STATE OF ALABAMA

AGREEMENT

SHELBY COUNTY

THIS INDENTURE, made and entered into on this the 24th day of October, 1928, by and between Mrs Geneva Harrison and her husband Thomas R. Harrison, parties of the first part, and Little Gem Coal Company, a corporation, party of the second part,

Witnesseth: that whereas, the parties of the first part own in fee simple and reside upon the following described tract or parcel of land situated in Shelby C_{ounty} , Alabama to-wit:

The north half (N_2) of the southwest quarter (SW_4^1) and the north half (N_2) of the northwest quarter (NW_4^1) of the southeast quarter (SE_4^1) and part of the south half (S_2^1) of the southeast quarter (SE_4^1) of northwest quarter (NW_4^1) , all in Section eight (8), T_0 wnship twenty two (22), Range three (3) west, containing one hundred thirty five (135) acres, more or less, the same being the place known as the Frank Harrison home place, situated about two and one half miles from the town of Montevallo, in a northerly direction therefrom, on what is known as the Harrison R_0 ad;

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 Judge of Probate 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 inSection 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 fromS. H.Blan, 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 Protate Judge of Shelty County, Alabama; certain lands and interests in lands in Section 5 of Township 22, Range 3 west; more Esticularly 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 SheltyCounty, Alakama; 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 2, 1921, and recorded in Deed Record 69, page 364, in the office of the Probate Judge of Shelby County, Alabama; certain lands and interest in lands in Section 5, of Township 22, Range 3 west, more particularly described in that certain indenture from Eliza Lawley to Little Gem CoalCompany 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, "labama; certain lands and interests in lands inSection 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 Shelty County, Alabama; certain lands and inferests 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 funture 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, livestock, 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 parties of the first part, on or near which lands of the parties of the first part are located springs fromwhich water is taken for drinking, domestic, and other purposes, the parties of the first part being the lower riparian owners;

NOW THEREFORE, in consideration of the premises, and in further consideration of the sum of Three Hundred Fifty and No/100 (\$350.00) in hand paid to the parties of the first part, the receipt whereof is hereby acknowledged, the parties of the first part do 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 beensustained by the parties of the fiast part or members of the 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 parties of the first part or any part thereof, and in the said springs and by reason of the discharge into the said McHenry Creek and King's Creek and other streams, 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 parties of the first part, for the said consideration, do 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 creeks 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 parties of the first part in greater or lesser volume than they would ordinarily and uniformly flow without such diversion and use and todischarge into the said springs, wells,

and streams and their feeders and tributaries and upon the lands of the parties of the first part, water, debris, refuse, sediments and other substances of whatever kind and in whatever quantities as may accumulate on 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 shallextend 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 Shelty County, Alabama.

The parties of the first part as a part of the consideration for the amount paid to them by the party of the second part as herein provided, hereby covenant with the party of the second part that they are the owners in fee simple of the lands described in the first paragraph hereof and that they do not own or have any interest in any other lands touching or bordering upon the said creeks or streams or any of them.

IN WITNESS WHEREOF, the parties of the first part, the said Mrs.Geneva Harrison and her husband, Thomas R. Harrison, have hereunto set their hands and seals on this the 24th day of October, 1928.

Mrs.Geneva Harrison (L.S.) Thomas R. Harrison (L.S.)

Witnesses:

C. W. Landes J.E. Yessick

STATE OF ALABAMA
SHELBY COUNTY

I, Joe M. Crumly, a Notary Public in and for said County, in said State, do hereby certify that on the 24th day of October, 1928, came before me the within named Mrs.Geneva Harrison, known to me to be the wife of the within named Thomas R. Harrison, whobeing examimed separate and apart from the husband touching her signature to the within conveyance, acknowledged that she signed the same of her own freee will and accord, and without fear, constraints or threats on the part of the husband.

Given under my hand this the 24th day of October, 1928.

Joe M.Crumly
Notary Public Shelby County Alabama

STATE OF ALABAMA)
SHELBY COUNTY)

I, Joe M.Crumly, a Notary Public in and for said County in said State, hereby certify that Mrs. Geneva Harrison and her husband Thomas R. Harrison, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that being informed of the contents of the conveyance they executed the

Given under my hand this 24th day of October, 1928.

same voluntarily on the day the same bears date.

THE STATE OF ALABAMA)
SHELBY COUNTY)

Notary Fublic Shelby County
Alabama

I, L.B. Riddle Judge of Probate hereby certify that the within agreement was filed in this office for record Nov. 3rd.1928 at 9 oclock A.M. and recorded in Deed Record 87 page 177 and examined.

L.B. Riddle--Judge of Probate