

Return to:
LTIC-PBG
442 792

STATE MS.-DE SOTO CO.
FILED

JUN 8 3 57 PM '01

PBK 90 PG 209

BK. 90 209
PK.

Return recorded document to:
J. Marshall Martin
Foltz Martin, LLC
Five Piedmont Center, Suite 750
Atlanta, Georgia 30305
404 231 9397

MEMORANDUM OF CO-TENANCY AGREEMENT

THIS MEMORANDUM OF CO-TENANCY AGREEMENT is made and entered into as of this 24th day of MAY, 2001 by and among between CC DESOTO CLINIC, LLC ("Company"), JAMES C. HIGHSMITH, JR AND KATHRYN H. HIGHSMITH ("Highsmith"), PAHL DAVIS AND SHANNON DAVIS ("Davis") AND WATSON P. REA ("Rea").

WITNESSETH:

WHEREAS, by Deed from Campbell Clinic, P.C., dated June 4, 2001 herewith and recorded in the public records of DeSoto County, Mississippi, the Company acquired a forty-three and thirty hundredths percent (43.30%) undivided interest, Highsmith acquired a twenty-two and eighty hundredths percent (22.80%) undivided interest, Davis acquired a seventeen and six hundredths percent (17.06%) undivided interest and Rea acquired a sixteen and eighty-four hundredths percent (16.84%) undivided interest in certain real property in DeSoto County, Mississippi, which real property is more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Property");

WHEREAS, Company and Highsmith, Davis and Rea have executed a Co-Tenancy Agreement dated May 24th, 2001 (the "Co-Tenancy Agreement") to set forth their agreement regarding to the allocation of responsibilities of ownership, duties, and the sharing of revenues derived from, the Property; and

WHEREAS, the parties desire to place notice of the Co-Tenancy Agreement in the public records of DeSoto County, Mississippi.

NOW, THEREFORE, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

The parties have executed the Co-Tenancy Agreement and it governs their rights and duties with respect to the Property and all persons dealing with the Property are hereby placed on notice of such Co-Tenancy Agreement and directed to obtain a copy thereof prior to dealing with the Property or the Co-tenants.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Co-Tenancy Agreement this ___ day of _____, 2001.

“COMPANY”

CC DESOTO CLINIC, LLC

By: Alan W. McKinney

Its: Chief Manager

(COMPANY SEAL)

STATE OF Georgia
COUNTY OF Fulton

PERSONALLY appeared before me, the undersigned authority in and for the said County and State, on this 24th day of May, 2001, within my jurisdiction, the within named Alan W. McKinney, who acknowledged to me that he is Chief Manager of CC DeSoto Clinic, LLC, a Tennessee limited liability company, and for and on behalf of said corporation and as its act and deed, he executed and delivered the above and foregoing instrument of writing after first having been duly authorized by said corporation so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE.

Darrie L. Kidwell
NOTARY PUBLIC

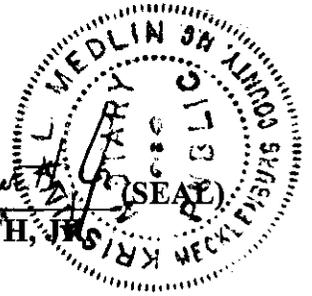
My commission expires: 3/5/2005



PBK 90 PG 211

"HIGHSMITH"

James L Highsmith, Jr
JAMES L HIGHSMITH, JR



County Mecklenburg
STATE OF North Carolina
COUNTY OF Mecklenburg

Personally appeared, before me, the undersigned authority in and for the said county and state, on this 29th day of May, 2001, within my jurisdiction, the within named James L. Highsmith, Jr, who acknowledged that (he)(she)(they) executed the above and foregoing instrument.

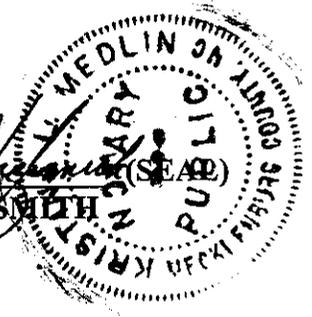
Kristina L Medlin

(NOTARY PUBLIC)

My Commission expires:

Kristina L. Medlin, Notary Public
Mecklenburg County, North Carolina
My Commission Expires 3/7/2006

Kathryn H Highsmith
KATHRYN H. HIGHSMITH



STATE OF North Carolina
COUNTY OF Mecklenburg

Personally appeared, before me, the undersigned authority in and for the said county and state, on this 29th day of May, 2001, within my jurisdiction, the within named Kathryn H. Highsmith, who acknowledged that (he)(she)(they) executed the above and foregoing instrument.

Kristina L Medlin

(NOTARY PUBLIC)

My Commission expires:

Kristina L. Medlin, Notary Public
Mecklenburg County, North Carolina
My Commission Expires 3/7/2006

"DAVIS"

[Signature] (SEAL)
PAHL DAVIS

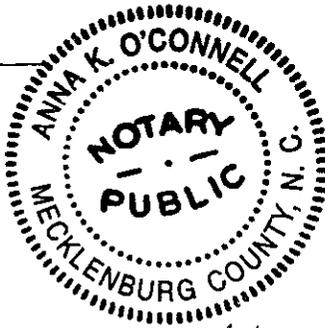
STATE OF N. CAROLINA
COUNTY OF MECKLENBURG

Personally appeared, before me, the undersigned authority in and for the said county and state, on this 24th day of MAY 20 01, within my jurisdiction, the within named Pahl Davis, who acknowledged that (he)(she)(they) executed the above and foregoing instrument.

[Signature]

(NOTARY PUBLIC)

My Commission expires: 01/03/05



[Signature] (SEAL)
SHANNON DAVIS

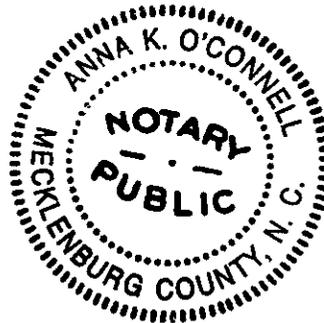
STATE OF N. CAROLINA
COUNTY OF MECKLENBURG

Personally appeared, before me, the undersigned authority in and for the said county and state, on this 24th day of MAY 20 01, within my jurisdiction, the within named Shannon Davis, who acknowledged that (he)(she)(they) executed the above and foregoing instrument.

[Signature]

(NOTARY PUBLIC)

My Commission expires: 01/03/05



"REA"

Watson P. Rea (SEAL)
WATSON P. REA

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

Personally appeared, before me, the undersigned authority in and for the said county and state, on this 23rd day of May 2001, within my jurisdiction, the within named Watson P. Rea, who acknowledged that (he)(she)(they) executed the above and foregoing instrument.

Scott McCutcheon
SCOTT MCCUTCHEON
(NOTARY PUBLIC)

My Commission expires: 6-30-01



EXHIBIT "A"

Legal Description

Legal description of 2.83, more or less, acres of land being known as Lot 20, DeSoto-Tenway Subdivision (Plat Book 72, Page 46) and being located in the Southeast quarter of the Northeast quarter of Section 25, Township 1 South, Range 8 West, City of Southaven, DeSoto County, Mississippi:

Beginning at an iron pin (set), said pin being South 2627.19 feet and West 53.00 feet from the Northeast corner of Section 25, Township 1 South, Range 8 West;

Thence South 88 degrees 41 minutes 58 seconds West 375.00 feet to an iron pin (set) on a 25-foot offset East;

Thence continue South 88 degrees 41 minutes 58 seconds West 25.00 feet to a point (total distance 400.00 feet);

Thence North 01 degrees 16 minutes 34 seconds West 308.60 feet to an iron pin (found) in the South right-of-way line of Tenway Drive;

Thence North 88 degrees 43 minutes 19 seconds East 370.02 feet along said right-of-way to an iron pin (set);

Thence along a curve to the right having a radius of 30.00 feet and a delta angle of 90 degrees 27 minutes 10 seconds and a chord bearing of South 46 degrees 23 minutes 02 seconds East and a chord distance of 42.59 feet to an iron pin (set) in the West right-of-way line of Airways Boulevard;

Thence South 01 degrees 14 minutes 08 seconds East 278.38 feet along said right-of-way to the Point of Beginning containing 2.83, more or less, acres (123,249.5338, more or less, square feet) being subject to all codes, regulations, revision, restrictions, easements and rights-of-way of record.