

**NOTICE OF CONSTRUCTION LIEN
 AGAINST THE LAND AND IMPROVEMENTS OF THE OLIVE BRANCH PROPERTIES, LLC
 LOCATED AT 6881 MORELL CV.
 OLIVE BRANCH, MISSISSIPPI, OWNERS OF PROPERTY DAVID KELLY ET. AL.
 D/B/A OLIVE BRANCH PROPERTIES, LLC
 BY HARRY G. GUCKERT, PRESIDENT, DELTA STEEL BUILDINGS, INC.**

HARRY G. GUCKERT, PRESIDENT, DELTA STEEL BUILDINGS, INC., gives notice of a Construction Lien against the property of OLIVE BRANCH PROPERTIES, LLC, LOCATED AT 6881 MORELL CV., OLIVE BRANCH, MS under the provisions of 87-7-131 Mississippi Code Annotated as follows:

1. The property subject to this lien is described as Olive Branch Properties, LLC, located at 6881 Morell Cv., Olive Branch, MS.
2. The lien holder is DELTA STEEL BUILDINGS, INC., whose address is P.O. Box 267 Grenada, MS 38902.
3. The OWNERS are OLIVE BRANCH PROPERTIES, LLC, DAVID KELLY, PRESIDENT, whose address is 6208 Hwy. 305, Olive Branch, MS 38654
4. The amount of the lien for work performed, materials and labor is \$38,050.00, plus interest and attorney's fees as provided for in Sections 11-53-81 and 85-7-151 Mississippi Code Annotated (1972, as amended).
5. The basis for the claim is further set out in the attached exhibits.
6. Suit for enforcement of this lien has not yet been commenced.

This the 24th day of April, 2003.

**HARRY G. GUCKERT, PRESIDENT
 DELTA STEEL BUILDINGS, INC.**

BY: *Harry G. Guckert Pres.*
 Harry G. Guckert, President
 P.O. Box 267
 Grenada, MS 38902
 662-226-0662

STAT MS - DESOTO CO. *BC BC BC*
 APR 30 2 46 PM '03

BC SC -0-
 STATE MS - DESOTO CO.
 APR 23 3 12 PM '03

BK 11 PG 420
 W.E. DAVIS CH. CLK.

BK 11 PG 443
 W.E. DAVIS CH. CLK.

EXHIBIT "A"
PROPERTY DESCRIPTION

205
4/3/03
33

LEGAL DESCRIPTION OF LOT #4 OF MORELL SUBDIVISION, PLAT BOOK 67, PAGE 43, ALSO BEING A 0.85 ACRE TRACT OF LAND, BEING LOCATED IN SECTION 33, TOWNSHIP 1 SOUTH, RANGE 6 WEST, OLIVE BRANCH, DESOTO COUNTY, MISSISSIPPI; AND IS FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER AT THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 6 WEST, OLIVE BRANCH, DESOTO COUNTY, MISSISSIPPI; THENCE SOUTH 02 DEGREES 53 MINUTES 24 SECONDS EAST 42.42 FEET TO A POINT; THENCE SOUTH 87 DEGREES 06 MINUTES 36 SECONDS WEST 68.00 FEET TO A POINT; THENCE SOUTH 03 DEGREES 32 MINUTES 03 SECONDS EAST 437.74 FEET ALONG THE WEST RIGHT OF WAY OF MORELL COVE TO A POINT ALSO BEING THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE SOUTH 87 DEGREES 02 MINUTES 37 SECONDS WEST 256.05 FEET TO A 1/2" REBAR FOUND; THENCE SOUTH 14 DEGREES 28 MINUTES 01 SECONDS EAST 61.62 FEET TO AN IRON PIN FOUND; THENCE SOUTH 01 DEGREES 39 MINUTES 20 SECONDS EAST 89.64 FEET TO A 1/2" REBAR FOUND; THENCE NORTH 87 DEGREES 02 MINUTES 37 SECONDS EAST 247.30 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF MORELL COVE; THENCE NORTH 03 DEGREES 32 MINUTES 03 SECONDS WEST 150.01 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING, CONTAINING 0.85, MORE OR LESS, ACRES (37,138, MORE OR LESS, SQUARE FEET) OF LAND BEING SUBJECT TO ALL CODES, REGULATIONS, REVISIONS, EASEMENTS, SUBDIVISION CONVENANTS AND RIGHTS OF WAY OF RECORD. THIS SURVEY WAS PREPARED SEPTEMBER 19, 2002 BY RUSSELL & COMPANY.

BK0011 PG0444

BK0011PG0445 BK0011PG0422



DELTA STEEL BUILDINGS, INC.
POST OFFICE BOX 267
GRENADA, MISSISSIPPI 38902-0267
(601) 226-0662
FAX (601) 226-9234

EXHIBIT "B"
(3-pages-conv)

September 12, 2002

David Kelly
6208 Hwy 305
Olive Branch, MS 38654

RE: New "Day Care" Building (McMillan) -- Morrell Cove
Olive Branch, MS

PROPOSAL/CONTRACT

We propose to furnish material, labor, tools, equipment, supervision, contractor's insurance, and MS sales tax, building permit, sewer and water tap fees, foundation surveys, stamped drawings for City of Olive Branch Building Department, dumpster, temporary toilet, jobsite sign, to construct the following building on your lot on "Morrell Cove":

Metal Building: One (1) 62'x90'x10'8" pre-engineered metal building with a 6:12 roof pitch. Roof is sheeted with pre-finished metal panels and insulated with 3" metal building insulation with "WMPVR" facing. All walls are open for metal studs and brick veneer. Also included is a drive-through canopy on front of building.

Site Work: Includes grading and shaping lot to drain properly and to prepare the front area for asphalt paving.

Concrete Work: Includes 4" building slab and foundations and 25'x26' pad at drive-through, and pads at exit doors. Entrance with radius curbs.

Plumbing: All fixtures, piping, vents, etc. with sewer and water tapped to City. All fixtures supplied by "Delta Steel Buildings, Inc." including three-compartment kitchen sink, drinking fountains, floor drains, etc. We install owner's "bubbler" on back wall at playground.

Electrical: All wiring, conduit, fixtures, lamps, receptacles, switches, vent fans in restrooms, main entrance panel, underground service. Includes an electric stove outlet in case of future stove. Includes hook-ups to mechanical equipment and lights on exterior walls of building. Outlets for washer, dryer, and phone stubs.

Heat/Air Conditioning: (15) tons of central heat and air conditioning, complete with registers, grills, return air, thermostats, etc. (Includes smoke detectors in ducts)

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Sprinkler System: Includes a "wet-pipe" sprinkler system with post indicator valve, fire dept. connection on building. There is an allowance of \$2,500 for tapping city main.

Interior Finishes: Includes all metal studs, painted sheetrock, suspended acoustical ceiling with 6" insulation over top, vinyl composition tile floors with rubber base, hollow core birch doors (some with 1/2 glass), hardware. Kitchen cabinets are included, as well as vanity tops at some locations. Handicap grab rails in one H/C restroom. All exterior stud walls receive 1/2" exterior grade gyp board with brick ties ready to receive brick veneer. Includes exterior metal doors.

Glass Work: Includes 3070 glass entry door with sidelites, and ten (10) 3'x5' fixed glass windows with bronze insulated glass. Includes small window in office at entry hall, and one fixed glass window in "infants" wall.

Brick: Brick veneer all around building. There is an allowance of \$260.00 per thousand for purchase of brick, delivered to jobsite.

Paving: Includes asphalt paving on front of lot as indicated on drawings. Also includes necessary curbs for planting islands, and at entrance drive. Allowance of 13,000 sq. ft. of paving.

Notes:

- 1) No landscaping
- 2) No security system or fire alarm system
- 3) No fire extinguisher

Terms: \$10,000.00 deposit, monthly progress billings.

Progress Payments:

- A. Provided that an Application for Payment is received by the owner not later than the twenty-fifth (25th) day of a month, the Owner shall make payment to the Contractor not later than the Fifteenth (15th) day of the next month. If an Application for Payment is received by the owner after the application date fixed above, payment shall be made by the owner not later than 20 days after the owner receives the Application for Payment.
- B. The amount of each progress payment shall be subject to a ten percent (10%) retainage to be deducted by the owner.

Final Payment: The final payment, constituting the unpaid balance of the cost of the work and the final contractor's fee, shall be paid by the owner to the contractor when the work has been completed and the contract fully performed and a use and occupancy permit issued by the City of Olive Branch.

The work to be performed under this contract shall commence immediately upon execution of this contract. The contractor shall use his best efforts to complete said work of improvement within a reasonable amount of time and it is understood by the parties that weather conditions and circumstances beyond the control of the contractor may hinder his work. However, contractor shall achieve substantial completion of the entire work no later than January 15, 2003 and no extension will be allowed beyond February 1,

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2003 subject to weather conditions beyond the contractor's control. The contractor understands that he has been selected to perform this contract based on his promises to complete this work by the date listed above and that the owner is under time pressure due to other contractual relationships and must have the work completed as described above.

If the building is not completed in accordance with the drawings provided by Delta Steel which are attached hereto as Exhibit "A" by February 1, 2003, then a penalty of \$166.67 per day will be imposed on the contractor every day until the building is completed.

Total price for above described: \$318,750.00

PROPOSED BY:

Henry Smith

ACCEPTED: DELTA STEEL BUILDINGS, INC.

ACCEPTED:

Oliver Branch Properties, LLC

BY:

Henry Smith

BY:

[Signature]

TITLE:

President

TITLE:

Pres.

DATE:

10/16/02

DATE:

10/21/02

Delta Steel Buildings, Inc.

P.O. Box 267
Grenada, MS 38902-0267

662-226-0662

INVOICE

Project:
David Kelly (Daycare)

Bill to:

David Kelly
6208 Hwy. 305
Olive Branch, MS 38654

Invoice number: 413
Invoice date: 4/23/03
Terms:

BK0011PG0448

Our JobId: 676	Application number: 6	Period: 4/9/03 - 4/23/03	Your order number:
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1. ORIGINAL CONTRACT SUM	318,750.00
2. Net change by Change Orders	6,800.00
3. CONTRACT SUM TO DATE	325,550.00
4. TOTAL COMPLETED & STORED TO DATE	325,550.00
5. RETAINAGE:	
a. 0.0 % of Completed Work	0.00
b. 0.0 % of Stored Material	0.00
Total Retainage	0.00
6. TOTAL EARNED LESS RETAINAGE	325,550.00
7. PREVIOUS CERTIFICATES	318,150.00
8. CURRENT PAYMENT DUE	7,400.00
9. BALANCE TO FINISH, PLUS RETAINAGE	0.00
Unpaid previous applications:	30,650.00
Total amount due:	38,050.00

Change Order Summary			Additions	Deductions
<i>Previous billing periods:</i>			0.00	2,000.00
Approved this billing period:				
2	4/9/03	Install exterior shutters	900.00	
3	4/9/03	12' gate & concrete pad	500.00	
4	4/10/03	Fire Alarm System	7,400.00	
Net change by Change Orders:			6,800.00	

INVOICE

Delta Steel Buildings, Inc.

P.O. Box 267
 Canada, MS 38902-0267

662-226-0662

Project:
 David Kelly (Daycare)

Bill to:

David Kelly
 6208 Hwy. 305
 Olive Branch, MS 38654

Invoice number: 405
Invoice date: 4/9/03
Terms:

Our JobId: 676	Application number: 5	Period: 3/12/03 - 4/9/03	Your order number:
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1. ORIGINAL CONTRACT SUM	318,750.00
2. Net change by Change Orders	-600.00
3. CONTRACT SUM TO DATE	318,150.00
4. TOTAL COMPLETED & STORED TO DATE	318,150.00
5. RETAINAGE:	
a. 0.0 % of Completed Work	0.00
b. 0.0 % of Stored Material	0.00
Total Retainage	0.00
6. TOTAL EARNED LESS RETAINAGE	318,150.00
7. PREVIOUS CERTIFICATES	293,860.00
8. CURRENT PAYMENT DUE	24,290.00
9. BALANCE TO FINISH, PLUS RETAINAGE	0.00

Unpaid previous applications: 6,360.00
Total amount due: 30,650.00

Change Order Summary			Additions	Deductions
<i>Previous billing periods:</i>			0.00	2,000.00
Approved this billing period:				
2	4/9/03	Install exterior shutters	900.00	
3	4/9/03	12' gate & concrete pad	500.00	
Net change by Change Orders:			-600.00	

CHANGE ORDER

Distribution:

OWNER
ARCHITECT
CONTRACTOR

FIELD
OTHER

Project:

David Kelly (Daycare)

Change order number: 4

Date: 4/10/03

Architect's project no.:

Contract date:

Contractor's JobId: 676

Contract for:

To contractor:

Delta Steel Buildings, Inc.
P.O. Box 267
Grenada, MS 38902-0267

BK0011PG0450

The contract is changed as follows:

Plus Fire Alarm System \$7,400.00

The original Contract Sum was	\$	318,750.00
Net changes by previously authorized Change Orders	\$	-600.00
The Contract Sum prior to this Change Order was	\$	318,150.00
The Contract Sum will be <u>increased</u> by this Change Order in the amount of	\$	7,400.00
The new Contract Sum including this Change Order will be	\$	325,550.00
The Contract Time will be <u>unchanged</u> by <u>0</u> days.		
The date of Substantial Completion as of the date of this Change Order therefore is <u>unchanged</u>		

Architect	Contractor	Owner
	Delta Steel Buildings, Inc. P.O. Box 267 Grenada, MS 38902-0267 662-226-0662	David Kelly 6208 Hwy. 305 Olive Branch, MS 38654
By: _____	By: <u>[Signature]</u>	By: <u>[Signature]</u>
Date: _____	Date: <u>4/10/03</u>	Date: <u>4/10/03</u>

THIS INSTRUMENT WAS PREPARED BY:

Delta Steel Buildings, Inc.
11728 Hwy. 51 North
Grenada, MS 38901
662-226-0662

INDEXING INSTRUCTION:

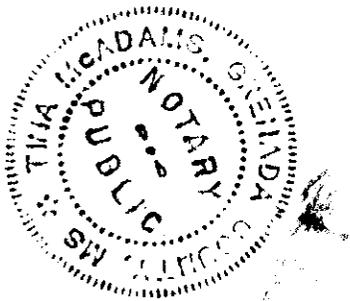
The real property herein described is located in (mark and complete applicable section):

_____ Lot 4 of Morell Subdivision, Plat Book 67, Page 43 of Section 19, Township 1 South, Range 6 West,
Olive Branch, DeSoto County, Mississippi.

**STATE OF MISSISSIPPI
COUNTY OF DESOTO**

This day personally appeared before me, the undersigned authority in and for said County and State, the within named HARRY G. GUCKERT, OWNER, DELTA STEEL BUILDINGS, INC., who acknowledged signing and delivering the above and foregoing Notice of Construction Lien on the day and date therein mentioned as a free and voluntary act and deed and for the purposes therein expressed.

GIVEN under my hand and official seal of office this 24th day of April, 2003.



Tina McAdams
Notary Public

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 9, 2006

**Prepared by:
Delta Steel Buildings, Inc.
11728 Hwy. 51 North
Grenada, MS 38901
662-226-0662**