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51795

NOTICE OF CONSTRUCTION LIEN  
AND LIS PENDENS NOTICE

51796

ALL PERSONS are hereby notified that Ram Electric Co., Inc., a Mississippi corporation, as contractor, is filing this Notice of Construction Lien and Lis Pendens Notice against M & M Foods, Inc., a Mississippi corporation, for payment of certain construction, alteration and repair work.

Ram Electric Co., Inc. performed certain contract work and furnished certain labor and materials for M & M Foods, Inc. as described in the Affidavit of Material and Labor Lien attached hereto and made a part hereof.

There is due and owing by M & M Foods, Inc. to Ram Electric Co., Inc. the principal sum of \$32,493.61 as particularly set forth in the Affidavit of Material and Labor Lien attached hereto as Exhibit A.

Ram Electric Co., Inc. is entitled to have a material and labor lien impressed upon the property described herein, or part thereof as allowed by law, such property being owned by M & M Foods, Inc. Citizens Bank & Trust Company of Canton, Mississippi, and Central Mississippi Planning & Development District of Jackson, Mississippi, are mortgagees of such property. The contract is not filed or recorded, and no suit has been filed.

The property, or part thereof as allowed by law, against which this Notice of Construction Lien and Lis Pendens Notice is filed lies and is situated in the County of Madison, State of Mississippi, and is described as follows:

A parcel of land containing 12.37 acres, more or less, lying and being situated in the NE/4 of Section 26 and the W/2 W/2 of Section 25, Township 10 North, Range 2 East, Madison County, Mississippi, and more particularly described as follows:

Beginning at the SE corner of the NE/4 of said Section 26 and run West for 23.4 feet to a point on the curve of the East R.O.W. line of Interstate Highway No. 55 Frontage Road; thence Northeasterly along the curve of said R.O.W. for 122.1 feet to a Frontage Road R.O.W. monument; thence N 05°36' E along said R.O.W. line for 102.3 feet to a Frontage Road R.O.W. monument; thence N 19°44' E along said R.O.W. line and its tangents for 645.1

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feet to a point; thence N 15°19'E along said R.O.W. line and its tangents for 363.5 feet to the intersection of the East line of 20 acres evenly off the West side of the NW/4 of said Section 25; thence South for 1176.9 feet to a point on the South line of the NW/4 of said Section 25; thence East along said South line for 265.1 feet to a point; thence South for 1005.2 feet to a point in the center of an old abandoned roadway; thence N 32°35' W along said center of abandoned road for 886.9 feet to a point; thence N 46°27' W along said center of abandoned road for 162.8 feet to a point on the West line of said Section 25; thence North along said West section line for 144.7 feet to the Point of Beginning; LESS AND EXCEPT any part formed by Frontage Road curves. Together with all buildings, improvements, rights and appurtenances thereon.

The Chancery Clerk of Madison County, Mississippi, is requested to record this Notice and attached exhibits in the Notice of Construction Lien records and in the Lis Pendens Notice records of Madison County, Mississippi, as provided by law.

THIS the 9th day of November, 1990.

RAM ELECTRIC CO., INC.

By:   
Curtis Smith, President

Richard W. Dorch of  
BRUNINI, GRANTHAM, GROWER & HEWES  
1400 Trustmark Building  
P. O. Drawer 119  
Jackson, Mississippi 39205  
Telephone: (601) 948-3101

Attorneys for Ram Electric Co., Inc.

## EXHIBIT "A"

AFFIDAVIT OF MATERIAL AND LABOR LIEN

STATE OF MISSISSIPPI  
COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named CURTIS SMITH, who, after being duly sworn according to law, stated on oath that he is the President of Ram Electric Co., Inc., a Mississippi corporation, and that the following matters are true and correct:

1. Ram Electric Co., Inc. is a Mississippi corporation having as its mailing address P. O. Box 7781, Jackson, Mississippi 39204.

2. M & M Foods, Inc. is a Mississippi corporation having an address of 707 Oak Trail Drive, Canton, Mississippi 39046, and having Ronald L. Marble as its registered agent at such address and additionally having an address of P. O. Box 194, Canton, Mississippi 39047.

3. M & M Foods, Inc. is the owner of certain property located in Madison County, Mississippi, and being particularly described as follows:

A parcel of land containing 12.37 acres, more or less, lying and being situated in the NE/4 of Section 26 and the W/2 W/2 of Section 25, Township 10 North, Range 2 East, Madison County, Mississippi, and more particularly described as follows:

Beginning at the SE corner of the NE/4 of said Section 26 and run West for 23.4 feet to a point on the curve of the East R.O.W. line of Interstate Highway No. 55 Frontage Road; thence Northeasterly along the curve of said R.O.W. for 122.1 feet to a Frontage Road R.O.W. monument; thence N 05°36' E along said R.O.W. line for 102.3 feet to a Frontage Road R.O.W. monument; thence N 19°44' E along said R.O.W. line and its tangents for 645.1 feet to a point; thence N 15°19'E along said R.O.W. line and its tangents for 363.5 feet to the intersection of the East line of 20 acres evenly off the West side of the NW/4 of said Section 25; thence South for 1176.9 feet to a point on the South line of the NW/4 of said Section 25; thence East along said South line for 265.1 feet to a point; thence South for 1005.2 feet to a point in the center of an old abandoned roadway; thence N 32°35' W along said center of

abandoned road for 886.9 feet to a point; thence N 46°27' W along said center of abandoned road for 162.8 feet to a point on the West line of said Section 25; thence North along said West section line for 144.7 feet to the Point of Beginning; LESS AND EXCEPT any part formed by Frontage Road curves. Together with all buildings, improvements, rights and appurtenances thereon.

4. M & M Foods, Inc. contracted with an employed Ram Electric Co., Inc., by oral agreement, to perform certain contract work on the above-described property. Ram Electric Co., Inc. did in fact perform the work as required by the contract and did so to the satisfaction of M & M Foods, Inc. The outstanding balance of all labor, materials and equipment used upon the property is the sum of \$32,493.61 which has not been paid and which is due and owing by M & M Foods, Inc. to Ram Electric Co., Inc. Attached hereto is a schedule of all invoices reflecting the outstanding balance. Ram Electric Co., Inc. has made repeated demands and requests for payment to M & M Foods, Inc. which has refused and failed to pay the amount due and owing.

5. In addition to the principal amount due to Ram Electric Co., Inc. as above-stated, because M & M Foods, Inc. has refused to make payments to Ram Electric Co., Inc. within 60 consecutive days after such sum became due, as required by Miss. Code Ann. § 87-7-3, Ram Electric Co., Inc. is entitled to one percent (1%) per month of the amount due from and after the completion of the work according to the date of each invoice on the attached schedule.

6. M & M Foods, Inc. and the mortgagees of the referenced property have been notified by mailing to each of them on this date a true and correct copy of the Notice of Construction Lien and Lis Pendens Notice to which there is attached this Affidavit of Material and Labor Lien by United States mail, certified, return receipt requested and postage prepaid to the following persons at the addresses stated:

M & M Foods, Inc.  
707 Oak Trail Drive  
Canton, Mississippi 39046

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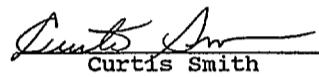
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M & M Foods, Inc.  
P. O. Box 194  
Canton, Mississippi 39047

Citizens Bank & Trust Company  
202 North Liberty  
Canton, Mississippi 39046

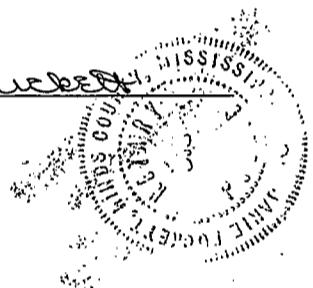
Central Mississippi Planning &  
Development District  
2675 River Ridge Drive  
Jackson, Mississippi 39216

This the 9<sup>th</sup> day of November, 1990.

  
\_\_\_\_\_  
Curtis Smith

SWORN TO AND SUBSCRIBED before me on this 9<sup>th</sup> day of  
November, 1990.

  
\_\_\_\_\_  
Janie Puckett  
NOTARY PUBLIC



My Commission Expires:

3-25-90

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Book 7 Page 142.

SCHEDULE OF UNPAID INVOICES

<u>Invoice No.</u>	<u>Date</u>	<u>Charge</u>	<u>Credit</u>	<u>Balance</u>
1204	4/3/90	\$1,670.38	\$ 500.00	\$1,170.38
1239	5/14/90	1,580.94		2,751.32
1337	7/10/90	2,073.55		4,824.87
1339	7/10/90	2,047.80		6,872.67
1338	7/10/90	281.22		7,153.89
1340	7/10/90	5,145.05		12,298.94
1341	7/10/90	1,400.57		13,699.51
1352	7/10/90	9,466.17		23,165.68
1360	7/11/90	3,321.48		26,487.16
1362	7/11/90	352.45		26,839.61
1377	7/14/90	302.10		27,141.71
1380	7/14/90	261.56		27,403.27
1413	7/17/90	5,090.34		32,493.61

AFFIDAVIT OF NOTICE

STATE OF MISSISSIPPI  
COUNTY OF HINDS

Personally appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named CURTIS SMITH, who, after being duly sworn according to law, stated as follows:

Pursuant to Miss. Code Ann. §§ 85-7-131 and 85-7-197 he has given notice to the owner and mortgagees of the property described in the foregoing Notice of Construction Lien and Lis Pendens Notice and in the Affidavit of Material and Labor Lien by mailing on this date a true and correct copy of such documents by United States mail, certified, return receipt requested and postage prepaid to:

M & M Foods, Inc.  
707 Oak Trail Drive  
Canton, Mississippi 39046

M & M Foods, Inc.  
P. O. Box 194  
Canton, Mississippi 39047

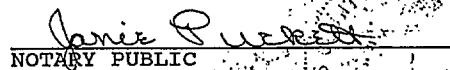
Citizens Bank & Trust Company  
202 North Liberty  
Canton, Mississippi 39046

Central Mississippi Planning &  
Development District  
2675 River Ridge Drive  
Jackson, Mississippi 39216

This the 9<sup>th</sup> day of November, 1990.

  
CURTIS SMITH

SWORN TO AND SUBSCRIBED before me, this the 9<sup>th</sup> day of November, 1990.

  
NOTARY PUBLIC

My Commission Expires:

3-25-94



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 13 day of Nov, 1990, at 900 o'clock a M., and was duly recorded on the NOV 13 1990, Book No. 7, Page 137.

BILLY V. COOPER, CHANCERY CLERK BY: S Cole D.C.



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 13 day of Nov, 1990, at 900 o'clock a M., and was duly recorded on the NOV 13 1990, Book No. 6, Page 23.

BILLY V. COOPER, CHANCERY CLERK BY: S Cole D.C.