

BEFORE THE ZONING BOARD AND THE
MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF RIDGELAND, MISSISSIPPI

IN THE MATTER OF THE PETITION
AND APPLICATION OF CBC JACKSON,
LLC D/B/A THE ORCHARD FOR A
CONDITIONAL USE PERMIT AND
DIMENSIONAL VARIANCE

AMENDMENT TO PETITION AND APPLICATION FOR
CONDITIONAL USE PERMIT AND DIMENSIONAL VARIANCE

COMES NOW CBC Jackson, LLC d/b/a The Orchard
("Petitioner"), and hereby amends the Petition and Application
for Conditional Use Permit and Dimensional Variance ("Petition")
dated November 3, 2017, and filed with the City of Ridgeland in
this matter on November 6, 2017. This Amendment includes
revisions to Exhibits "C-1" and "C-2" attached as exhibits to the
original Petition. The amendment is set forth below.

1. The Petition requests the Mayor and Board of
Aldermen of the City of Ridgeland, Mississippi, (1) to grant a
Conditional Use Permit and (2) to grant a dimensional variance
from certain setback requirements to permit the expansion of the
continuing care retirement community known as The Orchard onto a
7.0684-acre tract ("subject property") located immediately south
of the existing facilities of The Orchard.

2. As is explained in the Petition, the subject property has numerous owners who own respective fractional interests in the subject property. The owners are listed in paragraph 4 of the Petition. The names of the owners listed in the Petition are those originally provided to the undersigned attorney for the Petitioner.

3. After the Petition was prepared, the attorney for the Petitioner was informed that there had been a change in ownership of the fractional interest held by Mary Lea Hagan, Executrix of the Estate of Wiley Hagan, Jr., Deceased. That change occurred through a Chancery Court proceeding, specifically that proceeding styled In the Matter of the Estate of Wiley Hagan, Jr., Deceased, No. P-99-21 T/1 on the docket of the Chancery Court of the First Judicial District of Hinds County, Mississippi. By an Order for Authority to Sell Real Estate, To Execute Correction Term Royalty Deed, and For Other Relief dated September 6, 2017, the Court authorized Mary Lea Hagan, as Executrix of the Estate of Wiley Hagan, Jr., Deceased, to transfer the estate's interest in the subject property to Nat Prestage, Trustee of the Wiley Hagan, Jr. Marital Trust, and further authorized Nat Prestage, as Trustee, to consummate the sale and transfer of the subject property. Thus, Nat Prestage, Trustee, is now the legal owner of the said fractional interest

in the subject property originally held by Mary Lea Hagan, Executrix of the Estate of Wiley Hagan, Jr.; is the person who should be listed in the Petition as the owner of the said fractional interest; and is the person who should authorize the filing of any Petition for a Conditional Use Permit and a dimensional variance in this matter.

4. Accordingly, the Petitioner hereby amends the Petition to substitute Nat Prestage, Trustee of the Wiley Hagan, Jr. Marital Trust, for Mary Lea Hagan, Executrix of the Estate of Wiley Hagan, Jr., Deceased, as the owner of the said fractional interest in the subject property.

5. At the time the Petition was prepared, the attorney for the Petitioner had, despite his best efforts, been unable to obtain original signatures from the respective owners authorizing the filing of the Petition seeking a Conditional Use Permit and a dimensional variance. All that the attorney for the Petitioner had been able to obtain was photocopies of authorizing signatures, e-mail copies of authorizing signatures, telefaxed copies of authorizing signatures, and telefaxed copies of e-mail copies of authorized signatures.

6. The authorizing signature from one owner, H. Douglas Hederman, Trustee of the Sally Hollomon Hederman Marital Trust (U/A), had not been provided in any form.

7. Exhibits "C-1" and "C-2" to the Petition contained copies of those authorizing signatures which had been provided in the form provided. This circumstance was explained in the Explanatory Note in Regard to Exhibit "C-1" attached to the original Petition. That Explanatory Note further stated: "When original signatures have been received, the Petitioner will file those original signatures as a revised Exhibit "C-1".

8. Original signatures from the respective owners on authorization documents authorizing Ridgeland Land Acquisition, LLC, and its representatives to sign the Petition on behalf of the owners have now been received. The authorization documents bearing original signatures are attached hereto as Revised Exhibit "C-1" and Revised Exhibit "C-2", respectively. Revised Exhibit "C-1" includes multiple copies of signature pages, with some of those signature pages bearing one or two signatures.

9. At the time the authorization documents were prepared, the person preparing those documents had been informed that the owners included Arrowhead Properties, L.P., a Mississippi limited partnership. That information has ultimately been determined to be incorrect. Arrowhead Properties, L.P., is not an owner. The authorization documents do contain an original signature from an official of Arrowhead Properties, L.P., but

that signature is unnecessary and should be considered surplusage.

10. One of the owners of a fractional interest in the subject property is the Estate of Howard E. Stover, Deceased. The estate is being administered in that proceeding styled In the Matter of the Estate of Howard E. Stover, No. 2016-1026-C on the docket of the Chancery Court of Madison County, Mississippi. That estate has two Co-Executrices, Barbara Stover England and Elizabeth Stover Phillips. The person preparing the authorization documents was informed that both Co-Executrices needed to sign the authorization document on behalf of the estate. The undersigned attorney for the Petitioner has now learned that only one Co-Executrix needs to sign the authorization document on behalf of the Estate of Howard E. Stover, Deceased. The authorization for only one Co-Executrix to sign appears in a Decree Granting Amended Petition for Authority to Sell Real Property dated June 23, 2017. Thus, only Barbara Stover England, as Co-Executrix, has signed the authorization document on behalf of the Estate of Howard E. Stover, Deceased. There is a blank line for the signature of Elizabeth Stover Phillips, the other Co-Executrix, but she has not signed. A signature from her is not necessary to the filing of the Petition.

11. Revised Exhibit "C-1" and Revised Exhibit "C-2" bearing original signatures of all the owners are attached to this Amendment and made a part hereof. All owners of the subject property have thus authorized the filing of the Petition seeking a Conditional Use Permit and a dimensional variance for the expansion of The Orchard.

12. The said authorization documents authorize Ridgeland Land Acquisition, LLC, and its representatives to sign the Petition on behalf of the owners. Ridgeland Land Acquisition, LLC, has in turn authorized Sharon Sullivan to be its representative and agent in signing the Petition on behalf of all of the owners. See Exhibit "C-3" to the original Petition.

13. Sharon Sullivan, Executive Director of CBC Jackson, LLC d/b/a The Orchard and authorized agent and representative of Ridgeland Land Acquisition, LLC, on behalf of

all the owners, and as their representative, has signed this Amendment.

THIS is the 8th day of November, 2017.

Respectfully submitted,


CBC JACKSON, LLC, PETITIONER

STENNETT, WILKINSON & PEDEN,
ATTORNEYS FOR PETITIONER

BY: James A. Peden, Jr.
JAMES A. PEDEN, JR.

SARATOGA LIMITED PARTNERSHIP, A MISSISSIPPI LIMITED PARTNERSHIP; H. DOUGLAS HEDERMAN, TRUSTEE OF THE SALLY HOLLomon HEDERMAN MARITAL TRUST (U/A); CHARLO REAL ESTATE, L.P., A MISSISSIPPI LIMITED PARTNERSHIP; CLEMENT LAND AND MINERALS, LLC, A MISSISSIPPI LIMITED PARTNERSHIP; BARBARA STOVER ENGLAND AND ELIZABETH STOVER PHILLIPS, CO-EXECUTRICES OF THE ESTATE OF HOWARD E. STOVER, DECEASED; PRUET OIL COMPANY, LLC, A MISSISSIPPI LIMITED LIABILITY COMPANY; CLEMOVER CORPORATION, A DELAWARE CORPORATION; NAT PRESTAGE, TRUSTEE OF THE WILEY HAGAN, JR. MARITAL TRUST; RAYMOND R. LENINGER; AND ALICE M. LENINGER, OWNERS

BY: RIDGELAND LAND ACQUISITION, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AUTHORIZED AGENT AND REPRESENTATIVE OF OWNERS

BY: 
SHARON SULLIVAN,
EXECUTIVE DIRECTOR OF CBC JACKSON, LLC D/B/A THE ORCHARD AND AUTHORIZED AGENT AND REPRESENTATIVE OF RIDGELAND LAND ACQUISITION, LLC

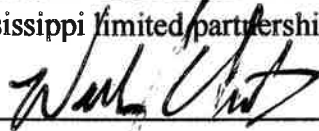
JAMES A. PEDEN, JR., MSB NO. 4086
STENNETT, WILKINSON & PEDEN
Post Office Box 13308
Jackson, Mississippi 39236-3308
Telephone: 601/206-1816
E-Mail: jpeden@swplaw.net
Website: www.swplaw.net

AUTHORIZATION OF OWNERS

The undersigned, being the record title holders to that certain property located in the City of Ridgeland (the "City"), Madison County, Mississippi and being more particularly described on Exhibit A attached hereto (the "Property"), which is the subject of a Petition and Application for Conditional Use Permit and variance to allow for the operation of a senior adult living facility on the Property, hereby authorize the filing of the Application with the City of Ridgeland (the "City") and appoint Ridgeland Land Acquisition, LLC, a Delaware limited liability company, and its representatives to act on our behalf with respect to the Application and variance, and as our representative with the City in connection therewith.

Respectfully submitted,

SARATOGA LIMITED PARTNERSHIP,
a Mississippi limited partnership

By: 

Its: _____

Date: 10/24/17

ARROWHEAD PROPERTIES, L.P., a
Mississippi limited partnership

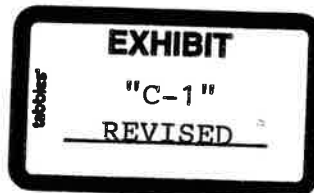
By: _____

Its: _____

Date: _____

CHARLO REAL ESTATE, L.P., a Mississippi
limited partnership

By: _____



AUTHORIZATION OF OWNERS

The undersigned, being the record title holders to that certain property located in the City of Ridgeland (the "City"), Madison County, Mississippi and being more particularly described on Exhibit A attached hereto (the "Property"), which is the subject of a Petition and Application for Conditional Use Permit and variance to allow for the operation of a senior adult living facility on the Property, hereby authorize the filing of the Application with the City of Ridgeland (the "City") and appoint Ridgeland Land Acquisition, LLC, a Delaware limited liability company, and its representatives to act on our behalf with respect to the Application and variance, and as our representative with the City in connection therewith.

Respectfully submitted,


SARATOGA LIMITED PARTNERSHIP,
a Mississippi limited partnership

By: _____

Its: _____

Date: _____

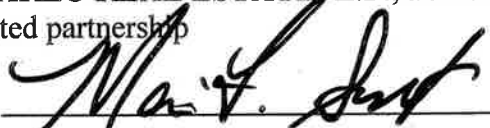
ARROWHEAD PROPERTIES, L.P., a
Mississippi limited partnership

By:  _____

Its: TRUSTEE _____

Date: 10-27-17 _____

CHARLO REAL ESTATE, L.P., a Mississippi
limited partnership

By:  _____

Its: MCS _____

Date: 11/3/17 _____

**SALLY HOLLOMAN HEDERMAN MARITAL
TRUST U/A**

By: _____



H. Douglas Hederman, Trustee

Date: October 31st, 2017

Date: _____

**CLEMENT LAND AND MINERALS LLC, a
Mississippi limited partnership**

By: 

Its: **MANAGER**

Date: **10.24.17** _____

**BARBARA STOVER ENGLAND,
Co-Executrix of the Estate of Howard E. Stover,
Deceased**

Date: _____

**ELIZABETH STOVER PHILLIPS,
Co-Executrix of the Estate of Howard E. Stover,
Deceased**

Date: _____

**PRUET OIL COMPANY LLC, a Mississippi
limited liability company**

By:

Its:

Date: _____

**CLEMOVER CORPORATION, a Delaware
corporation**

By:

Date: _____

**CLEMENT LAND AND MINERALS LLC, a
Mississippi limited partnership**

By: _____

Its: _____

Date: _____

Barbara Stover England

BARBARA STOVER ENGLAND,
Co-Executrix of the Estate of Howard E. Stover,
Deceased

Date: 10/18/2017

ELIZABETH STOVER PHILLIPS,
Co-Executrix of the Estate of Howard E. Stover,
Deceased

Date: _____

**PRUET OIL COMPANY LLC, a Mississippi
limited liability company**

By: _____

Its: _____

Date: _____

**CLEMOVER CORPORATION, a Delaware
corporation**

**CLEMENT LAND AND MINERALS LLC, a
Mississippi limited partnership**

By: _____

Its: _____

Date: _____

BARBARA STOVER ENGLAND,
Co-Executrix of the Estate of Howard E. Stover,
Deceased

Date: _____

ELIZABETH STOVER PHILLIPS,
Co-Executrix of the Estate of Howard E. Stover,
Deceased

Date: _____

**PRUET OIL COMPANY LLC, a Mississippi
limited liability company**

By: *R. J. [Signature]*

Its: Manager

Date: October 23, 2017

**CLEMOVER CORPORATION, a Delaware
corporation**

By: _____

Its: _____

Date: _____

By: Wah Hunt

Its: _____

Date: 10/24/17

MARY LEA HAGAN,
Executrix of the Estate of Riley Hagan, Jr.,
Deceased

Date: _____

RILEY HAGAN, JR. MARITAL TRUST
by:

Nat Prestage

~~MARY LEA HAGAN~~, *NAT PRESTAGE*, TRUSTEE
~~Executrix of the Estate of Riley Hagan, Jr.,~~
Deceased

Date: 10/30/2017

EXHIBIT A

Being situated in Section 32, Township 7 North, Range 2 East, City of Ridgeland, Madison County, Mississippi, and more particularly described by metes and bounds as follows:

Commence at the Northwest corner of said Section 32 and run thence East for a distance of 35.0 feet; run thence Southerly along the East Right of Way Line of Pear Orchard Road for a distance of 1,099.80 feet to an iron pin; run thence Southerly along the East Right of Way Line of Pear Orchard Road for 209.17 feet to a concrete right of way marker; thence turn left through a deflection angle of 0 degrees 10 minutes 00 seconds and continue Southerly along the said East Right of Way line of Pear Orchard Road for a distance of 466.61 feet; thence leave said East Right of Way Line and run South 89 degrees 53 minutes 35 seconds East for a distance of 300.0 feet to the POINT OF BEGINNING for the parcel herein described; thence continue South 89 degrees 53 minutes 35 seconds East for a distance of 376.11 feet; thence South 00 degrees 09 minutes 33 seconds East for a distance of 483.77 feet to the North line of Town Center Boulevard; thence South 89 degrees 48 minutes 04 seconds West for a distance of 376.88 feet; thence North 00 degrees 13 minutes 33 seconds West for a distance of 465.79 feet to the POINT OF BEGINNING, containing 3.9239 acres, more or less.

AND ALSO:

Being situated in Section 32, Township 7 North, Range 2 East, City of Ridgeland, Madison County, Mississippi, and being more particularly described by metes and bounds as follows:

Commence at the Northwest corner of the said Section 32 and run thence East for a distance of 35.0 feet; run thence Southerly along the East right of way line of Pear Orchard Road for a distance of 1,099.80 feet to an Iron Pin; continue thence Southerly along the said East right of way line of Pear Orchard Road for a distance of 209.17 feet to a concrete right of way marker; thence turn left through a deflection angle of 0° 10' 00" and continue Southerly along the said East right of way line of Pear Orchard Road for a distance of 591.61 feet to the POINT OF BEGINNING for the parcel herein described; thence leave said East right of way line and run South 89° 53' 33" East for a distance of 300.0 feet; thence South 0° 13' 33" East for a distance of 330.79 feet to the Northern right of way line of Town Center Boulevard; thence South 89° 48' 04" West for a distance of 299.99 feet along the said Northern right of way line of Town Center Boulevard to the intersection of the said Northern right of way line with the said East right of way line of Pear Orchard Road; thence North 00° 13' 13" West for a distance of 332.39 feet along the said East right of way line of Pear Orchard Road to the POINT OF BEGINNING, containing 2.2836 acres more or less.

AUTHORIZATION OF OWNERS

The undersigned, being the record title holders to that certain property located in the City of Ridgeland (the "City"), Madison County, Mississippi and being more particularly described on Exhibit A attached hereto (the "Property"), which is the subject of a Petition and Application for Conditional Use Permit and variance to allow for the operation of a senior adult living facility on the Property, hereby authorize the filing of the Application with the City of Ridgeland (the "City") and appoint Ridgeland Land Acquisition, LLC, a Delaware limited liability company, and its representatives to act on our behalf with respect to the Application and variance, and as our representative with the City in connection therewith.

Respectfully submitted,


Raymond R. Leninger

Date: Oct 18, 2017


Alice M. Leninger

Date: Oct 18 - 2017



EXHIBIT A

Being situated in Section 32, Township 7 North, Range 2 East, City of Ridgeland, Madison County, Mississippi and being more particularly described by metes and bounds as follows:

Commence at the Northwest corner of the said Section 32 and run thence East for a distance of 35.0 feet; run thence Southerly along the East right of way line of Pear Orchard Road for a distance of 1,099.80 feet to an Iron Pin; continue thence Southerly along the said East right of way line of Pear Orchard Road for a distance of 209.17 feet to a concrete right of way marker; thence turn left through a deflection angle of 0° 10' 0" and continue Southerly along the said East right of way line of Pear Orchard Road for a distance of 466.61 feet to the POINT OF BEGINNING for the parcel herein described; thence leave said East right of way line and run South 89° 53' 33" East for a distance of 300.0 feet; thence South 0° 13' 33" East for a distance of 125.0 feet; thence North 89° 53' 33" West for a distance of 300.0 feet to the said East right of way line of Pear Orchard Road; thence North 0° 13' 33" West for a distance of 125.0 feet along the said East right of way line to the POINT OF BEGINNING, containing 0.8609 acres, more or less.