

Prepared by and return to:

BOOK 315 PAGE 247

TVA Tract No. FRM-63A

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STATE MS. - DESOTO CO. ¹⁰
FILED

APR 23 10 26 AM '97

BK 315 PG 247
W.E. DAVIS CH. CLK.

GRANT OF TRANSMISSION LINE EASEMENT

FOR AND IN CONSIDERATION of the sum of THREE THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$3,200.00), cash in hand paid, receipt whereof is hereby acknowledged, we, the undersigned,

~~WILLIAM W. PAYNE, JR., JOSEPH H. PAYNE, WOODROW PAYNE,
ALPHONSO PAYNE, CATHERINE PAYNE, MAVIS P. HOOKS,
SOLOMON PAYNE, and BRADY PAYNE~~

have this day bargained and sold, and by these presents do hereby grant, bargain, sell, transfer, and convey unto the UNITED STATES OF AMERICA a permanent easement and right-of-way for the following purposes, namely: the perpetual right to enter at any time and from time to time and to erect, maintain, repair, rebuild, operate, and patrol one line of poles or transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of brush, trees, buildings, and fire hazards; to destroy or otherwise dispose of such trees and brush; and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within 5 feet of any transmission line structure or conductor; all over, upon, across, and under the land described in Exhibit A hereto attached and by this reference hereby incorporated in and made a part of this instrument as fully as if here written.

The previous and last conveyances of this property are deeds of record in Deed Book 23, page 216, and Deed Book 134, page 179, in the office of the Chancery Court Clerk of Desoto County, Mississippi. Reference is also given to the death of Solomon Payne, grandfather of the grantors herein, who died intestate in 1972.

The Grantors covenant that the land described herein constitutes no part of their homestead.

TO HAVE AND TO HOLD the said easement and right-of-way to the UNITED STATES OF AMERICA and its assigns forever.

We covenant with the said UNITED STATES OF AMERICA that we are lawfully seized and possessed of said real estate, have a good and lawful right to convey the easement rights hereinabove described, that said property is free of all encumbrances, and that we will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

We agree that the payment of the purchase price above stated is accepted by us as full compensation for all damage caused by the exercise of any of the rights above described; except that the UNITED STATES OF AMERICA shall remain liable for any damage to growing crops and any direct physical damage caused to the property of the undersigned by its construction forces or by the construction forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said line.

We, for ourselves, our heirs, personal representatives, successors, and assigns, covenant with the UNITED STATES OF AMERICA that no buildings or fire hazards will be erected or maintained within the limits of the right-of-way, and agree that this shall be a real covenant which shall attach to and run with the land affected by the easement rights and shall be binding upon everyone who may hereafter come into ownership of said land, whether by purchase, devise, descent, or succession.

EXHIBIT A

FREEPORT - MILLER

William W. Payne et al

A permanent easement for transmission line purposes on, over, and across a parcel of land located in Section 9, Township 2 South, Range 8 West of DeSoto County, State of Mississippi, as shown on sheet 4 of US-TVA drawing LW-8034, Revision 2, the said parcel being more particularly described as follows:

Commencing at the southwest corner of Section 9, Township 2 South, Range 8 West and the southeast corner of Section 8, Township 2 South, Range 8 West, said section corner being the property corner common between the lands of William W. Payne et al and Gladys Louise Milton; thence N. 0° 55' 57" E., 260.73 feet along the west line of Section 9 and the east line of Section 8 to a point, said point being in the centerline of the location at survey station 348 + 01.40, said section line being the west fenced property line of the land of William W. Payne et al and the east fenced property line of the lands of Minnie Jane Bryant and Clarence S. Tate, said point being the point of beginning.

Thence from the point of beginning and with the said fenced property line and said section line N. 0° 55' 57" E., 393.46 feet to a point, said point being in the east right-of-way line of the said location; thence leaving said point and with the said right-of-way line S. 6° 22' 06" E., 661.29 feet to a point, said point being in the south fenced property line of the land of William W. Payne et al and in the north fenced property line of the land of Gladys Louise Milton, said fenced property line being the south section line of Section 9 and the north section line of Section 16; thence leaving said point and with the said fenced property line and said section line N. 87° 52' 52" W., 50.55 feet to a point, said point being in the centerline of the said location at survey station 350 + 65.00; thence continuing with the said fenced property line and said section line N. 87° 52' 52" W., 33.50 feet to said section corner and said property corner; thence leaving said point and with the said fenced property line common between the lands of William W. Payne et al, Minnie Jane Bryant, and Clarence S. Tate N. 0° 55' 57" E., 260.73 feet to the point of beginning and containing 0.6 acres, more or less.

The above described parcel of land is lying entirely in the southwest 1/4 of the southwest 1/4 of Section 9, Township 2 South, Range 8 West.

Furthermore, said permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structures located at survey stations 341 + 72.97 and 344 + 23.61.

01/15/97

date received 3/20/97