

Form No. 328
Service to Arby's

WA 49000 Desoto County, Mississippi
Tax area 62321 WR 13071 FCA 360.2

RIGHT OF WAY INSTRUMENT

In consideration of \$ 1.00 cash, and other valuable considerations, receipt of all of which is hereby acknowledged, I/we (acting personally and for and on behalf of our heirs, successors, and assigns and any other person claiming or to claim the property hereinafter described, called collectively "Grantors") do hereby grant, convey and warrant unto MISSISSIPPI POWER & LIGHT COMPANY, its successors and assigns (herein called "Grantee"), a right of way and easement 10 feet in width for the location construction, reconstruction, operation, maintenance, and removal of electric power and/or communications lines and circuits, including poles, towers, cross arms, insulators, wire, cables, hardware, transformers, switches, guy wires, anchors and all other equipment, structures, material and appliances, now or hereafter used, useful or desired in connection therewith, over, across, under, and on that land in the County of Desoto, Mississippi, described as follows, to-wit:

A certain parcel of land lying and being situated in the SW/4 of the SW/4 quarter of Section 25 Township 1 South, Range 8 West, Desoto County, Mississippi, as shown on Exhibit "A" attached hereto and made a part hereof.

together with the right of ingress and egress to and from said right of way across the adjoining land of the Grantors, the passage of vehicles and equipment upon said right of way and the right to install and maintain guy wires and anchors beyond the limits of said right of way.

Grantee shall have the full right, without further compensation, to clear and keep clear said right of way, including the right to cut down, condition, treat or otherwise remove all trees, timber, undergrowth, and other obstruction. Grantee shall have the further right to cut down from time to time all trees that are tall enough to strike the wires in falling, where located beyond the limits of said right of way, (called "danger trees"). Payment for the first cutting of danger trees is included in the above consideration. Grantee shall pay to Grantor, or his successor in title, the reasonable market value of danger trees cut thereafter.

Grantors covenant that they will not construct or permit the construction of any house, barn, well, or other structure or hazard on said right of way.

Unless otherwise herein specifically provided, the center line of the electric power line initially constructed on this right of way shall be the center line of said right of way.

Should Grantee, or its successors, remove its facilities from said land and abandon said right of way, the rights herein created in Grantee shall terminate, but with the right to remove therefrom all of Grantee's property thereon.

It is understood that Grantor's shall have, at all times the right to use said right of way for any lawful purpose provided it does not interfere with the rights herein created in Grantee, and that Grantee will not enclose said right of way, and Grantor will use the best efforts to protect Grantee's property on said right of way.

WITNESS my/our signature, this the 28th day of September, 1994
Edward J. Daniels, II
STATE OF MISSISSIPPI DESOTO CO.
EDWARD J. DANIELS, II FEB 21 12 18 PM '95

STATE OF MISSISSIPPI Florida
COUNTY OF Broward

BK 281 PG 776
W.E. DAVIS CH. CLK.
by B. Cleveland &

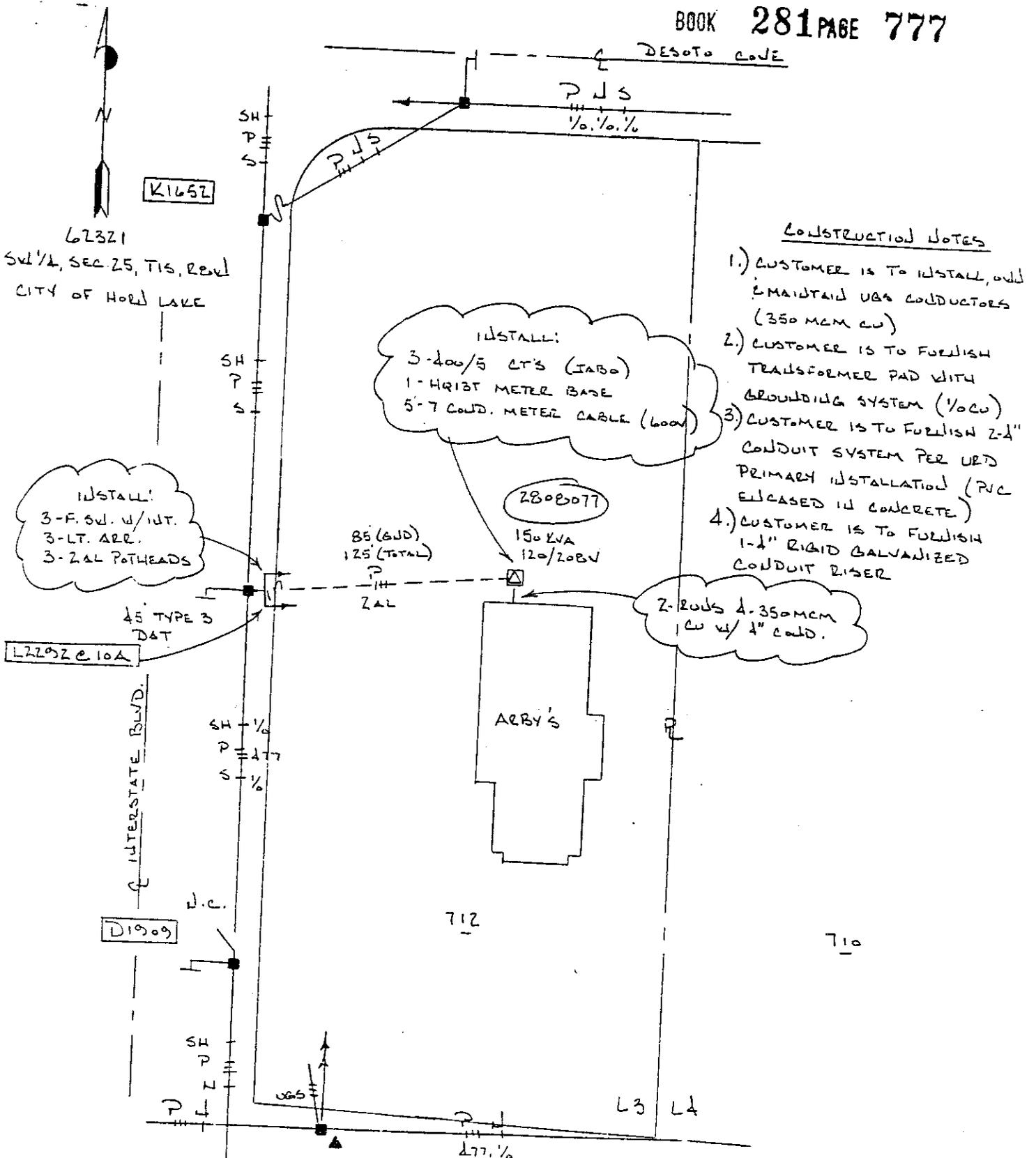
Personally appeared before me, the undersigned authority in and for the above jurisdiction, the within named

Edward J. Daniels, II - V.P. and _____ husband and _____ wife, who acknowledged that he signed and delivered the foregoing instrument on the day and date therein mentioned.

Given under my hand and official seal, this the 28th day of September, 1994
Kenny L. Holder
KENNETH L. HOLDER

This instrument prepared by: Glenn F. Nix
7411 Hwy 51 N.
Southaven, Mississippi 38671-5726
(601) 342-8650

KELLY L. HOLDER
Notary Public
State of Florida
My Comm. Expires 12/27/97
Comm. 00266200



- CONSTRUCTION NOTES
- 1.) CUSTOMER IS TO INSTALL, AND MAINTAIN UGS CONDUCTORS (350 MCM CU)
 - 2.) CUSTOMER IS TO FURNISH TRANSFORMER PAD WITH GROUNDING SYSTEM (1/0 CU)
 - 3.) CUSTOMER IS TO FURNISH 2-4" CONDUIT SYSTEM PER UTD PRIMARY INSTALLATION (PVC ENCASED IN CONCRETE)
 - 4.) CUSTOMER IS TO FURNISH 1-4" RIGID GALVANIZED CONDUIT RISER

NEAREST TOWN HOLD LAKE
 CATEGORY SR
 SITE CONDITIONS OK
 LOCATE # _____
 DATE LOC. AVAIL. _____

EXHIBIT "A"

WR 13071 TAX AREA 62321
 TITLE SERVICE TO ARBY'S @
712 DESOTO AVE
 DESIGNER G. NIX
 DATE 9-21-94 SCALE 1" = 40'