

RELEASE AGREEMENT

#867

STATE OF ALABAMA)

SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS,

THAT WHEREAS, heretofore on the 8th day of April, 1941, the undersigned, Naomi Horton McCauley, and her husband, Charles H. McCauley, referred to as lessors, and the Little Gem Coal Company, an Alabama corporation, referred to herein as lessee, entered into a lease and agreement, which said ^{lease and} agreement is recorded in the office of the Judge of Probate of Shelby County, Alabama, in Book 119, at page 242, and

WHEREAS, pursuant to said agreement, the Little Gem Coal Company was granted and leased the right and privilege of mining coal from what is commonly known as the "Montevallo Seam" in, on and under the following described lands, located in Shelby County, Alabama;

That part of the northwest quarter of Section 33, Township 21, Range 3 West, lying West of the Montevallo and Elyton Public Road; excepting therefrom a tract of land which lies east of the right of way of the Southern Railway Company as located across said land and south of a private road which, on November 30, 1931, extended from the said Montevallo and Elyton public road to the place where the John Cunningham house was then located; and also excepting therefrom 15 acres located in the southwest corner of the southwest quarter of the northwest quarter of said section which was sold to W. J. Hites and wife in 1928.

AND WHEREAS, said description included certain lands under which said "Montevallo Seam" does not extend and also included certain rights of ingress and egress and surface privileges which the lessee does not intend to use, and the parties are mutually desirous of amending said lease agreement so as to clarify the respective rights of the parties, their successors and assigns,

NOW THEREFORE, FOR AND IN CONSIDERATION OF THE PREMISES and the sum of Five and no/100 (\$5.00) Dollars and other good and valuable considerations paid, the receipt whereof is hereby acknowledged, the undersigned Little Gem Coal Company, an Alabama corporation, does hereby release to Naomi Horton McCauley and husband, Charles H. McCauley, their successors, heirs and assigns all right, title, claim and interest in and to all of that portion of the above described land which lies east of the right of way of the Southern Railway Company as located across said land and does further release to said Naomi Horton McCauley and husband, Charles,

H. McCauley, their heirs, successors and assigns, all rights of ingress and egress over the surface of the above described land, all right to build spur tracks, tipples to sink shafts, and any other rights in or on the surface of the above described land, it being the intention of this agreement that the Little Gem Coal Company shall retain the right to mine coal from the "Montevallo Seam" beneath the surface of that portion of the above described land which lies west of the right of way of the Southern Railway Company but to release any rights in the surface of said land and any right to mine coal under the portion lying east of the right of way of the Southern Railway Company. All of the remaining covenants and agreements of said lease agreement of April 8, 1941 are reiterated and confirmed.

IN WITNESS WHEREOF, said Little Gem Coal Company has caused these presents to be executed by J. Molton Smith, Jr., its duly authorized president, and attested by R. D. Brown, its duly authorized Asst. Secretary, and said Naomi Horton McCauley and Charles H. McCauley, have hereunto set their hands and seals, this 30th day of December, 1944.

ATTEST: R. D. Brown,
Asst. Secretary.

LITTLE GEM COAL COMPANY
BY J. Molton Smith, Jr. (L. S.)
President

Naomi Horton McCauley (L. S.)

Charles H. McCauley (L. S.)

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, Anna Mae Richards, a Notary Public, in and for said county, in said state, hereby certify that J. Molton Smith, whose name as President of the Little Gem Coal Company, a corporation, is signed to the foregoing release and who is known to me, acknowledged before me on this date, that, being informed of the contents of said release, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this 30th day of December, 1944.

Anna Mae Richards, Notary Public

My commission Expires Jan. 10, 1948

Filed for record in this office on the 30th day of January, 1945, at one o'clock P. M. and duly recorded in Deed Record Vol. 119 on pages 468 et sequitur.

L. C. Walker, Judge of Probate

NO TAX DUE ON THIS INSTRUMENT