EASEMENT

STATE OF ALABAMA)

JEFFERSON COUNTY)

THIS INDENTURE made and entered into on this the 10th day of February 1930, by and between Mary I. McGaughy widow of J. L. McGaughy party of the first part, and Little GemCoal Company a corporation, party of the second part,

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

All of the southeast quarter ($SE_{4}^{\frac{1}{2}}$) of Section 8 that lies east of McHenry Creek; also the south half ($S_{2}^{\frac{1}{2}}$) of northeast quarter ($NE_{4}^{\frac{1}{2}}$) of southeast quarter ($SE_{4}^{\frac{1}{2}}$) of Section 8; also 10.50 acres off of the south end of the northwest quarter ($NW_{4}^{\frac{1}{2}}$) of southeast quarter ($SE_{4}^{\frac{1}{2}}$) of Section 8; also 4.35 acres off of the south end of northeast quarter ($NE_{4}^{\frac{1}{2}}$) of southwest quarter ($SW_{4}^{\frac{1}{2}}$) of Section 8; also southwest quarter ($SW_{4}^{\frac{1}{2}}$) of southwest quarter ($SW_{4}^{\frac{1}{2}}$) of southwest quarter ($SW_{4}^{\frac{1}{2}}$) of Section 9; also the west half ($W_{2}^{\frac{1}{2}}$) of northwest quarter ($NW_{4}^{\frac{1}{2}}$) of section 16, township 22, Range 3 west that lies west of the Montevallo and Elyton road, in Shelby C_{0} unty, A_{1} abama.

WHEREAS, the party of the second part owns certain lands and interests in lands in Section 29 and Section 32 of Township 21, Kange 3 west, and inSection 5 and Section 7 and Section8 of Township 22, Kange 3 west, more particularly described in that certain indenture from Montevaldo Hard Coal Company, a corporation, to Little Gem Coal Company, a corporation, dated the 15th day of July 1922, and recorded in Deed 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 inthat 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, Kange 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 Countym Alabama; certain lands and interests in lands/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, "ange 3 west, more particularly described intthat certain indenture from Eliza Lawlay 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 A, abama; certain lands and interests in lands in Section 5 of Township 22, Kange 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, ange 3 west, and inSection 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 re corded in Deed Record 68, pages 228-233, in the office of the Probate Judge of Shelby County, Alabama, certain lands and interests in lands inSection 29, and Section 32 of Township 21, Range 3 west, and in Section 5 and Section 7, and Section 8 of T waship 22, Range 3 west, more particularly described in that certain deed from Fleetwood Rice, W. E. Bonham and Montevallo Dogwood Mining C mpany 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, livestock, residences for employees, and other buildings and appurtenances convenient or desirable in the mining and washing and perparation of coal, and through which lands and intere ts 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 at that the waters of said McHenry Creek and King's Creek and other streams tributaries, feeders, brooks and branches, flows 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 Three Hundred Dollars (\$300.00) 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 idischarge the party of the second part, its successors, assigns, lessees, tenants, lessors, agents, and grantees fromany and all damages that have been sustained by the party of the first part or members of her 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 Creek and King's Creek and other streams, tributaries, feeders, brooks, branches, canals, water courses, 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, assigne, lessees, lessors and grantees the right, privilege and easement to divert the waters of the said creeks and streams fromtheir 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 bo flow from the lands and operations of the party of the second part down the said

creaks 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 ther substances of whatever kind and inwhatever quantities as may accumulate in or may be caused by the maintenances 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 her by the party of the second part as herein provided, hereby covenants with the party of the second part that she is the owner in fee simple of the lands described in the first paragraph hereof and that she does 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 party of the first part Mary I. McGaughy, widow of J. L. McGaughy has hereunto set her hand and seal on this the 10th day of February, 1930.

Witness: L. F.McGanghyy Douglas Arant

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, R. W. Powell a Notary Public in and for said County in said State, hereby certify that Mary J.McGaughy 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 inveyance, sheexecuted the same voluntarily on the day the same bears date.

Given under my hand this 10th day of February 1930.

R.W.Powell--Notary public Jefferson Cunty A abama

Mary I. McGaughy

(L.S.)

THE STATE OF ALABAMA)
SHELBY COUNTY)

I hereby certify that the within easement was filed in this office for record Fev. 13th 1930 at 2 clock P M. and record ed in Deed record 590 page 591 and examined,

STATE OF AI ADAMA
SHELBY COUNTY

I hereby certify that

\$ ______ rivilege Tax
has been paid on the within
instrument as required by

law.

CAGE HEAD, JUDGE OF PROBATE Cage Head--Judge of Probate