

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

CR. FILED  
NO. S.C.  
51 PH '81  
JAMES W. HERSLEY

AGREEMENT

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THIS AGREEMENT, made and entered into this *22<sup>nd</sup>* day of *November*, 1981, by and between ~~ALLIE MACK PAZDEN~~, ~~herein called Lessor~~, and VOLUNTEER CAPITAL CORPORATION, a Tennessee corporation and franchisee owner of a restaurant chain known as Wendy's of South Carolina, herein called Lessee; and, NANNIE ELIZABETH ROGERS, herein called Owner,

W I T N E S S E T H:

THAT, FOR AND IN CONSIDERATION of payment of the monies hereinafter set forth, performance of the covenants herein specified and payment to each of the parties by the other of the sum of \$1.00 at and before the execution of these presents, the parties hereto do covenant, contract and agree as follows:

1) Owner, by the execution hereof, does hereby grant unto Lessor for the mutual benefit of both the Lessor and Lessee, a certain easement across the property of the Owner for drainage purposes, which easement shall have a width of 10 feet and shall abutt and join the easternmost boundary of a certain five-foot utility easement acquired by the South Carolina Department of Highways and Transportation along the eastern side of Haywood Road (SC Hwy. 23-273) in the City of Greenville, County and State aforesaid, as shown by a plat or sketch thereof hereto attached and made a part hereof, and which easement shall be used by both the Lessor and Lessee to handle drainage of surface waters on property upon which is presently being constructed a Wendy's restaurant, as well as surface waters from the lot owned by the Lessor lying between properties of the Owner and the lot leased to the Lessee.

2) Lessee shall pay for the installation of an 18 inch drainage pipeline to extend from the common boundary of property of the said Lessor and the Owner and terminate at and into a catch basin and/or drainage box to be located adjacent to a drainage culvert built by the South Carolina Department of Highways and Transportation, and which basin facility shall be built and paid for by the said Lessee in accordance with the attached plans and specifications.

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