

LEASE

STATE OF ALABAMA)

SHELBY COUNTY)

THIS INDENTURE, made and entered into on this the 6th day of August, 1928, by and between FRANK HARRISON JR:an unmarried man, party of the first part, and LITTLE GEM COAL COMPANY, a corporation, party of the second part:

WITNESSETH: THAT WHEREAS, the party of the first part owns in fee simple and resides upon the following described tract or parcel of land situated in Shelby County Alabama, to-wit:

North half ($N\frac{1}{2}$) of northwest quarter ($NW\frac{1}{4}$) and north half ($N\frac{1}{2}$) of south half ($S\frac{1}{2}$) of northwest quarter ($NW\frac{1}{4}$) in Section 8, Township 22, south, Range 3 west, and also the lands described in that certain deed from W. H. Harrison and wife to Frank Harrison Jr., dated October 15, 1917, and recorded in the office of the Probate Judge of Shelby County, Alabama.

WHEREAS, the party of the second part owns certain lands and interests in lands in Section 29, and Section 32 of Township 21, Range 3 west, and in Section 5, and Section 7, and Section 8 of Township 22, Range 3 west, more particularly described in that certain indenture from Montevallo Hard Coal Company, a corporation, to Little Gem Coal Company, a corporation, dated the 15th day of July, 1922, and recorded in Deed Record 71, pages 576-80, in the office of the Probate Judge of Shelby County, Alabama; certain lands and interests in lands situated in Section 29, and Section 32 of Township 21, Range 3 west, more particularly described in that certain deed from Mary E. Hendrix to Little Gem Coal Company dated January 24, 1924, and recorded in Deed Record 77, page 12, in the office of the Probate Judge of Shelby County, Alabama; certain lands and interests in lands in Section 5 of Township 22, Range 3 west, more particularly described in that certain deed from Avery Boothe and wife to Little Gem Coal Company dated September 8, 1923, and recorded in Deed Record 75, page 25, in the office of the Probate Judge of Shelby County, Alabama; certain lands and interests in lands in Section 5 of Township 22, Range 3 west, more particularly described in that certain deed from S.H. Bian as Auditor of the State of Alabama, to Little Gem Coal Company, dated March 10, 1927, and recorded in Deed record 81, page 421, in the office of the Probate Judge of Shelby County, Alabama; certain lands and interests in lands in Section 5 of Township 22, Range 3 west, more particularly described in that certain deed from Bird Bearden and wife to Little Gem Coal Company dated January 2, 1923, and recorded in Deed Record 70, page 624, in the office of the Probate Judge of Shelby County, Alabama; certain lands and interests in lands in Section 5 of Township 22, Range 3 west, more particularly described in that certain deed from Bird Bearden and wife to Little Gem Coal Company dated September 1, 1921, and recorded in Deed record 69, page 364, in the office of the Probate Judge of Shelby County, Alabama; certain lands and interests in lands in Section 5 of Township 22, Range 3 west, more particularly described in that certain indenture from Eliza Lawley to Little Gem Coal Company dated August 6, 1920, and recorded in deed record 68, pages 130-131, in the office of the Probate Judge of Shelby County, Alabama; certain lands and interests in lands in Section 5 of Township 22, Range 3 west, more particularly described in that certain indenture from Eliza Lawley to Little Gem Coal Company dated August 6, 1920, and recorded in Deed record 68, pages 131-133 in the office of the Probate Judge of Shelby County, Alabama; certain lands and interests in lands in Section 5 and Section 6 of Township

22, Range 3 west, and in Section 31 and Section 32 of Township 21, Range 3 west, more particularly described in that certain indenture from John L. Watrous and others to Little Gem Coal Company dated August 1, 1920, and recorded in Deed Record 68, pages 228-233, in the office of the Probate Judge of Shelby County, Alabama; certain lands and interests in lands in Section 29, and Section 32 of Township 21, Range 3 west, and in Section 5, and Section 7, and Section 8 of Township 22, Range 3 west, more particularly described in that certain deed from Fleetwood Rice, W. E. Bonham and Montevallo Dogwood Mining Company dated October 20, 1923, and recorded in Deed Record 76, page 507 in the office of the Probate Judge of Shelby County, Alabama, all of which lands and interests in lands are situated in Shelby County, Alabama, and on which lands and interests in lands the party of the second part has constructed or opened and is now maintaining and operating and in the future will maintain and operate a coal mine, or coal mines, and coal mining machinery and equipment and appurtenances, including among other things coal washers, commissaries, corrals for horses and mules, residences for employees and other buildings and appurtenances convenient or desirable in the mining and washing and preparation of coal, and through which lands and interests in lands flows a stream known as McHenry Creek and a stream known as King's Creek and other streams, feeders, tributaries, brooks and branches; and

WHEREAS, the said lands and interests in lands of the parties hereto are so situated as that the waters of said McHenry Creek and King's Creek and other streams, tributaries, feeders, brooks and branches, flow from the lands and operations of the party of the second part down to and through or by the said lands of the party of the first part, on or near which lands of the party of the first part are located springs from which water is taken for drinking, domestic and other purposes the party of the first part being the lower riparian owner;

NOW, THEREFORE, in consideration of the premises, and in further consideration of the sum of Two Hundred Fifty Dollars (\$250.00) in hand paid to the party of the first part, the receipt whereof is hereby acknowledged, the party of the first part does hereby release and forever discharge the party of the second part, its successors assigns, lessees, tenants, lessors, agents and grantees from any and all damages that have been sustained by the party of the first part or members of his household or family by reason of or on account of the inundation or overflow of and the depositing of sediment and substances upon the said lands of the party of the first part or any part thereof, and in the said springs and by reason of the discharge into the said McHenry's Creek and King's Creek and other stream, tributaries, feeders, brooks, branches, springs and wells, of sediment and substances from the said coal mines, washers, corrals, stables, buildings, machinery, appurtenances and equipment; and, the party of the first part, for the said consideration, does also hereby grant unto the party of the second part, its successors, assigns, lessees, lessors, and grantees the right, privilege, and easement to divert the waters of the said creeks and streams from their course or courses and from the channels in which they flow and to use the same for washing coal and to cast and discharge such waters back into the channels of the said creek or streams and their feeders and tributaries and to cause the waters of the said creeks and streams to flow from the lands and operations of the party of the second part down the said creeks and streams through, over and upon the lands of the party of the first part in greater or lesser volume than they would

ordinarily and uniformly flow without such diversion and use and to discharge into the said springs, wells, creeks, and streams and their feeders and tributaries and upon the lands of the party of the first part, water, debris, refuse, sediments, and other substances of whatever kind and in whatever quantities as may accumulate in or may be caused by the maintenance and operation of the said mining properties, coal washers, corrals, stables, buildings and other equipment, or other mining properties, washers, corrals, stables, buildings and equipment hereafter constructed or operated by the party of the second part, its tenants, employees, successors, assigns, lessees, and grantees on the said lands and interests in lands or on other lands and interests in lands.

The rights, privileges and easements herein granted shall inure to the benefit of the party of the second part, and its successors, assigns, lessees, lessors, tenants employees and grantees and shall extend and attach to any lands and interests in lands that the party of the second part, its successors, assigns, lessees, lessors and grantees may hereafter acquire in Shelby County, Alabama.

The party of the first part, as a part of the consideration for the amount paid to him by the party of the second part as herein provided, hereby covenants with the party of the second part that he is the owner in fee simple of the lands described in the first paragraph hereof and that he does not own or have an interest in any other lands touching or bordering upon the said creeks or streams or any of them.

IN WITNESS WHEREOF the party of the first part, the said Frank Harrison Jr., an unmarried man, has hereunto set his hand and seal on the day and year first above written.

Frank Harrison Jr. (L.S.)

Witness: H.T. Bailey
G.W. Weaver

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, W. P. Rutledge, a Notary Public in and for the State and County aforesaid, hereby certify that FRANK HARRISON JR. whose name is signed to the foregoing indenture and who is known to me, acknowledged before me on this day that being informed of the contents of the said indenture, he executed the same voluntarily on the day the same bears date.

Given under my hand this the 6th day of August, 1928.

W. P. Rutledge
Notary Public, Jefferson County,
Alabama

THE STATE OF ALABAMA)

SHELBY COUNTY)

I, L.B. Riddle Judge of Probate hereby certify that the within lease was filed in this office for record Aug. 18th 1928 at 9 oclock A.M. and recorded in Deed record 86 page 502 and examined.

L.B. Riddle--Judge of Probate

