

RELEASE

STATE OF ALABAMA)

JEFFERSON COUNTY)

THIS INDENTURE made and entered into on this the 27 day of March, 1929 by and between Mrs. M. Z. Stripling party 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 Jefferson County Alabama, to-wit: All of the lands formerly owned by T. B. McClesky, lying south of the Tuscaloosa road and west of McHenry Creek, being a part of SW $\frac{1}{4}$ of Sec. 5 and also a part of SW $\frac{1}{4}$ of Sect. 5 and also a part of east $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 6, all being in Tp. 22 Range 3 west, being 61 acres more or less and deeded to M.Z. Stripling Aug. 13, 1895, deed recorded in Deed Book 23 page 21, Mch. 20, 1899.

Also one half of all the land north of Tuscaloosa road, except 2 acres off of the corner of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sect. 5, known as the lands of T. B. McClesky being in all 30 $\frac{1}{2}$ acres more or less, being the west end of said tract commencing at the fork of the branches in said Tuscaloosa road thence north to the north boundary line running east and west, it being the west end of said tract, being north of said Tuscaloosa road. The land above is a part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Sect. 5, also a part of the east $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sect. 6, Tp. 22, Range 3 west as described in deed dated Feb. 15, 1898, and recorded in deed book 23, page 18, March 20, 1899. Said deed is from John Bishop and wife to J.D. Stripling.

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. 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 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, 1929, 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 of 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 the 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 interest 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 from which 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 Two Hundred & 00/100 Dollars 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 been sustained by the parties of the first part or members of their 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 of 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 to discharge into the said springs, wells, creeks 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 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 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 here of 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. M. Z. Stripling have hereunto set her hand and seal the day and year first above written.

Witness:

L.D. Stripling

Mrs. M. Z. Stripling (L.S.)

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, O. M. Cross, a Notary Public in and for said County in said State hereby certify that Mrs. M. Z. Stripling whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal of office this the 27 day of March 1927.

O. M. Cross
Notary Public Jefferson County Alabama

THE STATE OF ALABAMA)

SHELBY COUNTY)

I, Cage Head Judge of Probate hereby certify that the within release was filed in this office for record April 2nd 1929 at 2 oclock P.M. and recorded in Deed record 83 pages 162 et seq. and examined.

STATE OF ALABAMA
SHELBY COUNTY

I hereby certify that
\$ 22.00 Privilege Tax
has been paid on the within
instrument as required by
law.

CAGE HEAD,
JUDGE OF PROBATE

Cage Head--Judge of Probate