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76965

IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

HERB A. KELSO

PLAINTIFF/APPELLANT

VS.

CIVIL ACTION, FILE NO. 30-829

EASTOVER BANK FOR SAVINGS
and E. FRANK GOODMAN

DEFENDANTS/APPELLEES

SUPPLEMENTAL
LIS PENDENS NOTICE
OF PENDING APPEAL

NOTICE is hereby given that on the 22nd day of January, 1992, Herb A. Kelso perfected his appeal to the Supreme Court of Mississippi from that certain Order of Dismissal With Prejudice, which was entered in the above styled and numbered case on January 13, 1992, by the Chancery Court of Madison County, Mississippi.

Your attention is hereby called to that certain Lis Pendens Notice filed by Herb A. Kelso on April 16, 1991, and recorded in Lis Pendens Book 6 at page 175 in the office of the Chancery Clerk of Madison County, Mississippi.

Pursuant to Section 11-47-3 of the Mississippi Code of 1972, as amended, the following information is hereby provided with respect to the pending appeal of such action, to-wit:

NAMES OF ALL PARTIES TO THE SUIT:

The plaintiff/appellant is Herb A. Kelso.

The defendants/appellees are Eastover Bank for Savings and E. Frank Goodman.

DESCRIPTION OF THE REAL ESTATE:

All of Lots 10 and 11 of Tougaloo Addition in the SE 1/4 of Section 36, Township 7 North, Range 1 East, in Ridgeland, Madison County, Mississippi, a plat of said Addition being recorded in Land Deed Book AAA at page 138 thereof in the Chancery Clerk's office, for Madison County, Mississippi, reference to said plat being here made in aid of and as part of this description, LESS AND EXCEPT THEREFROM that part thereof, containing 7.0 acres, more or less, conveyed by Brady Barnes and Ardell Barnes to S. E. Pollack and Sal Todaro by deed dated September 7, 1978, recorded in Land Record Book 158 at page 333, thereof in the Chancery Clerk's office for said County.

Being more particularly described as follows, to-wit: A parcel of land being part of Lots 10 and 11 of Tougaloo Addition in the Southeast Quarter of Section 36, Township 7 North, Range 1 East, Ridgeland, Madison County, Mississippi, said Tougaloo Addition is recorded in Land Deed Book AAA at page 138 in the Chancery Clerk's office at Canton, Mississippi, said parcel of land being described as follows: Begin at an iron pin marking the Southwest corner of Lot 10 of Tougaloo Addition and run thence North along the West line of said Lot 10, a distance of 182.48 feet; thence South 87 degrees 16 minutes 14 seconds East, a distance of 660.0 feet to the East line of said Lot 11; thence South along said East line, a distance of 182.48 feet to the Southeast corner of said Lot 11; thence North 87 degrees 16 minutes 14 seconds West along the South line of said Lots 10 and 11, a distance of 660.0 feet to the point of beginning, containing 2.7617 acres, more or less.

NATURE OF THE RIGHT OR INTEREST SOUGHT TO BE ENFORCED:

On April 12, 1991, E. Frank Goodman, as trustee, conducted a power of sale foreclosure of that certain deed of trust executed by Herb A. Kelso and S. E. Pollack to E. Frank Goodman, as trustee, for Eastover Bank for Savings. Said deed of trust is dated March 21, 1990, and is recorded in Deed of Trust Book 705 at page 330 in the office of the Chancery Clerk of Madison County, Mississippi. The Trustee's Deed is dated April 22, 1991 and is recorded in Deed Book 283 at page 107 in the office of the Chancery Clerk of Madison County, Mississippi.

The appeal seeks a reversal of the Chancellor's judgment of dismissal with prejudice of this lawsuit and for the action to be remanded to the Chancery Court of Madison County, Mississippi, for trial upon the merits of the Complaint of Herb A. Kelso to set aside and cancel this foreclosure sale and any trustee's deed executed pursuant thereto as being null and void upon the grounds that the \$180,000.00 successful bid of Eastover Bank for Savings is so grossly inadequate as to shock the conscience and amounts to a fraud.

EXECUTED this the 22nd day of January, 1992.

HERB A. KELSO

BY: 
D. M. RITCHIE, His Attorney

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P. O. Box 286
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Miss. State Bar No. 28080

STATE OF MISSISSIPPI, County of Madison:



I certify that the within instrument was filed for record in my office this 22 day
of Jan 1992, at 3:30 o'clock P M., and was duly recorded
on the JAN 22 1992, Book No. 6, Page 300.

BILLY V. COOPER, CHANCERY CLERK BY: S Cole D.C.