SURFACE RIGHTS LEASE

3031

STATE OF ALABAMA

SHELBY COUNTY

This Lease, made this the 10th day of December, 1948, by and between J.W. Holsomback and wife Dorothy Holsomback, hereinafter called the Lessors, and Oscar Harris, hereinafter called the Lessee the following described real property situated in Shelby County, Alabama.

Part of the Southwest quarter of the Southeast Quarter $(SW_4^{\frac{1}{4}} \text{ of } SE_4^{\frac{1}{4}})$, of Section 24, Township 19, Range 3 West, consisting of 1 acre in the form of a square, located around the present mine opening where lessee now has a coal mine on said property, Surface rights only Said mine opening to be the center of leased premises:

for use and occupancy as location for underground coal mine openings, spoils pile, and roadway and not otherwise, and for and during the term of five (5) years, to-wit from the 10th day of December, 1948, to the 9th day of December, 1953.

In consideration whereof, the Lessee has paid to the Lessors the sum of \$1.00, the receipt whereof is hereby expressly acknowledged.

This hase is made upon the following terms and conditions, Viz:

- The Lessors covenant keep the Lessee in poss ssion of said premises during said term but do not covenant that said property is fit or sutiable for the purposes for which it is let.
- Lessee shall have the right to run in power lines to the mine buildings and to set up power poles and build sufficient buildings, hoist, tipples, and loading equipment, in order to operate his mine and may remove same at the end of said rental term.
- Lessee agrees that he will not use any more of said surface rights than is necessary for the purpose of orerating said coal mine and agrees not to construct any dwellings on said property.
- Lessor agrees to pay all taxes promptly as the same shall mature against said real property and keep said property free of liens. Lessee shall pay all taxes on his said equipment and any improvements erected by him on said property, promptly as the same shall mature,

In Witness Whereof, the parties hereto have set their sept this the 30th day of April, 1949.

J.W. Holsomback

(SEAL)

STATE OF ALABAMA SHELBY COUNTY 5.50 Printage Tox

Dorothy Holsomback (SEAL)

Oscar Harris

(SEAL)

WITNESSES:

f. 83 been toid on the with. in summerit as required J. B. Strickland

Bryan A. Chace.

L. C. WALKER, JUDGE OF PROBATE on the 19th day of May, 1949, at 11 A.M. and recorded in deed record 138, page 345. on this the 20th day of May, 1949.

L.C. Walker, Judge of Probate.