

## AGREEMENT

This agreement is between Robert J. Dow, hereinafter termed "Agent", and Red Mountain Corporation, hereinafter termed "Miner"; *ALSO KNOWN AS "RED MOUNTAIN CORPORATION OF GEORGIA"* *meff*  
*RJD*

Miner wishes to engage the services of Agent for purposes related to public relations and other assistance in starting a successful mine site at Verlie. The other assistance will include land work, permit work, meetings with officials, attendance at public hearings and other general agency-type work as requested by Miner in the pursuit of the start-up of a successful mining operation. *meff*

As consideration for services in such mine that Agent helped start, Miner agrees to pay Agent or heirs a royalty once sales have commenced. The royalty will be five cents per ton sold and collected. This will be paid within two months of the first collection and every month thereafter.

The legal address for Miner will be as follows:

Red Mountain Corporation  
150 Moss-Side Drive  
Athens, Georgia 30607  
Telephone 706-353-2492 Fax 706-354-0430

The legal address for Agent will be as follows:

Robert J. Dow  
2100 Lynngate Drive  
Hoover, Alabama 35216  
Telephone 205-822-0777

Signed

*Robert J. Dow*  
Agent

Date 11-4-94

*Mr. Eugene Harte*  
Miner  
*President, Red Mtn. Corp.*

Date 11-4-94

01/16/2002-02874

11:00 AM CERTIFIED

PC file: C:\WP51\Gene\Morris\RedAgent. Revised 11-2-94 3:30 p.m. CST

SHELBY COUNTY JUDGE OF PROBATE

006 MEL 26.00

SEE EXHIBIT B, C, D & E FOR LEGAL

September 6, 1995

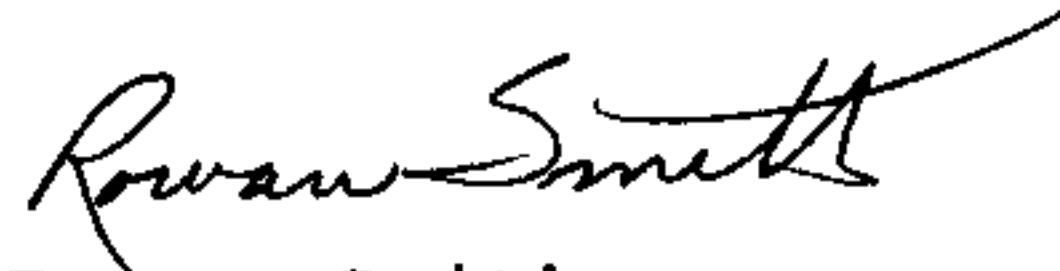
Mr. Robert J. Dow  
2155 Old Rocky Ridge Road  
Birmingham, Alabama 35216

Re: Agreement Between Red Mountain Corporation doing business  
in Alabama as Red Mountain Corporation of Georgia and  
Robert J. Dow dated November 4, 1994.

Dear Mr. Dow:

Southern Ready Mix, Inc. owns, or will own, all of the stock of Red Mountain Corporation. We are aware of and acknowledge the agency/royalty agreement referenced above and attached hereto as Exhibit A and consider same to be a valid and binding agreement between Red Mountain Corporation and yourself that will continue in full force and effect.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rowan Smith".

Rowan Smith  
Secretary and Treasurer of  
Southern Ready Mix, Inc.

EXHIBIT A





# Lawyers Title Insurance Corporation

## NATIONAL HEADQUARTERS

**RICHMOND, VIRGINIA**

**SCHEDULE A, PARAGRAPH 4, PAGE 2**  
**CONTINUED:**

COMMITMENT NO. 9007

**PARCEL D:**

Begin at the Southeast corner of the SW 1/4 of Section 13, Township 21 south, Range 3 West; thence proceed Northerly along the East boundary of said SW 1/4 for 2703.83 feet to a point, being the Northeast corner of said SW 1/4; thence turn an angle of 92 degrees 23 minutes 12 seconds to the right and run Easterly along the South boundary of the NE 1/4 of Section 13, Township 21 South, Range 3 West for 2683.17 feet to a point, being the Southeast corner of said NE 1/4; thence turn an angle of 92 degrees 22 minutes 37 seconds to the left and run Northelry along the East boundary of Section 13 for 753.96 feet to the point of intersection with the Southwest right-of-way (R.O.W.) line of Interstate Highway 65 (I-65); thence turn an angle of 1 degree 54 minutes 01 seconds to the left and run Northerly along said R.O.W. for 39.00 feet to a concrete R.O.W. marker; thence turn an angle of 33 degrees 29 minutes 38 seconds to the left and continue along said R.O.W. for 1504.40 feet to the point of intersection with the South R.O.W. line of the CSX Transportation Railroad, being a concrete R.O.W. marker; thence turn an angle of 49 degrees 56 minutes 26 seconds to the left and run Westerly along said Railroad R.O.W. along a curve to the right having a radius of 1960.08 feet and a central angle of 41 degrees 57 minutes 44 seconds, for an arc distance of 1435.52 feet to a point; thence continue along said Railroad R.O.W. along a tangent for 99.31 feet to the point of intersection with the North boundary line of Section 13, Township 21 South, Range 3 West; thence turn an angle of 45 degrees 22 minutes 49 seconds to the left and run Westerly along the North boundary of said Section 13 for 1209.39 feet to a point on the Southeast R.O.W. line of County Highway No. 26; thence turn an angle of 24 degrees 41 minutes 05 seconds to the left and run along said County Highway R.O.W. along a curve to the left, having a radius of 1105.92 feet and a central angle of 12 degrees 19 minutes 40 seconds, for an arc distance of 237.95 feet to a point; thence continue along said R.O.W. along a tangent for 1330.97 feet to the point of intersection with the West bank of Buck Creek; thence turn an angle of 95 degrees 43 minutes 53 seconds to the left and run Southeasterly along the West bank of Buck Creek, said point also being on the North boundary line of the SE 1/4 of the NE 1/4 of Section 14, Township 21 South, Range 3 West; thence turn an angle of 132 degrees 37 minutes 56 seconds to the right, from the extended chord, and run Westerly along the North boundary of said SE 1/4 of NE 1/4 of Section 14 for 591.35 feet to an iron set at the Northwest corner of said SE 1/4 of NE 1/4 of NE 1/4;

SEE ATTACHED SCHEDULE A, PARAGRAPH 4, PAGE 3

# Lawyers Title Insurance Corporation

**NATIONAL HEADQUARTERS**  
**RICHMOND, VIRGINIA**

**SCHEDULE A, PARAGRAPH 4, PAGE 3**  
**CONTINUED:**

COMMITMENT NO. 9007

thence turn an angle of 91 degrees 10 minutes 05 seconds to the left and run Southerly along the West boundary of said SE 1/4 of NE 1/4 for 1327.28 feet to an iron set being the Southwest corner of said SE 1/4 of NE 1/4, Section 14; thence turn an angle of 88 degrees 54 minutes 34 seconds to the left and run Easterly along the South boundary of said SE 1/4 of NE 1/4 for 537.00 feet to the point of intersection with the North boundary of Scottsdale Subdivision, Second Addition, as recorded in Map Book 7, Page 118, in the Office of Probate, Shelby County, Alabama; thence turn an angle of 1 degree 32 minutes 03 seconds to the left and run along the North boundary of said Scottsdale Subdivision, Second Addition, for 725.55 feet to a point, being the Northeast corner of said subdivision; thence turn an angle of 91 degrees 07 minutes 13 seconds to the right and run along the East boundary of said subdivision for 19.42 feet to a point on the South boundary line of the SE 1/4 of the NE 1/4, Section 14, Township 21 South, Range 3 West; thence turn an angle of 90 degrees 24 minutes 30 seconds to the left and run 71.16 feet to a concrete monument found, said monument being 1.02 feet North and 1.19 feet West of the computed quarter corner; thence turn an angle of 02 degrees 03 minutes 21 seconds to the right and run Easterly 1341.63 feet to a concrete monument found, said monument being 2.99 feet North and 1.11 feet West of the computed quarter-quarter corner; thence continue along the last described course for 1.11 feet to a point on the East boundary of the West 1/4 of Section 13, Township 21 South, Range 3 West; thence turn an angle of 87 degrees 38 minutes 04 seconds to the right and run Southerly for 2678.77 feet to a concrete monument found, said monument being 1.68 feet North and 2.80 feet East of the computed quarter-quarter corner; thence continue along the last described course for 1.79 feet to a point on the South boundary line of Section 13, Township 21 South, Range 3 West; thence turn an angle of 86 degrees 25 minutes 16 seconds to the left and run Easterly along the South boundary line of Section 13, Township 21 south, range 3 West; thence turn an angle of 86 degrees 25 minutes 16 seconds to the left and run Easterly along the South boundary of said Section 13 for 1339.87 feet to the point of beginning. Said parcel of land is lying in the East 1/2 of the SW 1/4 and the North 1/2 of Section 13, Township 21 South, Range 3 West; and the East 1/2 of NE 1/4 of Section 14, Township 21 South, Range 3 West, Shelby County, Alabama.

According to survey of John Gary Ray, Reg. P.E. & L.S. #12295, date January 16, 1989.

SEE ATTACHED SCHEDULE A, PARAGRAPH 4, PAGE 4



# Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS  
RICHMOND, VIRGINIA

SCHEDULE A, PARAGRAPH 4, PAGE 4  
CONTINUED:

COMMITMENT NO. 9007

Inst # 2002-02874  
01/16/2002-02874  
11:00 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
26.00  
006 MEL

LESS AND EXCEPT FROM PARCEL D:

Part of the Ne 1/4 of the NE 1/4 of Section 14, Township 21 south, Range 3 West, Shelby County, Alabama, being more particularly described as follows: From the Southwest corner of said NE 1/4 of the NE 1/4 run in an Easterly direction along the South line of said 1/4-1/4 section for a distance of 591.35 feet; thence turn an angle to the left of 132 degrees 37 minutes 56 seconds and run in a Northwesterly direction for a distance of 235.50 feet to an existing iron pin being the point of beginning; thence continue along last mentioned course for a distance of 303.99 feet to an existing iron pin being on the Southeast right-of-way line of Shelby County Highway #26; thence turn an angle to the right of 95 degrees 43 minutes 53 seconds and run in a Northeasterly direction along said Southeast right-of-way line of Shelby County Highway #26 for a distance of 305.0 feet; thence turn an angle to the right of 90 degrees and run in a Southeasterly direction for a distance of 302.47 feet; thence turn an angle to the right of 90 degrees and run in a Southwesterly direction for a distance of 274.64 feet, more or less, to the point of beginning.

and also,

Part of the NE 1/4 of the NE 1/4 of Section 14, Township 21 South, Range 3 West, Shelby County, Alabama, more particularly described as follows: From the SW corner of said NE 1/4 of the NE 1/4 run in an Easterly direction along the South line of said 1/4-1/4 Section for a distance of 591.35 feet; thence turn an angle to the left of 132 degrees 37 minutes 56 and run in a Northwesterly direction for a distance of 539.49 feet to an existing iron pin, being the point of beginning; thence continue along last mentioned course for a distance of 10.05 feet to a point on the Southeasterly right-of-way line of Shelby County Highway #26; thence turn an angle to the right of 95 degrees 43 minutes 53 seconds and run in a Northeasterly direction along the Southeasterly right-of-way line of Shelby County Highway #26 for a distance of 306.0 feet; thence turn an angle to the right of 90 degrees and run in a Southeasterly direction for a distance of 10.0 feet to an existing iron pin; thence turn an angle to the right of 90 degrees and run in a Southwesterly direction for a distance of 305.0 feet, more or less, to the point of beginning.