

SEWER EASEMENT

FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00), in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we, David L. McCollum and Joni Lynn McCollum, hereinafter referred to as "Grantor", do hereby grant, bargain, sell and convey unto the City of Olive Branch, its successors and assigns, hereinafter referred to as "Grantee", the right, privilege and easement at any time and from time to time to construct, maintain, inspect, operate, protect, repair, replace, change the size of, or remove a pipeline, pipelines and other appurtenances for operation of the City Sewage System, within the confines of an area described in Exhibit 1, which is attached hereto and made a part hereof as if fully copied herein, together with reasonable access thereto.

TO HAVE AND TO HOLD said easement and reasonable access thereto unto said Grantee, its successors and assigns temporarily, where noted, and permanently, where noted in Exhibit 1.

It is agreed that the pipeline or pipelines to be laid under this grant shall be constructed at sufficient depth below the surface of the ground to permit normal cultivation, and Grantor shall have the right to fully use and enjoy the above described premises, subject to the rights herein granted.

As additional consideration it is agreed that Grantor shall be entitled to receive a waiver of one sewer tap on the property over which this Easement is granted.

Grantee shall have the right to clear and keep clear all trees, undergrowth and other obstructions from the herein granted easement, and Grantor agrees not to build, construct or create, nor permit others to build, construct or create any buildings or other structures on the herein granted easement that will interfere with the normal operation and maintenance of the said line or lines.

Grantor hereby expressly agrees that in the event the route of the pipeline to be constructed hereunder should cross any roads, railroads, creeks, rivers or other waterways located on the above described land or other places requiring extra working space, Grantee shall have the right and temporary access to additional working space which may be necessary for construction.

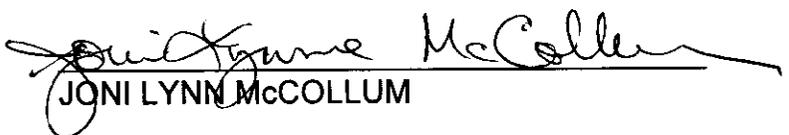
Grantor represents that the above described land is not rented at the present time.

The terms and conditions hereof shall be binding upon and inure to the benefit of the heirs, executors, administrators, devisees, successors, trustees or assigns of the parties hereto, and the rights herein granted may be assigned in whole or in part.

IN WITNESS WHEREOF the said Grantors have hereunto set their hand and seal, this 15 day of September, 2001.

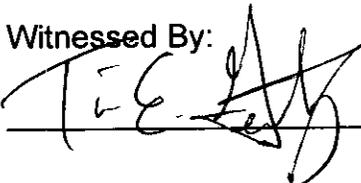


DAVID L. McCOLLUM



JONI LYNN McCOLLUM

Witnessed By:

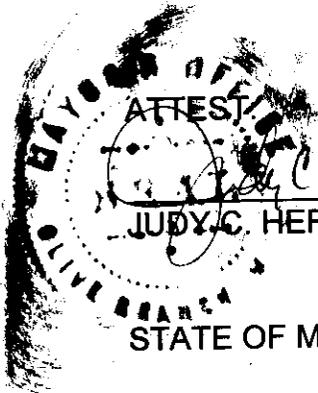


GRATINGS - BESOTO CO.
FILES

APR 26 4 17 PM '02

APPROVED AND ACCEPTED by the
City of Olive Branch

By: *Samuel P. Rikard*
SAMUEL P. RIKARD, MAYOR



Judy C. Herrington
JUDY C. HERRINGTON, CITY CLERK

STATE OF MISSISSIPPI

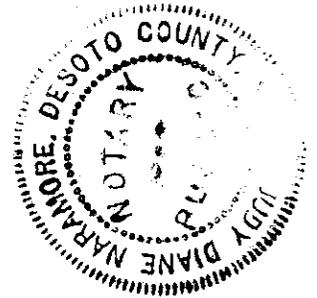
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this 1st day of October, 2001, within my jurisdiction, Wm E. Sentry, one of the subscribing witnesses to the above and foregoing instrument, who, being first duly sworn, states that he saw the within named David L. McCollum and Joni Lynn McCollum, whose names are subscribed thereto, sign and deliver the same to the City of Olive Branch; and that the affiant subscribed his name as witness thereto in the presence of same.

W E Sentry
Witness

Judy Diane Naramore
NOTARY PUBLIC

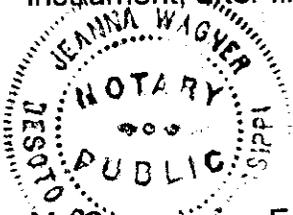
My Commission Expires:
MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 19, 2005
BONDED THRU STEGALL NOTARY SERVICE



STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state on this 15th day of April, 2002, within my jurisdiction, the within named Samuel P. Rikard and Judy C. Herrington, who acknowledged that they are the Mayor and City Clerk, respectively, of the City of Olive Branch, and that in said representative capacity they executed the above and foregoing instrument, after first having been duly authorized so to do.



Jeanna Wagner
NOTARY PUBLIC

My Commission Expires:
My Commission Expires May 20, 2003

PREPARED BY AND RETURN TO: Gary P. Snyder, Watkins Ludlam Winter & Stennis, P.A.,
P.O. Box 1456, Olive Branch, MS 38654, 662-895-2996.

**DAVID L. MCCOLLUM
& JONI LYNN MCCOLLUM
DEED BOOK 313, PAGE 395**

EXHIBIT 1

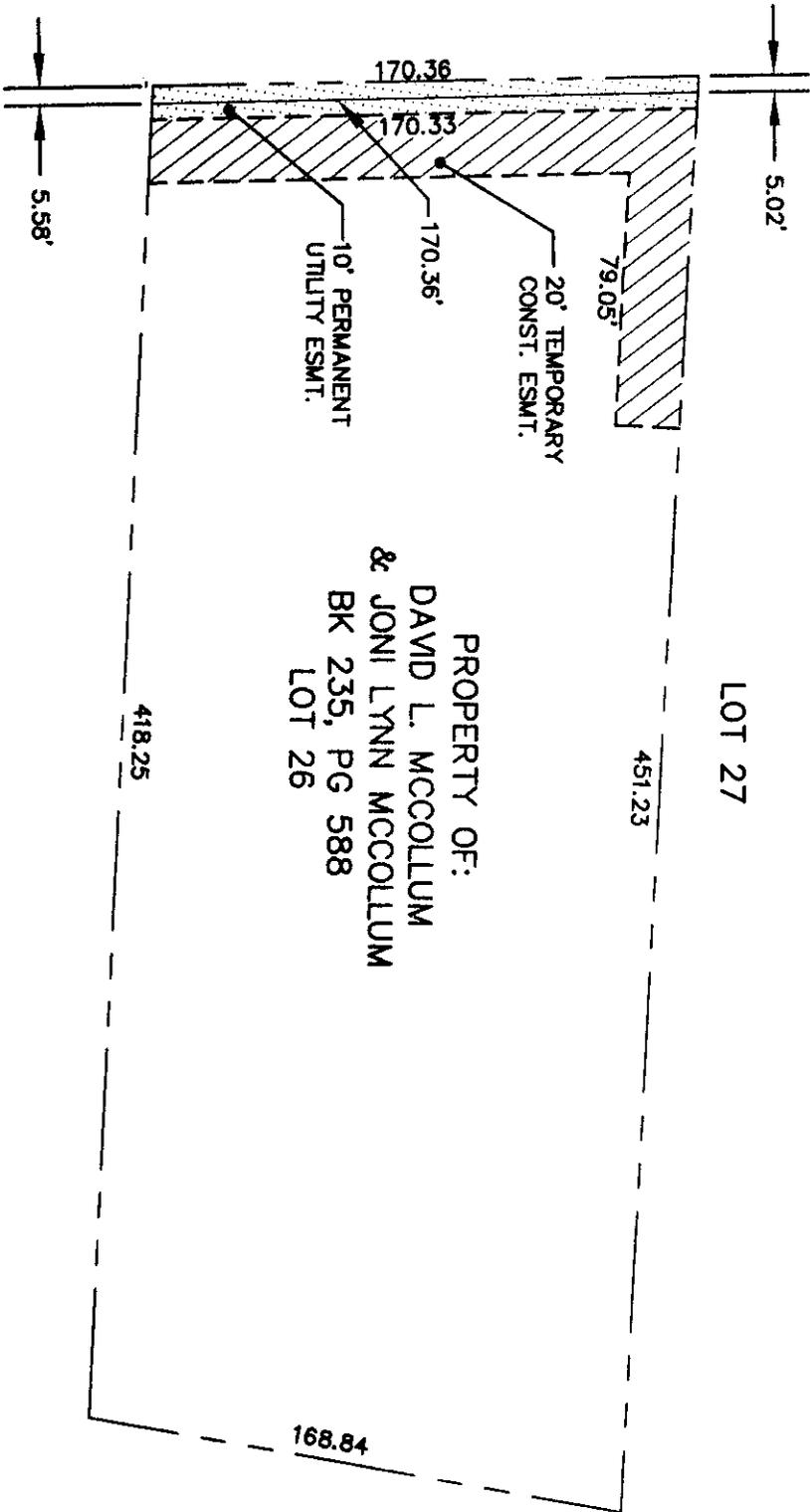
Being a portion of Lot 26, Section "B", Payne Flynn Subdivision, lying in Section 8, Township 2 South, Range 6 West, City of Olive Branch, Desoto County, Mississippi, as recorded in Plat Book 37, Pages 18-19, in the office of the Chancery Clerk of Desoto County, Mississippi, and being more particularly described as follows:

PERMANENT UTILITY EASEMENT

Being a 10 foot wide strip of land having a center line described as follows: Beginning at a point, said point being 5.02 feet south of the northeast property corner of subject property as measured along the east line of subject property; thence in a westerly direction parallel to the north line of subject property a distance of approximately 170.36 feet to a point on the west line of subject property, said point being approximately 5.58 feet south of the northwest corner of subject property as measured along said west line and containing 1,754 square feet more or less.

TEMPORARY CONSTRUCTION EASEMENT

Being a 20 foot wide strip of land parallel and adjacent to the south side of the above described permanent utility easement and a 20 foot wide strip of land parallel and adjacent to the east line of the subject property extending south approximately 79.05 feet south of the above described 20 foot wide temporary construction easement and containing 5,000 square feet more or less.



PROPERTY OF:
 DAVID L. MCCOLLUM
 & JONI LYNN MCCOLLUM
 BK 235, PG 588
 LOT 26

LOT 25

LOT 27

SCALE: 1" = 60'



EASEMENT REQUIRED:

UNENCUMBERED: ENCUMBERED:
 PERM: 1,754 S.F. PERM: 0.0 S.F.
 TEMP: 5,000 S.F. TEMP: 0.0 S.F.

EXHIBIT NO. 1

SHEET 1 OF 1

THE CITY OF OLIVE BRANCH, MISSISSIPPI
 DESOTO COUNTY
PAYNE PARK SEWER IMPROVEMENT
 UTILITY EASEMENT

PREPARED BY: F&A BK. 235, PG. 588 TRACT: LOT 26
 DRAFTSMAN: J.A.M. DATE: NOV., 2000

THIS PROPERTY IS LOCATED IN SECTION 8
 TOWNSHIP 2 SOUTH, RANGE 6 WEST
 DESOTO COUNTY, MISSISSIPPI

NO.	DESCRIPTION	DATE	BY

FILE: