.57
Lauderdale	-0-	3,712.89
Lawrence	1,726.01	9,192.61
Leake	-0-	1,106.00
Lee	80.00	4,391.94
LeFlore	-0-	8,040.73
Lincoln	497.99	8,495.40
Louisiana	-0-	10,037.72
Madison	237.50	19,479.28
Marion	637.00	4,442.93
Marshall	-0-	1,513.23
Monroe	1,458.49	12,462.02
Montgomery	-0-	2,107.00
Neshoba	-0-	3,360.26
Newton	-0-	13,847.72
Niubee	-0-	12,872.20
Oktibbeha	30.00	11,833.99
Ouachita	-0-	7,833.05
Pearl River	-0-	742.80
Perry	-0-	4,171.46
Pike	-0-	5,353.21
Pontotoc	40.00	9,544.84
Prentiss	-0-	11,798.12
Quitman	-0-	3,130.01
Rainey	401.00	4,483.64
Scott	-0-	3,822.92
Sharkey	-0-	2,987.11
Shannon	733.96	6,602.31
Smith	587.00	7,626.01
Stone	-0-	1,939.99
Sunflower	-0-	8,284.94
Tallahatchie	-0-	17,571.61
Tate	-0-	5,843.83
Tippah	-0-	6,062.78
Tishomingo	-0-	2,039.29
Tunica	-0-	2,183.71
Union	-0-	1,857.66
Waltham	-0-	3,018.53
Warren	540.00	6,028.04
Washington	-0-	9,922.03
Wayne	180.00	7,382.56
Webster	-0-	7,472.48
Wilkinson	-0-	2,311.76
Winston	-0-	6,746.07
Yalobusha	-0-	5,754.56
Yazoo	626.04	18,003.99
Total	19,081.99	560,373.21

EXHIBIT "A"

PROPERTIES CONVEYED BY FEDERAL LAND BANK OF JACKSON TO FEDERAL
INTERMEDIATE CREDIT BANK BY DEED DATED SEPTEMBER 30, 1987:

STATE OF LOUISIANA

TRACT 1

From the Southwest corner of Section 78, T5S-R1W, go N08° 24' 12"E along the west line of Section 78, a distance of 1354.70 feet to a point on the West Right of Way line of K.C.S. Railroad for the Northwest corner of said Tr. 9 a point of beginning.

Thence S67° 45' 04"E 140.06 to the Northeast corner of said Tr. 9 same being the East side of K.C.S. Railroad Right of Way Line.

Thence S24° 52' 33"E along East line of said Railroad Right of Way Line 3770.44 feet

Thence S19° 10' 33"W 170.65 feet to point on the West line of said K.C.S. Railroad Right of Way Line.

Thence along the West Right of Way line of said Railroad as follows:

Thence N24° 32' 45"W	323.67 feet
Thence N24° 23' 49"W	150.00 feet
Thence N24° 42' 35"W	59.40 feet
Thence N45° 03' 28"W	28.06 feet
Thence N24° 26' 53"W	150.00 feet
Thence N24° 26' 47"W	150.01 feet
Thence N24° 26' 41"W	150.00 feet
Thence N23° 32' 15"W	221.58 feet
Thence N24° 34' 55"W	208.71 feet
Thence N24° 56' 29"W	160.66 feet
Thence N24° 32' 27"W	2402.17 feet

containing 9.611 acres of land.

TRACT 2

From the Southwest corner of Section 78, T5S-R1W go N08° 24' 12"E along the West line of Section 78, a distance of 1354.70 feet to a point on the West Right of Way Line of K.C.S. Railroad for the Northwest corner of Tr. 9. Thence S67° 45' 04"E 140.06 feet to the East line of Railroad Right of Way Line and West side of Old Road Right of Way, to the point of beginning.

Thence S67° 45' 07"E 75.31 feet to the Northeast corner of said Tr. 29 and East line of Old Road Right of Way.

Thence S24° 07' 34"E along East line of said Old Road Right of Way Line 1022.08 feet

Thence S19° 10' 40"W 42.44 to a point on the West line of Old Road Right of Way and East line of said Railroad Right of Way Line

Thence N24° 52' 33"W 3770.44 to the point of beginning containing 3.869 acres of land.

Situated in East Baton Rouge, Parish, Louisiana

A certain tract or parcel of land together with all the buildings and improvements thereon, situated in the Parish of East Baton Rouge, on the Greenwell Springs Road about 8 miles east of the City of Baton Rouge, containing 270 acres more or less and being all that certain tract of land containing 340 acres as shown by the official map of this Parish made by Kaiser & Johnston in 1895 in the name of Mrs. A. B. Joor, bounded North by Hurricane Creek, east by the lands of I. J. David, south by the lands of Jackson and Porter, and west by lands of D. T. Morgan, M. Heck, Hurricane Creek, except 70 acres taken from the Southeast portion of the said 340 acres.

A certain tract or parcel of ground together with all the buildings and improvements thereon, situated in the Parish of East Baton Rouge, about 8 miles east of the City of Baton Rouge on the Greenwell Springs Road, containing 70 acres, being the southeast portion of a tract of land shown on the official map of this Parish in the name of A. B. Joor, 340 acres, bounded North by Hurricane Creek, east by the lands of I. J. David, south by lands of Jackson and Porter and west by lands of D. T. Morgan to Hurricane Creek; the 70 acres herein conveyed described as follows: Bounded North by Greenwell Springs Road, east by the eastern boundary of said original tract, west by a line running parallel with the eastern boundary and sufficient distance therefrom as to include 70 acres.

Both tracts of land purchased by Asia Roster from Thomas M. Baker, September 16, 1922, and acquired by M. F. Gladney at Sheriff's Sale as per acts of record in Book 208, folios 366 and 367, east Baton Rouge Parish, Conveyances.

Situated in East Baton Rouge Parish, Louisiana

PROPERTIES CONVEYED BY FEDERAL LAND BANK OF JACKSON TO FEDERAL
INTERMEDIATE CREDIT BANK BY DEED DATED SEPTEMBER 30, 1987:

STATE OF ALABAMA

County	Held by Production	FLB Mineral Acres
Autauga	-0-	-3,138.17
Baldwin	-0-	2,052.62
Barbour	304.00	33,284.86
Bibb	-0-	704.13
Blount	-0-	1,266.64
Bullock	-0-	4,541.86
Butler	-0-	2,766.94
Calhoun	-0-	1,314.91
Chambers	-0-	12,971.22
Cherokee	-0-	1,707.13
Chilton	-0-	1,298.96
Cibola	-0-	1,152.18
Clarke	180.00	1,081.88
Clay	-0-	2,353.47
Clayborne	-0-	1,133.50
Coffee	-0-	15,639.23
Colbert	-0-	618.56
Conecuh	-0-	8,781.18
Coosa	-0-	1,920.25
Covington	-0-	24,036.41
Crenshaw	-0-	12,089.77
Cullman	-0-	6,894.26
Dale	-0-	17,921.74
Dallas	-0-	2,902.67
DeKalb	-0-	1,390.30
Elmore	-0-	1,631.60
Escambia	52.00	4,075.57
Etoah	-0-	1,509.25
Fayette	489.54	939.92
Franklin	-0-	1,492.64
Geneva	-0-	17,273.09
Greene	-0-	106.25
Hale	-0-	1,864.43
Henry	83.44	15,450.40
Houston	-0-	10,477.17
Jackson	-0-	1,752.97
Jefferson	-0-	70.00
Lamar	208.85	1,224.17
Lauderdale	-0-	1,239.53
Lawrence	-0-	2,367.22
Lee	-0-	7,415.71
Limestone	-0-	1,101.33
Loudens	-0-	448.75
Macon	-0-	5,280.98
Madison	-0-	2,016.99
Marion	-0-	3,329.86
Marion	-0-	859.72
Marshall	338.50	1,286.39
Mobile	-0-	1,490.48
Monroe	-0-	1,857.61
Montgomery	-0-	4,399.88
Morgan	-0-	4,593.66
Perry	-0-	2,106.11
Pickens	-0-	5,184.77
Pike	-0-	12,353.47
Randolph	-0-	6,971.23
Russell	-0-	8,625.06
St. Clair	-0-	1,884.26
Shelby	-0-	1,826.80
Sumter	-0-	818.57
Talladega	-0-	1,719.79
Tallapoosa	-0-	3,456.36
Tuscaloosa	-0-	2,068.03
Walker	-0-	-79.34
Washington	-0-	992.36
Wilcox	-0-	1,399.33
Winston	-0-	1,737.15
Total	1,363.33	309,663.02

STATE OF MISSISSIPPI
COUNTY OF MADISONAFFADAVIT

Personally appeared before me, the undersigned authority in and for the State of Mississippi, George R. Cottner, a resident citizen of Hinds County, Mississippi, whose address is 130 Rolling Meadows Drive, Jackson, Mississippi, and who stated to me on his oath as follows, to-wit:

1. I am George R. Cottner and my address is 130 Rolling Meadows Drive Jackson, Mississippi 39211.
2. Prior to December 1, 1987, I served and was employed by the Farm Credit Banks of Jackson, Mississippi, as Senior Vice-President of said Banks and served on the executive committee of all three financial institutions that made up the Farm Credit Banks of Jackson, Mississippi, namely:
(1) The Federal Intermediate Credit Bank of Jackson, Mississippi;
(2) The Federal Land Bank of Jackson, Mississippi; and (3) The Jackson Bank For Cooperatives.
3. On or about September 30, 1987, the Federal Land Bank of Jackson, Mississippi conveyed all of the minerals which it owned to the Federal Intermediate Credit Bank. Subsequent to this sale, P. W. Bozeman contacted Mr. James Toft about buying these minerals from the Federal Intermediate Credit Bank which included the minerals described in Exhibit "A" attached hereto and made a part hereof by reference. He was offering to purchase these minerals for 27.3 million dollars (\$27,300,000). On one occasion, Mr. Bozeman asked me if I thought the offer of \$27,300,000 was a fair offer for him to make. I replied that I thought his offer was fair, and I said that if I had the ability to purchase them, that I would pay that price.
4. In late November, 1987, P. W. Bozeman came to see Mr. Toft at our offices concerning the purchase of the minerals described above. At that time, Mr. Toft was President of the Farm Credit Banks mentioned above and President of all three of the other financial institutions mentioned above, including the Federal Intermediate Credit Bank of Jackson, Mississippi. I met Mr. Bozeman in a hallway while he was waiting to see Mr. Toft, and I invited him to come into my office while he was waiting for Mr. Toft. Subsequently, Mr. Toft came to my office and met with Mr. Bozeman. Both Ron Rodriguez and I were present while Mr. Bozeman and Mr. Toft discussed the sale of the minerals to Bozeman. Bozeman informed Toft that he wanted to purchase the minerals referred to above for the purchase price of \$27,300,000. Mr. Toft responded that if Bozeman could come up with that amount of money, the Federal Intermediate Credit Bank would convey the minerals to Bozeman for that price.
5. On at least two other occasions a few days later, Mr. Toft indicated to me that Bozeman could purchase the minerals for the sum of \$27,300,000.
6. Within thirty (30) days after the meeting between Toft and Bozeman in my office in late November, 1987, Mr. Bozeman came to a meeting of the Board of Directors of the Federal Intermediate Credit Bank at our offices at which time he informed Mr. Toft that he had the money and was prepared to enter into a sales contract to formalize his purchase of the minerals

EXHIBIT "B"

for the sum of \$27,300,000. He had a certified check in the amount of \$250,000 to deposit with us as earnest money. On that occasion, the Board informed Mr. Bozeman that the Federal Intermediate Credit Bank had decided not to sell the minerals after all.

7. At no time during the discussions between Mr. Bozeman and Mr. Toft overheard by me concerning the purchase of the minerals did Mr. Toft indicate or imply to Mr. Bozeman that he did not have authority to speak for the Bank in agreeing to sell the minerals to Bozeman.

WITNESS MY SIGNATURE this 8th day of July, 1988.

GEORGE R. COTTNER
GEORGE R. COTTNER

SWORN TO AND SUBSCRIBED BEFORE ME this 8th day of July, 1988.

Barbara L. Estes
NOTARY PUBLIC

My commission expires:
My Commission Expires December 6, 1990

FEDERAL LAND BANK OWNED MINERALS
AS OF June 30, 1987

1/2

STATE	NO. OF TRACTS	SURFACE ACRES	MINERAL ACRES
Alabama	3,978	631,433.96	321,537.55
Louisiana	198	52,971.18	40,782.67
Mississippi	7,773	1,185,808.37	605,443.07
TOTAL	11,949	1,870,213.51	967,763.29

WELLS FLB HAS INTEREST IN

STATE	NO. OF WELLS	SURFACE ACRES	MINERAL ACRES
Alabama	33	1,636.33	818.17
Louisiana	104	5,631.57	2,815.78
Mississippi	237	19,091.58	9,545.79
TOTAL	374	26,359.48	13,179.74

OIL & GAS LEASES

STATE	NO. OF LEASES	SURFACE ACRES	MINERAL ACRES
Alabama	145	18,447.65	9,162.51
Louisiana	11	645.06	495.78
Mississippi	1,345	165,580.65	81,945.36
TOTAL	1,501	184,673.36	91,603.65

COAL LEASES

STATE	NO. OF LEASES	SURFACE ACRES	MINERAL ACRES
Alabama	10	661.15	330.58
Mississippi	144	18,685.08	9,286.18
TOTAL	154	19,346.23	9,616.76

BAUXITE LEASES

STATE	NO. OF LEASES	SURFACE ACRES	MINERAL ACRES
Alabama	4	420.00	210.00

TOTAL INCOME AS OF June 30, 1987

BONUSES	RENTALS	ADVANCED ROYALTY	ROYALTIES	TOTAL
318,902.38	21,440.51	13,256.33	1,396,317.80	1,749,917.02
				3,59,977.12

LHRC 10/87

EXHIBIT "A"



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 12 day of Aug, 1988, at 3:50 o'clock P.M., and was duly recorded on the Aug 12, 1988, Book No. 5, Page 258.

BILLY V. COOPER, CHANCERY CLERK

BY: S. Cole D.C.