

**PERPETUAL EASEMENT AND LAND USE AGREEMENT**

THIS AGREEMENT, entered into this the 15<sup>th</sup> day of October, 2001, by and between STEPHEN W. JOE and HELEN Q. JOE, hereinafter referred to as "Joe" and BETTY L. HOLLOWELL, hereinafter referred to as "Hollowell", to-wit:

## WITNESSETH:

WHEREAS, the Joe's are the owners of Lot 133, Phase I, Section "C", The Plantation Subdivision, as per plat recorded in Plat Book 38, Page 36-37, Office of the Chancery Clerk of DeSoto County, Mississippi, and

WHEREAS, Hollowell is the owner of Lot 134, Phase I, Section "C", The Plantation Subdivision, as per plat recorded in Plat Book 38, Page 36-37, Office of the Chancery Clerk of DeSoto County, Mississippi.

WHEREAS, on May 7, 1996, the Joe's entered into an agreement with Mark T. Kinley and wife, Vanessa Kinley, acknowledging that an existing fence on Lot 134 encroached on the property of the Joe's along with a sprinkler system as shown on the attached survey of Robert G. Jones, dated February 9, 1996, and

WHEREAS, said area of encroachment is described in fence survey of Lots 133 and 134, The Plantation Subdivision, Phase I, Section "C" by Arthur Davis as attached hereto as Exhibit "A" and incorporated herein by reference.

WHEREAS, when the Kinley's sold subject property to Wayne D. Hollowell and Betty L. Hollowell, by deed recorded in Deed Book 316, page 639, Chancery Clerk's Office, DeSoto County, Mississippi, an assignment of the original aforesaid mentioned agreement was made to vest in the Hollowell's the same rights vested in the Kinley's, and

WHEREAS, Betty L. Hollowell is now selling to J. L. May and wife, Barbara B. May, and

NOW, THEREFORE, FOR AND IN CONSIDERATION of the sum of one dollar (\$1.00 in hand paid to the undersigned, and other good and valuable consideration, the receipt of which is hereby acknowledged, Stephen W. Joe and Helen Q. Joe, do grant and convey unto the owner

STATE MS. - DESOTO CO.  
FILED

OCT 30 2 53 PM '01

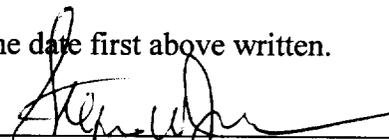
BK 402 PG 221  
W.A. [unclear] CLK.]

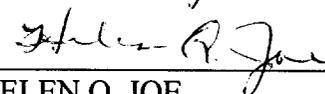
of record of Lot 134, Phase I, Section C, The Plantation Subdivision, as per plat recorded in Plat Book 38, Page 36-37, Office of the Chancery Clerk of DeSoto County, Mississippi, and unto her successor and assigns, a perpetual easement, for the purpose of situating, maintaining and servicing a fence and sprinkler irrigation system on a portion of Lot 133 as referenced hereinabove with said portion being more particularly described as follows:

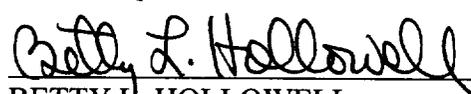
Beginning at the Southeast corner of said Lot 133, The Plantation Phase I Section "C" as recorded in Plat Book 38, Page 36-37; thence South 57°-04'-72" West along South property line of said lot a distance of 162.10 feet; thence South 55°-34'-52E a distance of 161.22 feet to a point of intersection on the East (rear) line of Lot 133; thence South 45°-29'-52" East along the East property line a distance of 4.30 feet to the point of beginning containing 340.17 square feet or \_\_\_\_\_ acres, more or less,

To have and to hold the above described easement and rights unto the said owner of record of Lot 134, Phase I, Section C, The Plantation Subdivision, as per Plat recorded in Plat Book 38, page 36-37, Office of the Chancery of DeSoto County, Mississippi, its successors and assigns, in perpetuity.

WITNESS THE SIGNATURE of the parties the date first above written.

  
STEPHEN W. JOE

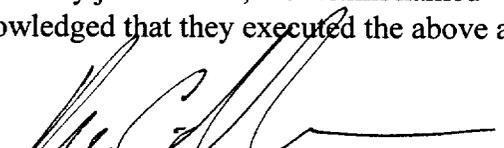
  
HELEN Q. JOE

  
BETTY L. HOLLOWELL

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 15<sup>th</sup> day of October, 2001, within my jurisdiction, the within named STEPHEN W. JOE and HELEN Q. JOE, who acknowledged that they executed the above and foregoing instrument.

  
NOTARY PUBLIC

My Commission Expires:

9-18-2004

STATE OF MISSISSIPPI

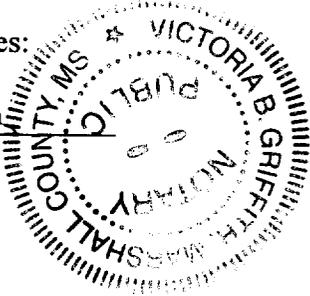
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 15<sup>th</sup> day of October, 2001, within my jurisdiction, the within named BETTY L. HOLLOWELL, who acknowledged that she executed the above and foregoing instrument.

*Victoria B. Griffith*  
NOTARY PUBLIC

My Commission Expires:

12-17-2002



This instrument was prepared by:

JAMES E. WOODS, MSB#7386  
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(662) 895-2996

*Return To:*

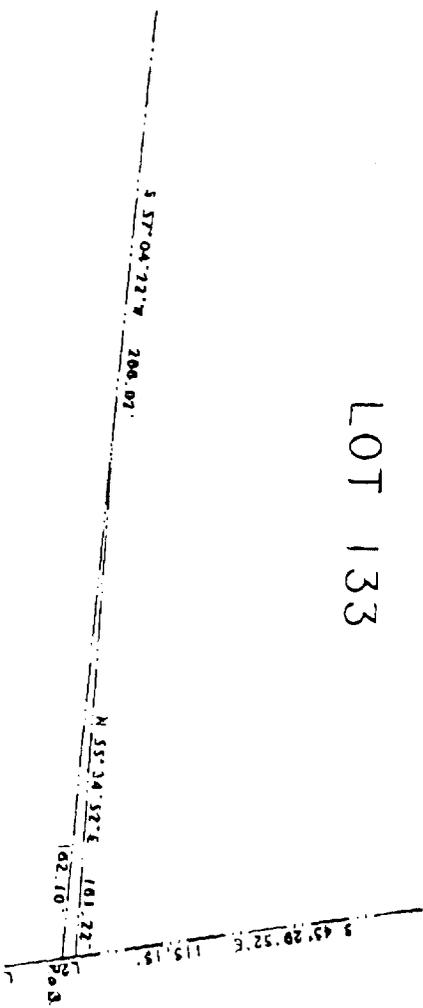
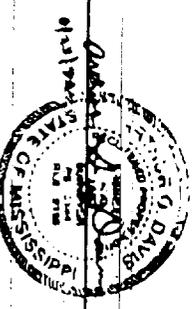
E. DALE JAMIESON,  
ATTORNEY AT LAW  
65 GERMANTOWN CT. - # 100  
CORDOVA, TN 38018  
(901) 756-6630

FENCE SURVEY OF LOTS 133 & 134  
of THE PLANTATION  
PHASE I SECTION C  
RECORDED IN PLAT BOOK 38 PAGES 36-37

LOT 133

LOT 134

PLANTATION AT THE SOUTHWEST CORNER OF LOT 133 OF THE PLANTATION PHASE I SECTION C AS RECORDED IN PLAT BOOK 38 PAGES 36-37 BEARING S81°04'22"W ALONG THE PROPERTY LINE OF SAID LOT A DISTANCE OF 162.10 FEET. THENCE S55°29'52"E A DISTANCE OF 161.87 FEET TO A POINT OF INTERSECTION ON THE EAST (SEAS) LINE OF LOT 133; THENCE S45°29'52"E ALONG THE EAST PROPERTY LINE A DISTANCE OF 4.30 FEET TO THE POINT OF BEGINNING, CORNERING 340.17 SQUARE FEET OR 0.008 ACRES, MORE OR LESS.



LINE	BEARING	DISTANCE
L 1	S 45°29'52"E	37.77'
L 2	S 45°29'52"E	4.30'

