

INSTRUMENT PREPARED BY and AFTER RECORDING RETURN TO:
Allen&Hoshall, Inc.
1661 International Drive, #100
Memphis, TN 38120
Phone No. (901) 820-0820

Grantor's Address:
CHERRY TREE PARK HOME OWNER'S ASSOC.
PO BOX 7
TUNICA MS, 38676
PHONE NO. 662-363-0002

Grantee's Address:
8710 Northwest Dr. Suite 100
Southaven, MS 38671
662-280-2989

INDEXING INSTRUCTIONS: SE 1/4, SECTION 16, T2S, R7W, DESOTO COUNTY,
MS

STATE OF MISSISSIPPI
COUNTY OF DESOTO

PERMANENT UTILITY EASEMENT
TEMPORARY CONSTRUCTION EASEMENT

THIS INDENTURE, made and entered into on this the 1 day of October,
2009, by and between Cherry Tree Park Homeowners Association, party of the first part, and the **CITY**
OF SOUTHAVEN, MISSISSIPPI, a municipal corporation and body politic, party of the second part.

WITNESSETH:

That the party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, and other good and valuable considerations hereinafter recited, does hereby give, grant and convey unto the part of the second party, its successors and assigns, a permanent utility easement along, across or under the hereinafter described property to be used as a general utility easement by the City of Southaven, Mississippi, and a temporary construction easement along, across or under lands of the part of the first part, all situated in DeSoto County, Mississippi and described as follows, to-wit:

Sanitary Sewer Easement

Being a 10' wide easement for sanitary sewer purposes over, across and upon a portion of Lot 171E of the Cherry Tree Park Subdivision as recorded in Plat Book 91, Page 17 at the DeSoto County Chancery Clerk's Office, City of Hernando, DeSoto County, State of Mississippi, said 10' wide easement being more particularly described as follows:

Commencing at the southeast corner of Lot 171E of the Cherry Tree park Subdivision as recorded in plat Book 91, Page 17 at the DeSoto County Chancery Clerk's Office, City of Hernando, DeSoto County, State of Mississippi, said southeast corner being on the west right of way line of Getwell Road (53.0' from centerline); thence with said east line being common with said west right of way line, N00°08'18"E, 181.77' to the TRUE POINT OF BEGINNING; thence departing from said east line, N71°51'49"W, 28.39' to a point on the west line of said Lot 171E; thence along said west line of Lot 171E, N0°08'18"E, 10.51' to a point; thence departing from said west line of Lot 171E, S71°51'49"E, 28.39' to a point on said east line of Lot 171E; thence with said east line of Lot 171E, S0°08'18"W, 10.51' to said TRUE POINT OF BEGINNING.

Said described easement containing 284 square feet or 0.01 acres, more or less.

TOGETHER WITH all rights and privileges necessary or convenient for the full enjoyment or use thereof, including the right of ingress and egress to and from said easement;

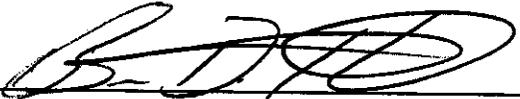
City of SH

The temporary construction easement conveyed hereby shall be effective upon the date of execution hereof, but shall terminate upon the completion date of the utility project by the City of Southaven, Mississippi.

Party of the second part agrees to restore the easement area granted herein to its original condition. The consideration recited herein shall constitute payment in full for all damages sustained by Grantors by reason for the installation of the structures referred to herein and grantee will maintain such easement in a state of good repair and efficiency so that no unreasonable damage will result from its use of the grantor's premises. This agreement together with other provisions of this grant shall constitute a covenant running with the land for the benefit of the Grantee, its successors and assigns. The Grantors do covenant that they are the Owners of the above mentioned land and that said land is free and clear of all encumbrances and liens except the following:

IN WITNESS THEREOF, the party of the first part hereunto subscribed their names on the date first above written.

Cherry Tree Park Homeowners Association

BY: 

TITLE: PRESIDENT

BY: _____

TITLE: _____

**STATE OF MISSISSIPPI
COUNTY OF DESOTO**

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the state and county aforesaid, within my jurisdiction, the within named Brian D Hill and _____, who acknowledged that he/she/they is/are the PRESIDENT and _____, respectively, of Cherry Tree Park Homeowners Association, and, as the act and deed of said corporation, he/she/they executed and delivered the above and foregoing instrument, being duly authorized so to act.

GIVEN UNDER MY HAND AND OFFICIAL SEAL on this, the 1st day of October, 2009.


NOTARY PUBLIC

My Commission Expires:



Easement Description

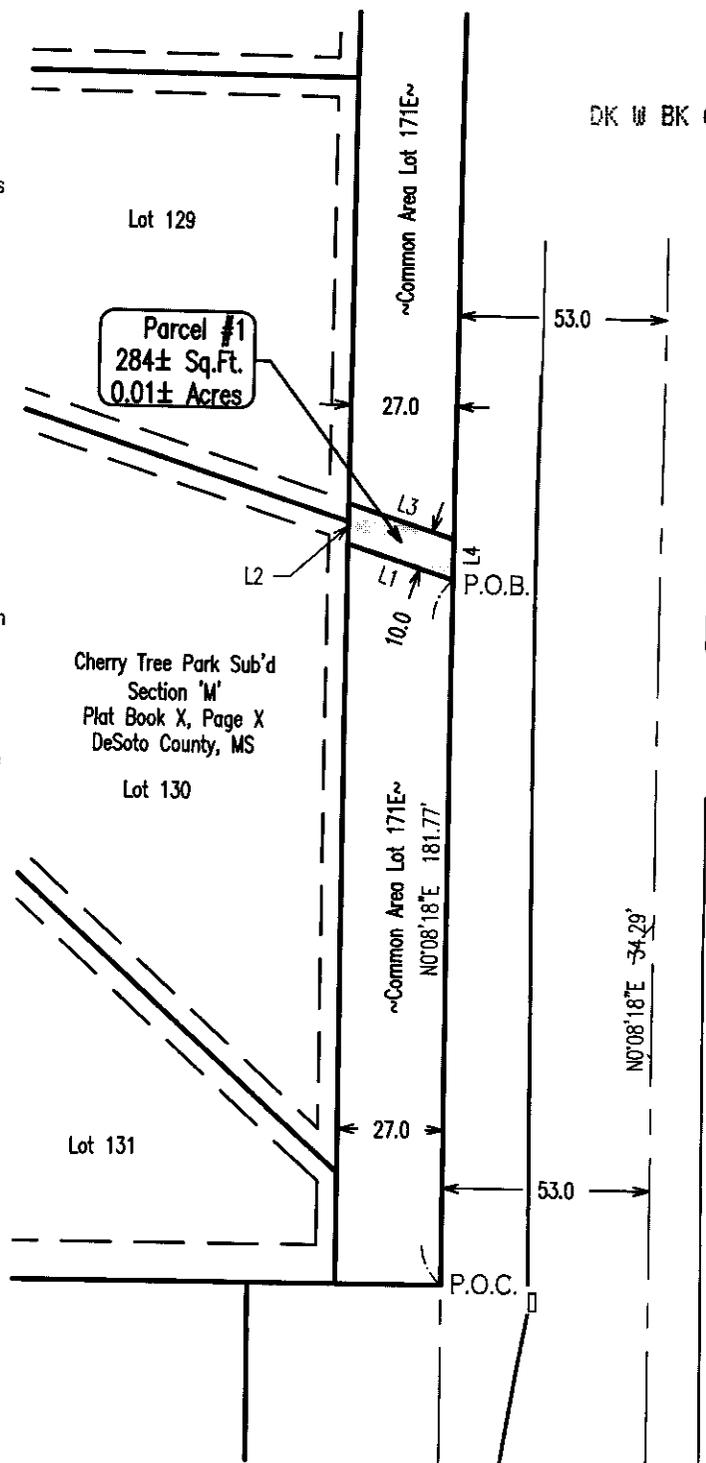
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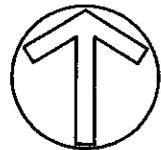
Line Table Data		
Line #	Bearing	Distance
L1	N71°51'49"W	28.39
L2	N0°08'18"E	10.51
L3	S71°51'49"E	28.39
L4	S0°08'18"W	10.51



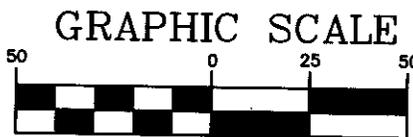
DK W BK 625 PG 28

Easement Acquisition Plat

10' Sanitary Sewer Easement
 A portion of Lot 171E
 Plat Book 91, Page 17.
 DeSoto County Chancery Clerk's Office



Reference North



(IN FEET)
 1 inch = 50 ft.

Survey performed by:
 Allen & Hoshall, Inc.
 James B. Caughman, III
 MS PLS# 2635
 1661 International Dr., #100
 Memphis, TN 38120
 (901) 820-0820
 Sept. 25, 2009

This survey meets or exceeds the minimum unadjusted closure ratio of 1:7500 for a Class B survey.

