

THIS INSTRUMENT IS BEING RE-RECORDED TO ADD REPLACEMENT SCHEDULE "1", WHICH CONTAINS REVISED LEGAL DESCRIPTIONS REFERENCING THE CORRECT RANGE, WHICH IS RANGE 5 WEST.

BOOK **0096** PAGE **0161** STATE MS. - DESOTO CO.

This Instrument Prepared by: *1-615-244-2582* FILED
Boult, Cummings, Connors & Berry, PLC (JEH)
414 Union Street, Suite 1600
Nashville, TN 37219
NA
Site Name: Olive Branch South

OCT 17 4 15 PM '02

P BK 95 PG 255

STATE MS. - DESOTO CO.
FILED
PS AUG 12 2 01 PM '02

P BK 96 PG 161
W.E. DAVIS CH. CLK.

BK 95 PG 255
W.E. DAVIS CH. CLK.

FIRST AMENDMENT TO OPTION AND LEASE AGREEMENT

This First Amendment to Option and Lease Agreement ("Amendment") is entered into as of the 16 day of July, 2002, by and between **Randall C. Tennial** and **Ardelia Tennial** (collectively, the "LESSOR") and BellSouth Mobility LLC, a Georgia limited liability company doing business as **Cingular Wireless**, successor in interest to BellSouth Mobility Inc. ("TENANT").

WHEREAS, LESSOR and TENANT entered into that certain Option and Lease Agreement dated March 29, 2000 (the "Lease") and related Memorandum of Lease recorded in Book 92, page 66, DeSoto County, Mississippi Clerk's Office (the "Memorandum") to lease a portion of LESSOR'S property described in Deed Book 360, Page 547, said Register's Office (the "Leased Premises"); and

WHEREAS, the parties desire that the twenty foot (20') wide right-of-way granted in the Lease be modified to be a forty foot (40') wide access and utility easement as set forth herein; and

WHEREAS, LESSOR agrees to grant TENANT an additional twenty foot (20') wide easement and a fall radius easement, each as set forth herein.

NOW THEREFORE, in consideration of the foregoing premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby confirm and amend the Lease and Memorandum as follows:

1. The existing twenty foot (20') wide right-of-way is hereby increased to be a forty foot (40') wide access and utility easement more fully described on **Schedule 1** as the "BellSouth Mobility LLC's 40' Wide Joint Ingress/Egress and Public Utility Right of Way."

2. LESSOR hereby grants TENANT an easement for the purpose of providing, permitting, and defining a tower fall radius easement as required by any governmental or permitting authority extending two hundred ten feet (210') in all directions from the Communications Facility, more fully described on **Schedule 1** as the "BellSouth Mobility LLC's Fall Zone Easement Area." TENANT agrees to use said easement for no other purpose than those herein stated. In connection with the tower fall radius easement, LESSOR grants TENANT the following rights:

(a) Twenty-four (24) hour, seven (7) day a week ingress and egress, except as prevented by force majeure or other events beyond LESSOR's control; and

(b) The right to clear all trees, undergrowth, or other obstructions and to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs which may interfere with or fall upon the Communications Facility.

3. LESSOR hereby grants TENANT a twenty foot (20') wide overhead electric and utility easement for the installation and maintenance of utility wires, cables, and conduits over, under or along said easement more fully described on Schedule 1 as the "BellSouth Mobility LLC's 20' Wide Overhead Electric and Public Utility Easement."

4. The Lease and Memorandum are hereby amended to provide that the sale of all or any part of the real property of Lessor contiguous to, surrounding, or in the vicinity of the Property described in Schedule "1" shall be subject to this Lease. Lessee has the right of first refusal to purchase the Property described in Schedule "1", or any part thereof, pursuant to the terms set forth herein.

5. The parties agree that the Lease and Memorandum are hereby amended to (i) modify the right-of-way/easement as herein provided; (ii) grant TENANT a fall radius easement as herein provided; (iii) grant TENANT an overhead electric and utility easement as herein provided; (iv) add the provisions set forth in Section 4 of this Amendment; and (v) substitute Schedule 1 attached hereto for Exhibit B on the Lease and Exhibit A on the Memorandum.

6. Lease. Except as herein expressly modified and amended, the Lease shall remain in full force and effect pursuant to each and every one of its terms and conditions. Except as otherwise defined herein, capitalized terms herein shall have the meaning attributed to them in the Lease.

7. This Amendment shall be governed, construed, and enforced under and by the laws of the State of Mississippi.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the undersigned have executed this Amendment on the 25 day of June, 2002.

LESSOR:

Randal C Tennial
Randall C. Tennial

Ardelia Tennial
Ardelia Tennial

TENANT: BellSouth Mobility LLC, a Georgia limited liability company, doing business as Cingular Wireless, successor in interest to BellSouth Mobility Inc.

By: James M. Brege
Title: **James M. Brege**
Director-SER

SCHEDULE 1

As-Built Survey of BellSouth Mobility LLC cell tower site identified as "Olive Branch South Cell Site B.U.# 801147 MEM-OBS 640-238" dated March 27, 2002 last revised May 13, 2002, prepared by Sharondale Surveying Inc., attached hereto and incorporated herein. The several pages of the As-Built Survey are collectively identified as "Schedule 1" in the foregoing First Amendment To Option And Lease Agreement.

[Handwritten signature]
R.C.
A.T.

OLIVE BRANCH SOUTH, MS BOOK 0096 PAGE 0186
BELLSOUTH MOBILITY LLC'S TOWER SITE LEASEHOLD AREA
DESCRIPTION

Commencing at a buggy axle at the southeast corner of Section 20, Township 2 South, Range 4 West, said buggy axle also being at the southeast corner of the property conveyed to Randall C. Tennial and Ardelia Tennial, of record in Deed Book 360, Page 547, of the Chancery Court Clerk's Office of DeSoto County, Mississippi;

R
K.C.T
A.T

Thence, with the east margin of said Section 20, North 2° 45' 59" East, 391.96 feet to a point;

Thence, leaving the east margin of said Section 20, North 87° 14' 01" West, 158.76 feet to at an iron pin at the southeast corner of BellSouth Mobility LLC's tower site leasehold area located at Mississippi State Plane (NAD 83 West) Grid Coordinate North 1,961,654.936, East 2,473,852.69, said iron pin being the point of beginning of the following described tower site leasehold area:

Thence, North 88° 40' 07" West, 100.00 feet to an iron pin at the southwest corner of BellSouth Mobility LLC's tower site leasehold area;

Thence, North 1° 19' 53" East, 100.00 feet to an iron pin at the northwest corner of BellSouth Mobility LLC's tower site leasehold area;

Thence, South 88° 40' 07" East, 100.00 feet to an iron pin at the northeast corner of BellSouth Mobility LLC's tower site leasehold area;

Thence, South 1° 19' 53" West, 100.00 feet to the point of beginning, containing 10,000 square feet, (0.23 acres).

Being a portion of the property conveyed to Randall C. Tennial and Ardelia Tennial, of record in Deed Book 360, Page 547, of the Chancery Court Clerk's Office of DeSoto County, Mississippi.

OLIVE BRANCH SOUTH, MS
BELLSOUTH MOBILITY LLC'S 40' WIDE JOINT INGRESS/EGRESS &
PUBLIC UTILITY RIGHT OF WAY DESCRIPTION

Being a forty foot wide ingress / egress and public utility right of way extending from the south margin of Herbert Road to the north margin of BellSouth Mobility LLC's tower site leasehold area, at all times being twenty feet wide each side and parallel to the following described centerline:

*RT
A.T*

Beginning at an iron pin in the south margin of Herbert Road located at Mississippi State Plane (NAD 83 West) Grid Coordinate North 1,961,916.21, East 2,473,777.98, said iron pin being North 25° 31' 37" West, 178.75 feet from an iron pin at the northeast corner of BellSouth Mobility LLC's tower site leasehold area;

Thence, leaving the south margin of Herbert Road, South 19° 49' 37" East, 85.21 feet to an iron pin;

Thence, South 01° 19' 53" West, 80.00 feet to an iron pin in the north margin of BellSouth Mobility LLC's tower site leasehold area, said pin being North 88° 40' 07" West, 50.00 feet from an iron pin at the northeast corner of BellSouth Mobility LLC's tower site leasehold area, containing 6,608 square feet, (0.152 acres).

Being a portion of the property conveyed to Randall C. Tennial and Ardelia Tennial, of record in Deed Book 360, Page 547, of the Chancery Court Clerk's Office of DeSoto County, Mississippi.

OLIVE BRANCH SOUTH, MS BOOK 0096 PAGE 0168
BELLSOUTH MOBILITY LLC'S 20' WIDE OVERHEAD ELECTRIC &
PUBLIC UTILITY EASEMENT DESCRIPTION

Being a twenty foot wide overhead electric & public utility easement extending from the east margin of the Randall C. Tennial and Ardelia Tennial property to BellSouth Mobility LLC's tower site leasehold area, at all times being ten feet wide each side and parallel to the following described centerline:

RCT
A.T

Beginning at a point in the east margin of the Randall C. Tennial and Ardelia Tennial property located at Mississippi State Plane (NAD 83 West) Grid Coordinate North 1,961,597.00, East 2,474,008.83, said point being North 2° 45' 59" East, 341.62 feet from a buggy axle at the southeast corner of Section 20, Township 2 South, Range 4 West, said buggy axle also being at the southeast corner of the property conveyed to Randall C. Tennial and Ardelia Tennial, of record in Deed Book 360, Page 547, of the Chancery Court Clerk's Office of DeSoto County, Mississippi;

Thence, leaving Tennial's east margin, North 81° 26' 18" West, 153.43 feet to an existing North Central Electric Power power pole;

Thence, North 7° 10' 41" West, 35.38 feet to an iron pin at the southeast corner of BellSouth Mobility LLC's tower site leasehold area;

Thence, North 1° 19' 53" East, 100.00 feet to an iron pin at the northeast corner of BellSouth Mobility LLC's tower site leasehold area, containing 5,776 square feet, (0.133 acres).

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OLIVE BRANCH SOUTH, MS P BOOK 0096 PAGE 0169
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DESCRIPTION**

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RCT
AIT

Thence, with the east margin of said Section 20, North 2° 45' 50" East, 425.31 feet to a point;

Thence, leaving the east margin of said Section 20, North 87° 14' 01" West, 225.12 feet to the center of BellSouth Mobility LLC's tower located at Mississippi State Plane (NAD 83 West) Grid Coordinate North 1,961,691.45, East 2,473,788.02, said tower center being the point of beginning of the following described tower fall zone easement area:

Thence, extending from said tower center radially a distance of 210 feet, with a central angle of 360 degrees and a circumference of 1,319.47 feet, encompassing an area of 138,544 square feet, (3.181 acres).

Being a portion of the property conveyed to Randall C. Tennial and Ardelia Tennial, of record in Deed Book 360, Page 547, of the Chancery Court Clerk's Office of DeSoto County, Mississippi.

**OLIVE BRANCH SOUTH, MS
BELLSOUTH MOBILITY, LLC'S TOWER SITE LEASEHOLD AREA
DESCRIPTION**

Commencing at a buggy axle at the southeast corner of Section 20, Township 2 South, Range 5 West, said buggy axle also being at the southeast corner of the property conveyed to Randall C. Tennial and Ardelia Tennial, of record in Deed Book 360, Page 547, of the Chancery Court Clerk's Office of DeSoto County, Mississippi;

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SHARONDALE SURVEYING CO., INC. Land Surveying - GPS Services

2110 Blair Boulevard, Suite 100, Nashville, TN 37212
(615) 383-6300 Fax (615) 383-6341

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REPLACEMENT
Schedule "1"

to

First Amendment to Option and Lease
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BOOK 0096 PAGE 0174

OLIVE BRANCH SOUTH, MS
BELLSOUTH MOBILITY, LLC'S 20' WIDE OVERHEAD ELECTRIC &
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REPLACEMENT
Schedule "1"

to
First Amendmen to Option and Lease
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BOOK 0096 PAGE 0175

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