The Henry Ellen Coal Company To Henry F. DeBardeleben

The State of Alabama,

To all whom these Presents may concern The Henry Ellen Coal Company a corporation of the State aforesaid Sends Greeting:

Whereas a meeting of the Stockholders of the said Henry Ellen Coal Company in the County of Jefferson and State aforesaid was held after due and legal personal notice and advertisement on Saturday the 29th day of September A.D 1888 at Eleven O'clock A M at the Office of the said Company in the City of Birmingham and State aforesaid at which meeting every share of

stock was represented by the attendance in person of the holder thereof. And whereas at such meeting the following preamble and resolutions were unanimously adopted by the votes of every Stock holder of the said Company; Whereas it has been deemed advisable by all the Stockholders of the Henry Ellen Coal Company a corporation existing under the laws of the State of Alabama that such corporation should be dissolved its debts paid its affairs liquidated and its assets divided among its Stockholders. And Whereas Henry F. DeBardeleben who is the largest Stockholder of the said Henry Ellen Coal Company has in consideration of the conveyance hereinafter directed to be made to him paid or assumed all the outstanding liabilities of the said Company of every kind and has arranged with the other stockholders therein to their satisfaction for their respective interest in the assets of the said Company and there is now nothing to prevent such final dissolution of the said corporation; Be it unanimously resolved that the President and Secretary of the said Henry Ellen Coal Company be and they are hereby authorized and directed in and for the considerations aforesaid forthwith to execute and deliver in the name and on behalf of the said Company a coveyance in fee simple with full warranty to the said Henry F. DeBardeleben and his heirs executors administrators and assigns of all the property of the said Company of every nature and kind real personal and mixed including all choses in action such conveyance to be signed in the name of the Company by the President and attested by the signature of the Secretary with the Seal of the Company attached.

Now Know all men That the said Henry Ellen Coal Company for and in consideration of the premises and of the payment and assumption by the said Henry F. DeBardeleben of all the liabilities of the said Company and of his satisfactory arrangement with all the Stockholders thereof for their respective interest therein and for the further consideration of the sum of Five Dollars to it in hand paid by the said Henry F. DeBardeleben at and before the sealing and delivery of these presents the receipt whereof is hereby acknowledged. Has Granted Bargained and sold assigned and Transfered and set over and by these prekents does grant bargain and sell assign transfer and set over unto the said Henry F. DeBardeleben all the Real Estate tracts and parcels of land now owned by the said Henry Ellen Coal Company or to which it has any right claim or interest whatever of any and every nature and kind whether fee simple mineral right or surface and wherever the same may be situate which Real Estate is supposed to be correctly listed and described in the Schedules hereto,

attached as part of this conveyance and hereinafter more fully described but whether the said real Estate is contained and mentioned in the said Schedules or not to wit; All those tracts and parcels of land and all buildings thereon situated lying and being in the Counties of Jefferson St. Clair and Shelby in the State aforesaid and more fully described and set forth in the Schedule hereto attached and marked Schedule "A." And also all the Coal ore and other minerals in under and upon the tracts and parcels of land situate lying and being in the Counties of Jefferson St. Clair and Shelby in the State aforesaid and more fully described and set forth in the Schedule hereto attdched and marked Schedule "B" and also all the timber and water upon the same necessary for the developement working and mining of said coal and other minerals. And the preparation of the same for market and the removal of the same; and also the right of way and the right to build roads of any description over the same necessary for the convenient transportation of said coal and other minerals from said lands and the conveying and transporting to and from said lands all materials and implements that may be of use in mining and removal of said coal and other minerals or in the preparation of the same for market.

And also the right to build houses for all employees and machinery. And also all those tracts and parcels of land situate lying and being in the County of Jefferson in the State aforesaid and more fully described and set forth in the Schedule hereto attached and marked Schedule "C". It being distinctly understood that the right to all the coal ore and other minerals in under and upon the said several tracts or parcels of land so described and set forth in said Schedule "C" is expressly reserved from and does not pass by or under this conveyance. And also any and all other tracts and parcels of land and any and all right claim title or interest whatsoever which the said Henry Ellen Coal Company has or ought to have in law or in equity in or to any tracts or parcels of land whether such claim title and interest be fee simple mineral right surface or any other character and wheresoever the same may be situated and which may not be described and set forth in the Schedules so above referred to as part of this conveyance.

Saving and Excepting however from the lands so hereinbefore referred to and conveyed the rights of way privileges as heretofore granted by the said Henry Ellen Coal Company to the Georgia Pacific Railway Company, by two deeds bearing date the 18th day of September A.D. 1882, and the 19th day of May A.D. 1883 and to the Columbus and Western Railway Company, by two deeds each bearing date the 27th day of September A.D. 1888, And to the

Birmingham Water Works Company by deed bearing date the 1st day of December A.D. 1887.
And Also all the Coke Ovens Dwelling houses Hotels Engine Houses School houses Stores and buildings and erections of every kind & sort situated on the said parcels or tracts of lands or any of them. And also all the personal property and choses in action of any and every kind now owned by or to which the said Henry Ellen Coal Company has any claim whatsoever consisting in part of train cars Mules horses cattle office furniture iron Safes Hotel Furniture and equipments tools of all kinds material on hand stock of assorted and miscellaneous merchandise now in the Store at the mines of the said company machinery pumps and all fixtures and supplies at or near the coal slopes and mines of the said Company Coal mined and lying in the coal yard used by the said company in the said City of Birmingham iron Safe in said Coal Yard. All accounts and bills receivable of the said Company and any and all amounts due and owing to it by any person or persons on any account whatsoever and generally any and all personal property of any and every kind of or belonging to the said Henry Ellen Coal Company or to which it has any claim or interest whatsoever and whether embraced in the enumeration above set forth or not.
To have and to hold all and singular the said property real and personal and mixed to the said Henry F. DeBardeleben his heirs executors administrators and assigns forever. And the said Henry Ellen Coal Company does hereby for itself and its successors and assigns covenant and agree to and with the said H. F. DeBardeleben his heirs executors administrators and assigns to warrant and defend the title in and to the aforesaid property against the claims of all persons lawfully claiming the same or any part thereof.
In Testimony whereof the said Henry Ellen Coal Company has caused its corporate seal to be hereto attached and the execution hereof to be attested by the signature of its President and Secretary this 29th day of September A.D. 1888.

Signed Sealed and delivered in the presence of,
Augustine T. Smythe
Ellison A Smyth, Jr.

Henry Ellen Coal Co
By H. F. DeBardeleben Pres't.
Attest S. T. Brittle
Secretary.

seal.

State of Alabama
Jefferson County } Personally appeared before me W. P. G. Harding a Notary Public for the State of Alabama Henry F. DeBardeleben known to me to be the President of the said Henry Ellen Coal Company whose name is signed to the foregoing conveyance and who after being informed of the contents of the same acknowledged that he executed the same in the name of the said Company for the purposes

therein contained and also S. T. Brittle known to me to be the Secretary of the said Company and whose name is signed to the foregoing conveyance and who after being informed of the contents of the same acknowledged that he affixed the seal of said Company together with his signature to said conveyance,
Witness my hand and Official Seal this 29th day of September A. D. 1888.

W. P. G. Harding
Notary Public.

State of Alabama,

Know all men by these presents that we Henry F. DeBardeleben Samuel T. Brittle and T. L. Gilsner who constitute all the Stockholders and who hold among ourselves each and every share of the Capital Stock of the said Henry Ellen Coal Company having read and being fully informed of the contents and purposes of the foregoing conveyance from the said Henry Ellen Coal Company to Henry F. DeBardeleben bearing even date with these presents Do for the considerations therein mentioned each for himself hereby ratify and in every respect confirm and consent to the said conveyance and do hereby further acknowledge and declare that we have received of and from the said H. F. DeBardeleben full payment and satisfaction for all our respective interests in and to the assets of the said Henry Ellen Coal Company, Witness our hands and seals this 29th day of September A. D. 1888.

Signed Sealed and delivered in presence of,
Augustine T. Smythe
Ellison A. Smythe Jr.

H. F. DeBardeleben (Seal)
S. T. Brittle (Seal)
T. L. Gilsner (Seal)

State of Alabama } I, W. P. G. Harding
Jefferson County } in and for said County in said State hereby certify that that H. F. DeBardeleben S. T. Brittle and T. L. Gilsner whose names are signed to the foregoing deed who are known to me acknowledged before me on this day that being informed of the contents of this deed they executed the same voluntarily on the day the same bears date,
Given under my hand this 29th day of Sept A. D. 1888.

W. P. G. Harding,
Notary Public (Seal)

Schedule "A"

| | Section | Township | Range | |
|---|---|---|---|---|
| SE¼ of SE¼ – S½ of NE¼ SE¼ of NW¼ | 22 | 16 | 1 | East |
| Whole Section | 23 | 16 | 1 | " |
| Whole Section | 24 | 16 | 1 | " |
| NW¼ of NW¼ – W½ of SW¼ | 25 | 16 | 1 | " |
| Whole Section | 26 | 16 | 1 | " |
| SE¼ of NE¼ – NE¼ of SE¼ – NW¼ of SE¼ – SW¼ of NE¼ | 28 | 16 | 1 | " |
| E½ of SW¼ – SW¼ of SW¼ | 31 | 16 | 1 | " |
| NE¼ – NE¼ of SW¼ – NW¼ of SE¼ S½ of NW¼ | 34 | 16 | 1 | " |
| NW¼ of NW¼ | 3 | 17 | 1 | " |

Schedule "A" (Continued)

| | Section | Township | Range | |
|---|---|---|---|---|
| S½ of N.W.¼ N.E.¼ – S.W.¼ | 4 | 17 | 1 | East |
| Whole Section | 5 | 17 | 1 | " |
| S.W.¼ of N.W.¼ | 6 | 17 | 1 | " |
| E½ – E½ of S.W.¼ N.W.¼ of S.W.¼ S.W.¼ of S.W.¼ | 7 | 17 | 1 | " |
| N½ – N½ of S½ – S.W.¼ of S.W.¼ | 8 | 17 | 1 | " |
| N½ of N.W.¼ S.W.¼ of N.W.¼ | 17 | 17 | 1 | " |
| N½ – S.W.¼ – N½ of S.E.¼ – S.W.¼ of S.E.¼ | 18 | 17 | 1 | " |
| S.E.¼ of S.E.¼. | 7 | 16 | 2 | " |
| N½ of N.E.¼ – E½ of N.W.¼ | 18 | 16 | 2 | " |
| S.E.¼ of N.E.¼ – N.E.¼ of S.E.¼ | 1 | 17 | 1 | West |
| Part of W½ of S.E.¼ lying S.E. of Ridge (Sixty Acres) | 11 | 17 | 1 | " |
| S.E.¼ – E½ of N.E.¼ – E½ of S.W.¼ N.W.¼ of S.W.¼ | 12 | 17 | 1 | " |
| Whole Section | 13 | 17 | 1 | " |
| S.E.¼ – S.E.¼ of N.E.¼ – N.E.¼ of S.W.¼ | 14 | 17 | 1 | " |
| N.W.¼ of N.W.¼ S½ of S.E.¼ S½ of N.E.¼ – N.W.¼ of S.E.¼ | 15 | 17 | 1 | " |
| E½ of S.E.¼ – S.W.¼ of S.E.¼ | 21 | 17 | 1 | " |
| E½ – S.W.¼ – | 23 | 17 | 1 | " |
| Whole Section | 24 | 17 | 1 | " |
| N.W.¼ – N.W.¼ of N.E.¼ – | 25 | 17 | 1 | " |
| Whole Section | 26 | 17 | 1 | " |
| E½ – S.W.¼ | 27 | 17 | 1 | " |
| W½ of S.E.¼ | 28 | 17 | 1 | " |
| E½ – W½ of W½ – N.E.¼ of N.W.¼ – S.E.¼ S.W.¼ – | 33 | 17 | 1 | " |
| N½ of N.W.¼ – N.E.¼ – S.W.¼ – N½ of S.E.¼ – S.W.¼ of S.E.¼ | 34 | 17 | 1 | " |
| N½ of N.W.¼ – N.W.¼ of N.E.¼ – S.W.¼ of N.W.¼ | 35 | 17 | 1 | " |
| Whole Section | 4 | 18 | 1 | " |
| N½ – W½ of S.W.¼ – S.E.¼ of S.W.¼ – S.W.¼ of S.E.¼ | 8 | 18 | 1 | " |
| N½ of N.W.¼ – N.W.¼ of N.E.¼ – S.W.¼ of N.W.¼ – N.W.¼ of S.W.¼ | 9 | 18 | 1 | " |
| N.W.¼ – W½ of N.E.¼ – | 17 | 18 | 1 | " |
| N.W.¼ – W½ of S½ – E½ of N.E.¼ | 18 | 18 | 1 | " |
| E½ – E½ of N.W.¼ – S.W.¼ – | 13 | 18 | 2 | " |
| W½ of N.W.¼ – | 14 | 18 | 2 | " |
| W½ – W½ of N.E.¼ – S.W.¼ of N.E.¼ – E½ of S.E.¼ – | 23 | 18 | 2 | " |
| N½ – N½ of S.W.¼ – N.W.¼ of S.E.¼ | 24 | 18 | 2 | " |
| E½ of N.E.¼ – | 28 | 18 | 2 | " |
| N.E.¼ – N.W.¼ – N½ of S.E.¼ – N½ of S.W.¼ | 27 | 18 | 2 | " |

Witness the Corporate Seal of the said Henry Ellen Coal Company and the Signatures of its President and Secretary this 29th Day of September A.D. 1888.

Henry Ellen Coal Company
By H. F. DeBardeleben Pres't.
Attest S. T. Brittle,
Secretary.

Signed Sealed and delivered in the presence of,
N.E.¼ of N.W.¼ – 35 – 17 – 1W
first erased on Second line from bottom 1st Page before Signing
Augustine T. Smythe
Ellison A. Smythe Jr

Seal.

## Schedule "B"

| | Section | Township | Range | |
|---|---|---|---|---|
| S½ of S.E¼ | 12 | 16 | 1 | East |
| N½ of S.W¼ – N½ of N.W¼ | 22 | 16 | 1 | " |
| W½ of S.W¼ – S.E¼ of S.W¼ – S.W¼ of S.E¼ | 34 | 16 | 1 | " |
| S.E¼ of N.E¼ – N.W¼ of S.E¼ – | 29 | 16 | 1 | " |
| N.E¼ of N.W¼ – | 3 | 17 | 1 | " |
| Fifteen acres in the N.W corner of N.W¼ of N.W¼ | 19 | 17 | 1 | " |
| W½ of N.E¼ – E½ of N.W¼ – S.W¼ of N.W¼ – N.W¼ of S.W¼ | 14 | 17 | 1 | West |
| S½ of S.W¼ – | 14 | 17 | 1 | " |
| S.E¼ of N.W¼ – N½ of S.W¼ – S.W¼ of S.W¼ – N.E¼ | 17 | 17 | 1 | " |
| N.W¼ of S.W¼ – | 25 | 17 | 1 | " |
| S.E¼ of S.E¼ | 29 | 17 | 1 | " |
| N½ of N.E¼ – S.E¼ of N.E¼ – N.W¼ of S.E¼ | 32 | 17 | 1 | " |
| S.E¼ of N.W¼ – N.E¼ of S.W¼ | 33 | 17 | 1 | " |
| S.E¼ of S.E¼ – S½ of N.W¼ – | 34 | 17 | 1 | " |
| N.E¼ of N.E¼ – N½ of S.W¼ – S.W¼ of S.W¼ | 6 | 18 | 1 | " |
| S.E¼ of N.W¼ – | 9 | 18 | 1 | " |
| S.E¼ of S.E¼ – S.W¼ of S.E¼ – S.E¼ of S.W¼ less 16 acres | 1 | 18 | 2 | " |
| S.E¼ – | 11 | 18 | 2 | " |
| S.W¼ of N.E¼ – N.W¼ of S.E¼ – W½ of S.W¼ | 12 | 18 | 2 | " |
| N.W¼ of N.E¼ less 15 acres – | 12 | 18 | 2 | " |
| W½ of N.W¼ – | 13 | 18 | 2 | " |
| N.W¼ of N.E¼ – N.E¼ of N.W¼ – | 14 | 18 | 2 | " |
| E½ of S.E¼ – | 22 | 18 | 2 | " |
| W½ of S.E¼ – S.E¼ of N.E¼ | 23 | 18 | 2 | " |
| S.W¼ of N.E¼ – N.W¼ of S.E¼ – E½ of S.W¼ – S.W¼ of N.W¼ | 25 | 18 | 2 | " |
| S.E¼ of N.E¼ – S½ of S.E¼ | 26 | 18 | 2 | " |
| S½ of S.E¼ – S½ of S.W¼ – | 27 | 18 | 2 | " |
| S.W¼ of N.E¼ – S.E¼ of N.W¼ – E½ of S.W¼ – | 36 | 18 | 2 | " |

Witness the Corporate Seal of the said Henry Ellen Coal Company and the signatures of its President and Secretary this 29th day of Sept. 1888.

Henry Ellen Coal Company
By H. F. DeBardeleben
Attest S. T. Brittle
Secretary.

Signed Sealed and delivered in the presence of
A. T. Smythe
Ellison A. Smythe Jr.

(seal)

## Schedule "C"

| | Section | Township | Range | |
|---|---|---|---|---|
| S.W¼ of S.W¼ – | 9 | 18 | 1 | West |
| N.E¼ of N.E¼ – | 17 | 18 | 1 | " |

Witness the Corporate Seal of the said Henry Ellen Coal Company and the signatures of its President and Secretary this 29th day of September 1888.

Henry Ellen Coal Company
By H. F. DeBardeleben Pres't
Attest S. T. Brittle
Secretary.

Signed Sealed and delivered in the presence of
Augustine T. Smythe
Ellison A. Smythe Jr.

(seal)

Filed in Jefferson County 1888 Oct 15th
Recorded in Book 106 page 127
M. R. Cobb Judge of Probate

The State of Alabama) Personally appeared before me W. P. G.
Jefferson County) Harding a Notary Public for the State
of Alabama Henry F. D. Bardeleben known to me
to be the President of the said Henry Ellen Coal
Company whose name is signed to the three fore=
going Schedules "A" "B" & "C" respectively and who after
being informed of the contents thereof acknowledged
that he executed the same in the same in the
name of the said Company for the purposes
therein contained; And also S. T. Brittle known to
me to be the Secretary of the said Company and whose
name is signed to the three foregoing Schedules
"A" "B" & "C" respectively and who after being informed of
the contents thereof acknowledged that he affixed the
seal of said Company together with his signature
to said conveyance,
Witness my hand and official Seal this 29th day of September
A. D. 1888.

W. P. G. Harding
Notary Public,

Filed for Record October 15th 1888 and Recorded,
R. M. Cobb, Judge of Probate