

Prepared by and Return to:  
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Section 30, T 1 S, R 7 W

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DESOTO COUNTY, MS  
M.E. DAVIS, CH CLERK

**Clarification of Commercial Use Under Declaration of Covenants, Conditions and Restrictions  
for Airways Gardens Commercial Subdivision**

WHEREAS, Gastroenterology Center of the Mid-South, P.C. ("Buyer") has agreed to purchase Lot 11-A, of the First Division of Lot 11-A, Second Revision, Airways Gardens Commercial Subdivision, as per plat thereof recorded in Plat Book 97, Page 17, in the Office of the Chancery Clerk of Desoto County, Mississippi (the "Property"), from Freeburg Properties LLC ("Seller"); and

WHEREAS, Buyer intends to develop the Property as a medical office; and

WHEREAS, Buyer has requested clarification from Seller that the use of the Property as medical clinics and offices and other office use are in accordance with the Declaration of Covenants, Conditions and Restrictions for Airways Gardens Commercial Subdivision.

NOW, THEREFORE, in consideration of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned states as follows:

Freeburg Properties LLC, being the developer under the Declaration of Covenants, Conditions and Restrictions for Airways Gardens Commercial Subdivision, of record in the Office of the Chancery Court Clerk, Desoto County, Mississippi, in Book 361, page 123, as amended and restated by that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for Airways Gardens Commercial Subdivision, of record in said Office, in Book 396, page 207, hereby confirms that the use of the Property as medical clinics offices and other office use are an approved commercial use under Article VI, Section 1, of said Declaration.

In witness whereof, the undersigned has caused these presents to be signed by the officer duly authorized so to do as of this 30<sup>th</sup> day of March 2006.

**FREEBURG PROPERTIES LLC**, a Tennessee limited liability company

By: Robert L. Hume  
Title: Chief Manager

STATE OF Tennessee

COUNTY OF Shelby

30th Personally appeared before me, the undersigned authority in and for said county and state, on this day of March, 2006, within my jurisdiction, the within named Philip H. Freeburg who acknowledged that (he)(she)(they) is/~~are~~ the Chief Manager of FREEBURG PROPERTIES LLC, a Tennessee limited liability company, and that for and on behalf of the said limited liability company, and as its act and deed, he executed the above and foregoing instrument, after having been duly authorized by said limited liability company so to do.

Robert C. Liddon  
Notary Public

My Commission Expires:

December 5, 2006

