

EASEMENT

INDENTURE between W. E. Harrison and his wife Georgia E. Harrison, parties of the first part and Little Gem Coal Company, a corporation, party of the second part;

RECITALS

WHEREAS, the party of the second part has by instrument bearing even date herewith conveyed to the parties of the first part the following described real estate situated in Shelby County, Alabama, to-wit:

SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7, S $\frac{1}{2}$ of SW $\frac{1}{4}$ Section 8, that part of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8 lying west of McHenry's Creek (Old Creek run) all of NW $\frac{1}{4}$ of Section 17, except forty acres sold to Frank Davis, and 50 acres sold to George Kroell; (all that part of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 17, lying west of McHenry's Creek, 7 acres being in a V shape and lying west of McHenry's Creek, and off of southwest corner of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 17; also E $\frac{1}{2}$ of NE $\frac{1}{4}$ Section 18, the above land containing in all 327 acres, more or less, except 32 acres lying in SE corner of this tract of land which belongs to George M. Harrison; and all of said land lying and being in Township 22 south of range 3 west in Shelby County, Alabama, and being known as the George T. Harrison Estate farm, and which lies northwest of Montevallo about two miles; with certain exceptions and reservations; which for convenience are herein referred to as "lands of the parties of the first part"; and

WHEREAS, the party of the second part owns x 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, 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, 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 certain creeks, streams, tributaries, feeders, brooks, branches and bodies of water; and

WHEREAS, the said lands and interests in lands of the parties hereto are so situated that the waters of the said creeks, streams, tributaries, feeders, brooks, branches, and bodies of water flow from the lands and operations of the party of the second part down to and through or by the lands of the parties of the first part on or near which are located strpings, and/or wells from which water is taken for drinking, domestic and other purposes, the parties of the first part being the lower riparian owner. As part of the consideration for the aforesaid conveyance from the party of the second part to the parties of the first part, the parties of the first part agreed to execute and deliver this conveyance and make the covenants on their part herein contained.

NOW, THEREFORE, this agreement witnesseth: That in consideration of the execution and delivery to the parties of the first part by the party of the second part of the aforesaid conveyance of the lands or parties of the first part, the receipt of which is 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 or may

hereafter be 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 creeks, streams, tributaries, feeders, brooks, branches, bodies of water, 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 their 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 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 aforesaid conveyance to them by party of the second part, 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 an 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 W.E. Harrison and Georgia E. Harrison have hereunto set their hands and seals this 20th day of January, 1931.

STATE OF ALABAMA)
SHELBY COUNTY)

W.E. Harrison (L.S.)
Georgia E. Harrison (L.S.)

I, Lucile Cooper, a Notary Public in and for said County in said State, hereby certify that W.E. Harrison and his wife, Georgia E. Harrison, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal of office, this 10 day of Feb. 1931.

STATE OF ALABAMA)
SHELBY COUNTY)

Lucile Cooper--Notary Public

I, Lucile Cooper, a Notary Public in and for said County in said State, hereby certify that on the 10 day of Feb. 1931 came before me the within named Georgia E. Harrison, known to me to be the wife of the within named W.E. Harrison, who being examined separate and apart from her husband touching her signature to the within instrument, acknowledged that she signed the same of her own free will and accord and without fear, constraint or threats on the part of the husband.

In witness whereof I have hereunto set my hand and official seal this 10 day of Feb. 1931.

Lucile Cooper--Notary Public

THE STATE OF ALABAMA)

SHELBY COUNTY)

I hereby certify that the within eadement was filed in this office for record
Feb. 18th 1931 at 9 oclock A.M.and recorded in Deed record 92page 203 and examined

Cage Head--Judge of Probate
