

LEIGH A. RUTHERFORD,  
2430 Caffey St., Suite B  
Hernando, MS 38632  
(h) 662-449-0422 (w) 662-449-0422

Grantor

to

D. BRIGGS SMITH, JR., and  
RICHARD T. PHILLIPS,  
103 Bates, Batesville, MS 38606  
(h) 662-563-4613 (w) 662-563-4613

Grantees

STATE MS.-DESOTO CO.  
FILED  
MAY 10 2 38 PM '00

BK 372 561  
W.F.

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I, Leigh A. Rutherford, do hereby grant, bargain, sell, convey and warrant to D. Briggs Smith, Jr. and Richard T. Phillips, as tenants in common, all my right, title and interest in and to the land lying and being situated in DeSoto County, Mississippi, described as follows:

Description of the Milam lot as part of Town of Hernando Lots 90, 92 and 107 and all of Lot 105 in Section 13, Township 3 South, Range 8 West, City of Hernando in DeSoto County, Mississippi. Beginning at the southeast corner of Town of Hernando lot 106 in Section 13, Township 3 South, Range 8 West; thence north 30.0 feet along the east line of said lot to the corner of the existing Milam building and the point of beginning of the following lot: thence northward 50.0 feet to the northeast corner of said existing building; thence west 123.8 feet along the north side of said building and the projection thereof to a point in the east line of Town Lot 89; thence south 80.0 feet along the east lines of Town lots 89 and 108, marked by fence post, to the southwest corner of Town Lot 107; thence east 14.6 feet along the south line of Town lot 107 to the southwest corner of the May lot; thence north 30.0 feet to the northwest corner of the May lot; thence east 110.0 feet along the south line of the Milam building and the north line of the May building to the point of beginning and as shown by the survey of J.F. Lauderdale, Engineer dated April 19, 1990, a copy being attached hereto and incorporated herein by reference.

And being the same land conveyed to Grantor by Warranty Deed of record in Deed Book 225 at page 300 of the deed records of DeSoto County, Mississippi.

INDEXING INSTRUCTION: The property conveyed herein is located in the northwest quarter of the southeast quarter of Section 13, Township 3 South, Range 8 West, DeSoto County, Mississippi.

It is expressly understood and warranted in this deed that the south wall of the building located on the above described property and the adjoining building located on the south of said wall and formerly known as the Law Offices of A. Cinclair May and now owned by Daniel L. Murphy and the north wall of the above described property and the adjoining building located north of said wall and currently known as the Wilroy Building shall be party walls and the boundary line on the north and south sides of said lot shall be considered a party wall for the Grantees, their heirs, assigns, transferees, executors, administrators and devisees.

The above described property is conveyed subject to the following restrictive covenant, limitation and restriction, which is to run with the land and which restriction is as follows:

The Grantees, their heirs, assigns and transferees, personal representatives or successors in title, shall not construct any permanent structure over, across or upon that part or portion of the above described lot which area subject to the aforesaid restrictive covenant is described as follows: Description of a parcel of Town Lot 107 in Section 13, Township 3 South; Range 8 West, City of Hernando in DeSoto County, Mississippi. Beginning at the southeast corner of Town of Hernando Lot 106 in Section 13; Township 3 South; Range 8 West; thence west 110 feet along the south line of Town Lots 106 and 107 to the point of beginning of the following parcel; thence west 14.6 feet to the southwest corner of Town Lot 107; thence north 30.0 feet along the west line of said Town lot 107 to a point; thence east 14.6 feet to the northwest corner of the May lot; thence south 30.0 feet to the point of beginning.

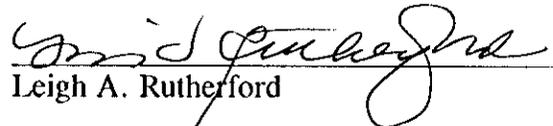
A part of the consideration of this conveyance is the assumption by the Grantees of indebtedness owed by Grantor to Mrs. Lorell M. Milam and secured by a Deed of Trust dated April 30, 1990, and recorded in Trust Deed Book 507 at page 55 of the trust deed records of DeSoto County, Mississippi.

The hereinabove described property is conveyed subject to road rights of way, public utility easements, zoning and subdivision regulations and health department regulations in effect in the City of Hernando, DeSoto County, Mississippi, and to a 0.4 foot encroachment at the northwest corner of the subject property as reflected on the survey of J.F. Lauderdale, Engineer.

This property does not comprise any part of the homestead property of the Grantor.

Taxes for the year 2000 will be paid by the Grantees. Possession is given with delivery of this deed.

WITNESS MY SIGNATURE, this the 24 day of May, 2000.

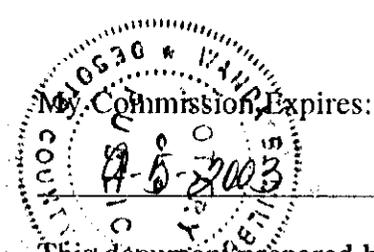
  
Leigh A. Rutherford

STATE OF MISSISSIPPI  
COUNTY OF DESOTO

This day personally came and appeared before me, the undersigned authority in and for the State and County aforesaid, the within named Leigh A. Rutherford, who acknowledged that she signed and delivered the above and foregoing Warranty Deed on the day and year therein mentioned as her free and voluntary act and deed and for the purposes therein mentioned.

This is the 9<sup>th</sup> day of May, 2000.

  
Notary Public



This document prepared by:  
Smith, Phillips, Mitchell, & Scott  
P.O. Box 346  
Hernando, MS 38632  
(662) 429-5041

