

pointer, a corner to the S. F. McNary tract of land, running thence S. 74 W. 60 poles to a stake on the point of a ridge in a field; thence N. 87 W. 96 poles to a stake on a branch where three hickories, two elms and black gum are called for by old papers, corner to George Jagoe; thence S. 61-3/4 W. 27 1/2 poles to a beech, corner to same in a line of the parcel allotted to C. B. Moore; thence with a line of said parcel so allotted N. 36 1/4 E. 120-3/4 poles to an iron pin in the center of the Madisonville Road; thence with the center of said road with its meanders N. 36 W. 17 1/2 poles; N. 20 1/2 W. 28 poles; N. 17 1/2 W. 18 poles; N. 6 W. 246 poles; N. 29 1/2 W. 39 1/2 poles to a stake in the center of said road; thence leaving the road and running with a fence of William Hannah N. 67 1/2 E. 6 1/2 poles to a stake; thence with the fence of same S. 54 1/2 E. 22 poles to a stake; thence with fence of same S. 87 E. 55 poles to a stake; thence with fence of same E. 40 poles to the bank of Pond River; thence down said river with its meanders S. 7 1/2 E. 11 poles; S. 20 W. 20 poles; S. 32 1/2 E. 22 poles; S. 77 E. 28 poles; N. 61 E. 14 poles; N. 49 E. 24-3/5 poles to a stake and black oak on the bank of said river, corner to said S. F. McNary tract of land; thence with a line of said tract S. 2 1/4 W. 332 poles to the stake in the said Clark Mill Road; thence S. 12 1/4 E. 34-22/25 poles to the beginning, containing 347 acres.

But from said tract there is reserved and not conveyed the following boundary:

Beginning at a black walnut, and old corner, and running thence S. 86 1/2 W. 2583 feet to a rock on a branch, formerly three hickories and two elms, and old corner; thence with the old line S. 86 E. 1551 feet to a stake on the point of a ridge in a field; thence N. 74 E. 990 feet to the beginning, containing 6 1/2 acres, more or less.

On the 14th day of September, 1914, R. Martin & Brother by their Deed of that date of record in said Clerk's Office in Deed Book 87, page 575, conveyed to M. M. Wheeler, his heirs and assigns, all the coal, oil, gas and other mineral of every kind and character which may exist in, under and upon said tract of land, together with the full and free right of ingress and egress to and from said tract of land for the purpose of mining and taking therefrom all of the coal, oil, gas, iron, and all other minerals of every kind and character therein, together with the right to remove, transport and dispose of all said coal, oil, gas and other minerals as he, or they, may see proper, together with the right of mining and transporting all of said coal, oil, gas, iron, and other minerals to market, and the handling of all materials required for or necessary in mining operations, together with the full and free right to make such excavations and erect such structures upon said land as may be necessary or convenient, including the right to lay pipe lines, build railways, tanks, stations and other buildings and structures, such Deed provides that for such surface space as the said Wheeler, or his assigns, may take for the purposes aforesaid, he, or they, shall pay before taking the same, and the then owner of the surface of said land agrees to take and accept, the sum of THIRTY (\$30.00) DOLLARS per acre for such surface space as may be taken from said tract, and said Deed further provides that the said R. Martin & Brother, their successors and assigns, whenever directed so to do by the said M. M. Wheeler, his heirs and assigns, would convey to the said M. M. Wheeler, his heirs and assigns, without further of any consideration, a strip or parcel of said land 100 feet in width and extending entirely across said tract, to be used for a right-of-way for the extension of the Kentucky Midland Railroad, or its successors, provided the location of said railroad crosses said land; conditioned, however, on the said right-of-way being taken so as not to interfere with any building then on said land. The rights in said tract of land so conveyed to the M. M. Wheeler are reserved and not conveyed by this Deed, and this Deed is made subject to all the terms and provisions of the said Deed to the said M. M. Wheeler.

There is excepted from Tract No. 8 above described (designated as Tract No. 20) the surface of a parcel conveyed to Terteling Bros., Inc., by W. G. Duncan Coal Company, et al., by Deed dated April 9, 1954, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 187, page 254, and bounded as follows:

Beginning at the right-of-way of Kentucky Highway No. 70, and running S. 11-35 E. 750 feet to a 16 inch walnut; thence S. 85-40 W. 625 feet to a stake; thence N. 15 W. 700 feet to a stake; thence N. 30 E. 305 feet to a stake in the right-of-way line of Kentucky Highway No. 70; thence with said right-of-way line S25 feet to the place of beginning, containing 12.5 acres, more or less.

Tract No. 8 above described (designated as Tract No. 20) is subject to a division line agreement by and between W. G. Duncan Coal Company, et al., and New Coal Corporation, dated June 30, 1936, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 140, page 319, and said division line is described as follows:

Beginning at an iron stake planted in Pond River Bottoms on the North side of the Greenville and Madisonville Public Road, in Muhlenberg County, and running thence North 86-10 East 103 1/2 poles to an iron stake planted on the bank of Pond River in Muhlenberg County, Kentucky.

TRACT NO. 9: DESIGNATED AS TWENTY-FIRST TRACT

An undivided one-half of the following tract of land in Muhlenberg County, Kentucky:

Beginning at a stone in the center of the Greenville Road, with a poplar and walnut marked as pointers thereto; thence S. 48 1/2 W. 56 poles to a planted rock with two hickories marked as pointers; thence S. 18 1/2 E. 51 poles and 15 links to three small beeches; thence N. 81 1/2 E. 79 poles to a small beech on the South hillside; thence S. 70 E. 40 poles to a stake with a beech marked as pointer in the original line; thence N. 37 E. 17 poles to a beech on a branch; thence up said branch N. 23 1/2 W. 17-3/4 poles to a sweet gum branch; thence N. 12 W. 27 1/2 poles to a stake in the center of the road; thence with said road N. 82 W. 38 poles and 14 links to a white oak, black oak and hickory; thence N. 63 W. 30 poles and 13 links to a stake in said road, near a black oak and dogwood marked as corners to the meeting house lot; thence S. 28 W. 20 poles and 17 links to a double hickory in corner of said lot; thence N. 46 W. 8 poles and 16 links to a Spanish oak and dogwood marked as a corner; thence N. 19 E. 21 poles, passing a black oak, another corner of said lot, to a stake in said road; thence N. 46 W. 26 poles to the beginning, containing 47 1/2 acres, more or less. But there is reserved from said tract of land one acre for the Trustees of East Union Church for burial ground.

On the 28th day of December, 1905, R. Martin & Brother by their Deed of that date of record in said Clerk's Office in Deed Book 63, page 309, conveyed to Gusave B. Hengen, his heirs and assigns, all the coal and minerals in and under said tract of land, together with the right to enter upon said tract and open mines for the purpose of extracting mining and removing the coal and minerals that maybe in or under the same, and the right to operate said mines and remove the coal and minerals therefrom, and dispose of the same as he, or his assigns, may see proper, together with the right of ingress and egress upon or beneath the surface of said land to or from any mine opened by him, or his assigns, and the right to such surface space as maybe useful in his or their mining operations, together with all useful rights-of-way for building roads, ditches, or railroad switches, to transport the products of said mine to

market, together with the right to purchase such portion of the surface of said tract of land as he, the said Hengen, or his assigns, may desire at and for the price of FIFTY (\$50.00) DOLLARS per acre, which priced the said firm of R. Martin & Brother, by the terms of said Deed, for themselves, their heirs and assigns, agree to accept. The said coal and mining rights so conveyed to the said Hengen are reserved and not conveyed herein, and this Deed is made subject to all the terms and conditions of the said Deed to the said Hengen.

There is excepted from Tract No. 9 (designated as Tract No. 21) the surface of a parcel conveyed to R. P. Stovall, et al., by C. E. Martin, et al., dated December 4, 1935, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 144, page 88, and bounded as follows:

Beginning at a small hickory tree, the Southwest corner of the present church lot, and running thence N. 86-99 W. 45 feet to a stake; thence N. 32-00 E. 267 feet to a stake; thence N. 58-00 W. 130 feet to a stake; thence N. 32-00 E. 225 feet to a stake in the line of the road right-of-way; thence with the road S. 41-40 E. 177 feet to a stake; thence with the old line of the church lot, S. 32-00 W. 421 feet to the beginning, containing, 1.01 acres, (Bearings referred to true meridian.)

Grantor acquired title to Tracts Nos. 1 through 9, as above described, by Deed from W. G. Duncan, Sr., et al., dated March 11, 1921, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 107, page 479.

TRACT NO. 10: DESIGNATED AS B-31

An undivided one-half of the following tracts of land in Muhlenberg County, Kentucky:

FIRST TRACT: Beginning at a planted rock on S. W. Hillside 3rd original corner, formerly two white oaks, one now down, running thence N. 56-16 W. 1735 1/2 feet 105-1/5 poles to a rock planted on the N. W. bank of Isaac Creek thence N. 65 1/2 W. 57-3/4 feet 3 1/2 poles to a stake or planted rock a divisional corner between him and S. A. Stewart; thence on their divisional line N. 34-36 E. 693 feet, 42 poles to a stake or planted rock; thence S. 55 1/2 E. 1006-3/4 feet, 61 poles to a stake or rock on top hill in edge of old field; thence N. 49 E. 816-3/4 feet to a stake or planted rock; thence N. 40 W. 288-3/4 17 1/2 poles to a stake or planted rock in an old field near base of hill; thence N. 44 1/2 E. 825 feet, 50 poles to a rock planted on the W. side of the Greenville and Madisonville road; thence N. 70 E. 225 1/2 feet, 13-2/3 poles to a planted rock their divisional corner in old line; thence with old line S. 20 E. 585-3/4 feet, 33 1/2 poles to a planted rock, W. C. Stewart & J. J. Ragland corner; thence S. 11 E. 783 1/2 feet, 47 1/2 poles to a planted rock on old corner; thence with old line S. 49-2 W. 1880 feet to the beginning, containing 65 acres by survey.

There is excepted from the above described First Tract two parcels of land described as follows:

Parcel 1: Beginning at a stone on the Southwest side of the highway leading from Greenville to Earles, said stone is in old line N. 11 W. 709 feet from a stone, the N. E. corner of the W. C. Stewart property, and corner of F. B. Ragland, running thence N. 42 W. 30 feet to a stone in said highway line; thence S. 53-15 W. 300 feet to a stake; thence N. 42 W. 596.5 feet to a stake in C. M. Sparks line, thence with his line N. 44-30 E. 365 feet to a planted rock on the W. side of the Greenville and Earls Road; thence N. 70 E. 225.5 feet to a planted rock, (divisional corner in old line); thence 20 E. 585.75

feet to a planted rock, Stewart & Ragland corner; thence S. 11 E. 74.5 feet to a beginning corner, containing 6-3/4 acres, more or less.

Parcel 2: Two acres conveyed to T. J. Edge by W. C. Stewart and his wife, Ella Stewart, by Deed dated December 3, 1940, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 146, page 35, as bounded as follows:

Beginning at a stone on the Southwest side of the highway leading from Greenville, to Earles, said stone is in old line N. 11 W. 709 feet from a stone the N. E. corner of the W. C. Stewart property, and corner of F. H. Ragland, running thence N. 42 W. 30 feet to a stone in said highway line; thence S 53-15 W. 435 feet to a white oak; thence N. 73-45 W. 210-1/16 feet to a planted rock near small white oak sapling; thence S. 4-45 W. 256 feet to a stone; thence S. 76 E. 308-1/16 feet to a stone on bank of branch; thence N. 4 W. 279.5 feet to a stone; thence N. 53-15 E. 387.5 feet to the beginning, containing two acres.

SECOND TRACT: One tract of land lying on the waters of Isaac Creek and bounded as follows:

Beginning at two small sweet gums on the south side of Isaac Creek running thence S. 58 1/2 E. 103 poles to two white oaks on the South side of a hill; thence S. 46 1/2 W. to the bed of Isaac Creek; thence with the meanderings of the creek down to the beginning, containing about sixteen acres, more or less.

Grantor acquired title by Deed from Ruby Bowles, a widow, dated January 3, 1952, and now of record in said Clerk's Office in Deed Book 176, page 445.

TRACT NO. 11 DESIGNATED AS B-32

An undivided one-half of the following tract of land in Muhlenberg County, Kentucky:

Beginning at a rock on the north bank of Irvin's Creek S. 57 1/2 E. 14 1/2 feet from a beech and S. 79 W. 20 1/2 feet from another beech both of said beeches marked as pointers; thence N. 32-3/4 E. 464 feet to a rock at the corner of E. B. Noffsinger's yard fence; with the fence N. 60 1/2 W. 2118 feet to a rock in the flats, N. 47 1/2 E. 7-1/3 from a large white oak, marked as pointer; thence with the old line S. 32-3/4 W. 1800 feet to the mouth of Irvin's Creek; thence up the creek with its meanderings to the beginning, containing 41 acres, more or less.

The coal, minerals, and mining rights and privileges underlying the above described tract of land are excepted and reserved to the extent that same were conveyed to R. Martin & Brother by Jessie S. Noffsinger, a single man, by his Deed dated November 28th, 1905, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 61, page 383.

There is also included in this conveyance all right, title and interest of first parties in and to a certain right-of-way, which right-of-way was granted by W. J. Noffsinger to Baxter Jagoe on November 29th, 1913, and thereafter said right-of-way agreement was assigned and transferred by Elwood Jagoe, as the only child and heir at law of Baxter Jagoe, to A. C. Briles by transfer endorsed November 4th, 1921. Said right-of-way was granted in an instrument which was never recorded, and same has this day been delivered by first parties to second parties, which is hereby referred to and made a part hereof the same as though fully copied herein, and first parties convey all their right, title and interest therein to second parties.

Grantor acquired title by Deed from A. C. Briles and wife, Nelia Briles, dated October 1, 1951, and now of record in said Clerk's Office in Deed Book 175, page 452.

TRACT NO. 12 DESIGNATED AS C-31

An undivided one-half interest in the following tracts:

1st Tract: Beginning at a sweet gum and beech; thence S. 51 E. 49 poles to a poplar and maple; thence E. 64 poles to a sycamore and elm, J. R. Hays and W. C. Eades corner near a creek; thence due N. 115 1/2 poles to a stake in James W. Ward's line; thence with his line N. 88 W. 54-3/4 poles to a stake; thence S. W. 8 poles to a rock, Young's corner; thence S. 37 1/2 W. with Young and Irvin's line 94 1/4 poles to the beginning, containing 57 acres, more or less.

2nd Tract: Beginning at a planted stone marked "TI" and running thence N. 57 W. 34 poles to a planted stone on the edge of Hopkinsville and Rumsey road; thence with said road S. 20 W. 56 poles to a white oak thence S. 30 W. 22 poles to a planted stone Haley's line; thence S. 57 E. 20 poles to a gum and hickory; thence N. 33 E. 76 poles to the beginning, containing 12 1/2 acres.

There is reserved from said above described tracts of land and not herein conveyed, all coal contained in and underlying same, which coal has been heretofore conveyed to other parties.

There is also reserved and not herein conveyed, that part of said above boundaries of land conveyed to Chicago, St. Louis & New Orleans Railroad Company for railroad right-of-way, and that part of same conveyed to Muhlenberg County and State of Kentucky for Highway right-of-way.

Grantor acquired title by Deed from Clarence Cash and wife, Lucinda Cash, dated October 19, 1944, and now of record in said Clerk's Office in Deed Book 154, page 341.

TRACT NO. 12-A DESIGNATED AS C-32

An undivided one-half interest in the following tracts:

1st Tract: Beginning at a sugar tree and beech standing on the bank of a small creek and the corner of J. B. Haley's half of the old survey; thence down the creek S. 25 W. 6 poles and N. 80 W. 16 poles and S. 83 W. 14 poles and S. 80 W. 12 poles and N. 5 W. 10 poles and N. 80 W. 18 poles and N. 60 W. 12 poles and S. 70 W. 10 poles and N. 50 W. 8 poles and N. 75 W. 14 poles and S. 70 W. 4 N. 50 W. 14 poles and N. 30 W. 10 poles and N. 75 W. 14 poles and N. 10 poles and S. 65 W. 14 poles and N. 10 W. 16 poles and S. 80 W. 16 poles and S. 17 E. 8 poles N. 14 poles and N. 14 poles S. 45 W. 14 poles W. 6 poles and S. 35 W. 10 poles and N. 20 poles W. 14 poles and S. 45 W. 10 poles and S. 65 W. 12 poles and S. 8 poles to a rock on the bank of said creek and corner to the 26 1/2 acre survey; thence with that line reversed S. 62 E. 114 poles to the corner, a rock; thence S. 27 W. 35 poles to a rock in the old line, thence with that line S. 57 E. 55 poles to a rock, the corner to the division line; thence with that line reversed N. 33 E. 118 poles to the beginning, containing 80 acres, more or less.

There is excepted, however, from said above described tract of land, and not herein conveyed that part thereof containing 2.31 acres conveyed to Chicago, St. Louis & New Orleans Railroad Company, by Deed dated March 27, 1923, and recorded in Deed Book 114, page 412, in the Muhlenberg County Court Clerk's Office, and that part thereof containing about 2.93 acres, conveyed to the

Chicago, St. Louis & New Orleans Railroad Company, by Deed dated March 27, 1923, and recorded in said Clerk's office in Deed Book 114, page 446.

All coal and mineral rights contained in and underlying said above described tract of land are also reserved to the extent that same are reserved in former Deeds.

2nd Tract: Beginning at a hickory and gum, running thence N. 57 W. 108 poles to a sugar tree and beech on the bank of Isaacs Creek; thence S. 33 W. 118 poles to a rock in the old line; thence with that line S. 57 E. 106 poles to a rock marked F. J.; thence N. 33 E. 116 poles to the beginning, containing 77 acres, more or less.

All mineral and mining privileges as set forth in a Deed made by William Irvin to Hugh Martin, except 2 acres of mining privileges are to be laid off, commencing at an entry now made near the little creek in the pasture North of residence, running up the creek and down the creek on each side of the entry, and up the hill far enough to make 2 acres of said tract of land.

Grantor acquired title by Deed from Clarence Cash and wife, Lucinda Cash, dated August 25, 1944, and now of record in said Clerk's Office in Deed Book 153, page 619.

TRACT NO. 13: DESIGNATED AS H-34

An undivided one-half interest in the following tract:

Beginning at two white oaks, the South East corner of Tract No. 1 conveyed by T. T. Hailey to C. E. Martin and W. G. Duncan Coal Company by Deed June, 1928, and recorded in Deed Book 125, page 643, and running thence with the East line of this tract N. 19-45 W. 963 feet to a rock; another corner of Tract 1; thence with the East boundary of Tract 2 in the above mentioned T. T. Hailey Deed, N. 4-30 E. 560 feet to a rock in the line, begin the South West corner of Tract 3 in the above mentioned T. T. Hailey Deed; thence with the South line of Tract 3 N. 79-00 E. 100 feet to a rock in the line, being the North West corner of a tract conveyed by W. T. Humphrey, et al., to W. G. Duncan Coal Company in January, 1944, and recorded in Deed Book 152, page 211; thence with the West line of this Humphrey tract, S. 18-10 E. 1468 feet to two hickories and a black oak, Ball's corner; thence S. 72 W. 285 feet to the beginning, containing 9.0 acres, more or less.

The coal and mining privileges are excepted and reserved to the extent same were conveyed to Charles E. Martin, et al., by T. T. Hailey and his wife, J. A. Hailey, by Deed dated November 21, 1906, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 67, page 260.

Grantor acquired title by Deed from T. O. Hailey et al., dated December 22, 1943, and now of record in said Clerk's Office in Deed Book 186, page 164.

TRACT NO. 14: DESIGNATED AS H-31

An undivided one-half interest in the following tracts:

1. Beginning at a rock, John Miller and Ball's corner, running thence N. 72 E. 114 feet to two white oaks, DeArmond's corner; thence with his line N. 19-45 W. 963 feet to a planted rock; thence N. 187 W. 1143 feet to a planted rock; thence S. 13-30 E. 1380 feet to the beginning, containing 30.5 acres.

2. Beginning at a rock in the East line of Tract 2, and running thence N. 79

E. 1056 feet to a planted rock; thence N. 17-45 W. 554 feet to a white oak; thence S. 73 W. 845 feet to a stake; thence S. 43 W. 620 feet to the beginning, passing a stake on a planted corner to Tract 2 at 300 feet, and containing 12.6 acres.

The parties of the first part reserve by this Deed and do not hereby convey all the coal and mining privileges in Tracts 1 and 2 above described, which were heretofore conveyed by the said parties of the first part to Charles E. Martin and Charles E. Martin, Executor of the will of Rufus Martin, Deceased, by Deed dated November 21, 1906, and now of record in said Muhlenberg County Clerk's Office in Deed Book 67, page 260.

All rights, privileges and interest in said above described tracts of land not specifically conveyed to the said Charles E. Martin and Charles E. Martin, Executor, by said Deed of November 21, 1906, are now conveyed by the parties of the first part to the parties of the second part.

Grantor acquired title by Deed from T. T. Hailey and wife, J. A. Hailey, dated June 1, 1928, and now of record in said Clerk's Office in Deed Book 125, page 643.

TRACT NO. 15: DESIGNATED AS S-35

An undivided one-half interest in the following tract:

Beginning at a white oak and sweet gum, and running thence S. 5-35 E. 1786.1 feet (old Deed calls for S. 14 E. 108-1/4 poles) to a hickory and black gum on a drain; thence S. 56-50 W. 185 feet to the North East corner of East Union Baptist Church Parsonage Lot; thence S. 42-02 E. 442 feet to the South East corner of the East Union Baptist Church Cemetery; thence N. 54-28 East 208 feet to a rock in the fence line; thence N. 84-34 E. 65 feet; thence S. 78-00 E. 166 feet to a 6" oak in the fence line; thence with the fence N. 88-01 E. 75 feet; N. 74-01 E. 290 feet; N. 82-15 E. 192 feet; thence S. 89-27 E. 692 feet to a stake, leaving the fence line at 122 feet; thence with the old line N. 16 W. 405 feet to a stake (originally a planted rock, 3 white oaks): thence N. 8-40 W. 1382 feet to 2 hickories, dogwood and elm (old Deed calls for N. 16 W. 83 poles and 18 links); thence N. 80-57 W. 1650 feet (old Deed calls for N. 89 W. 100 poles) to the beginning, containing 74 acres, more or less.

All minerals excepted to the extent same were conveyed to Gustave B. Rengen, by C. E. Martin, et al., by Deed dated December 28, 1905, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 63, page 309.

Grantor acquired title by Deed from Lizzie Stafford, et al., dated September 14, 1956, and now of record in said Clerk's office in Deed Book 199, page 55.

TRACT NO. 16: DESIGNATED AS S-36

An undivided one-half interest in the following tract:

Beginning at the South side of a Lane at two hickories, a white oak and sweet gum and running thence S. 9-39 E. 1157.19 feet to a rock, L. C. Strader's corner; thence with his line S. 54-36 W. 495.71 feet to a stake; thence N. 38-20 W. 666.62 feet to a stake; thence N. 26-41 W. 436.04 feet to a stake in Altha Noffsinger's line; thence with his line N. 47-24 E. 527.29 feet to a stake; thence N. 3-24 E. 171.97 feet to a stake on the South side of the Lane; thence with the Lane S. 88-13 E. 421.16 feet to the beginning, containing 20.68 acres.

The coal underlying the above described tract of land is excepted only to the extent that same was conveyed to Charles E. Martin, et al., by C. A. Bourland, et al., by Deed dated September 27, 1909, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 79, page 199, which Deed is hereby referred to and made a part hereof the same as though fully copied herein.

Grantor acquired title by Deed from Earl B. Stovall, et al., dated October 2, 1956, and now of record in said Clerk's Office in Deed Book 199, page 237.

TRACT NO. 17: DESIGNATED AS W-31

An undivided one-half interest in the following tract:

Beginning at a stake in the right-of-way of the Graham-Earles Road, corner to Martin and Duncan; thence N. 04-56 E. 1478.5 feet to a stake in the right-of-way line of the Central City-Madisonville Road; thence along the said right-of-way S. 84-19 E. 26 feet to a stake in said right-of-way; thence S. 05-41 W. 10 feet to another stake in said right-of-way; thence S. 84-19 E. 100 feet to another stake in said right-of-way line; thence N. 05-41 E. 10 feet to another stake in said right-of-way line; thence S. 84-19 E. 600 feet to another stake in said right-of-way line; thence S. 05-41 W. 10 feet to another stake in said right-of-way line; thence S. 84-19 E. 920 feet to another stake in said right-of-way line; thence N. 05-41 E. 10 feet to another stake in said right-of-way line; thence S. 85-19 E. 402 feet to another stake in said right-of-way line; thence S. 04-40 W. 712 feet to an ash tree; thence S. 06-07 W. 1535.2 feet to a rock; thence N. 84-26 W. 1486.0 feet to a stake in right-of-way line of the Graham-Earles Road, passing a rock in this line at 1289.0 feet, Altha Noffsinger's corner; thence along said right-of-way line on a two degree, fifteen minute curve right 951.2 feet to the beginning stake, containing 99.2 acres.

The coal underlying said above described tract of land is excepted and reserved to the extent that same was heretofore sold to Charles E. Martin, et al., by James S. Lewis by Deed dated September 28th, 1909, now of record in said Clerk's Office in Deed Book 77, page 317.

Grantor acquired title by Deed from Rame Wilkins, et al., dated September 20, 1948, and now of record in said Clerk's Office in Deed Book 167, page 389.

TRACT NO. 18: DESIGNATED AS W-32

An undivided one-half interest in the following tracts:

1. Beginning at a beech; thence running due West 84 poles to a sweet gum and white oak; thence North 71 poles to an iron wood and elm; thence East 34 poles to a sycamore W. C. Eades' corner (now William Stewart's heirs); thence with his line South 80 degrees East 68 poles to a sycamore; thence with another line of same S. 70 degrees E. 76 poles to a white oak, his corner; thence East 3 poles to two hickories and an elm in Stewart's line, a corner C. M. Sparkes' survey; thence with his line South 36-1/3 poles to a rock, C. M. Sparkes and Thomas Stovall's corner; thence due West 122 poles to the beginning corner; and being 70 acres, more or less.

2. Beginning at a beech in the property line between said party of the first part and said parties of the second part; thence running due South 54 poles to a stake in the right-of-way line of the State Highway between Central City and Madisonville; thence along said right-of-way South 86-30 East 98 poles to a stake in said right-of-way; thence due North 60 poles to a rock, C. M. Sparkes, Thomas Stovall, and parties of the second part's corner; thence with the



property line between the party of the first part and parties of the second part due West 97 poles to point of beginning, and containing 35 acres, more or less.

Grantor acquired title by Deed from Rame Wilkins and wife, Lutie Wilkins, dated August 2, 1944, and now of record in said Clerk's Office in Deed Book 153, page 463.

TRACT NO. 19: DESIGNATED AS W-33

An undivided one-half interest in the following tract:

Beginning at a sweet gum and beech, beginning corner of the original survey, and running S. 51 E. 49 poles to a poplar and maple; thence due East 64 poles to a sycamore and elm; thence due North 115 poles to a stake; thence due East 60 poles to a stake; thence due North 41 poles to a stake; thence due West 60 poles to a stake; thence due North 22 poles to a stake; thence N. 75 W. 146-1/2 poles to a very large beech; thence due North 47 poles to a large white oak marked E. A.; thence due West 174 1/4 poles to a small white oak, small sweet gum and maple in Irvin's line; thence with Irving's line S. 59 1/2 E. 301-3/4 poles to his corner, a rock; thence with the same S. 31-1/2 W. 94-1/4 poles to the beginning, and containing 197 acres, 1 rood and 35 poles.

But there is excepted from said tract, and not conveyed, the following three parcels:

(A) Beginning at a sweet gum and beech, running thence S. 51 E. 49 poles to a poplar and maple; thence due East 64 poles to a sycamore, J. B. Hayes and William C. Eades' corner; thence due North with Eades' line 115-1/2 poles to a stake in said Ward's line; thence with his line N. 88 W. 54-3/4 poles to a stake; thence S. 5 W. 8 poles to a rock, Young's corner; thence S. 31-1/2 West with Young and Irvin's line 04-1/4 poles to the beginning, containing 58 acres, more or less.

(B) Beginning at a stake, William C. Eades' corner; thence E. 6 poles to a stake; thence N. 41 poles to two black oaks, W. K. Morgan and S. W. Earle's corner; thence West 60 poles to a stake; thence S. 41 poles to a stake in Eades' line; thence due East with Eades' line 54 poles to the beginning, containing 15 acres, more or less.

Said tracts A and B are the same which were conveyed to William C. Eades by J. W. Ward and wife, by Deed dated December 20, 1861, and of record in the Muhlenberg County Court Clerk's Office in Deed Book 20, page 691.

(C) Beginning at a standing gum and large beech, now down, Thomas C. Summers' original corner; running due South 200 feet to the bed of Sandy Branch; thence West, a little North, to the Public Road, leading from Sacramento to Hopkinsville, said line crossing the road, thence running with the ditch to a creek; thence with the meanders of said Creek, to Summers and Ward's original corner; thence line near a large standing beech, Summers and Ward's original corner; thence with their line to the beginning, containing 5 acres, more or less, and being the same tract of land conveyed to Thomas C. Summers by J. W. Ward and wife, by Deed dated May 27, 1880, and of record in said Clerk's Office in Deed Book 30, page 61.

There is also reserved and not conveyed by this Deed 7/10 of all the coal, oil, gas, iron, asphalt and fire clay of whatever kind, character or nature which may exist in and under the above described tract of land, same having been conveyed away by former Deeds, and now owned, as the records show, by the

parties of the second part.

Grantor acquired title by Deed from Robert Ward, and wife, Orlena Ward, dated August 31, 1945, and now of record in said Clerk's Office in Deed Book 157, page 80.

TRACT NO. 20: DESIGNATED AS E-31

An undivided one-half of the following tract:

Beginning at a stone on the Southwest side of the Highway leading from Greenville to Earles, said stone is in old line N. 11 W. 709 feet from a stone the N. E. corner of the W. C. Stewart property, and corner of F. B. Ragland, running thence N. 42 W. 30 feet to a stone in said highway line; thence S. 53-15 W. 435 feet to a white oak; thence N. 73-45 W. 210-1/16 feet to a planted rock near small white oak sapling; thence S. 4-45 W. 256 feet to a stone; thence S. 76 E. 308-1/16 feet to a stone on bank of branch; thence N. 4 W. 279.5 feet to a stone; thence N. 53-15 E. 387.5 feet to the beginning, containing two acres.

Only the surface of this tract of land is conveyed.

Grantor acquired title by Deed from Lillian Head, etc., dated October 10, 1942, and now of record in said Clerk's Office in Deed Book 148, page 608.

TRACT NO. 21: DESIGNATED AS SIXTEENTH TRACT

An undivided one-half of the following two tracts of land in Muhlenberg County, Kentucky:

(a) Beginning at a post oak and black oak in George Whitmer's and W. D. Strader's line; thence N. 68 E. 80 poles to a planted rock, a hickory and dogwood pointers in Joseph Rich's line; thence with his line S. 35 E. 25 poles to a white oak, Absalom Whitmer's corner; thence S. 55 with his line 70 poles to a black oak; thence due West 28-2/3 poles to a planted rock Strader's line; thence with his line due N. 34 poles to the beginning, containing 18 acres and 147 poles, more or less.

(b) Beginning at a planted rock, Absalom Whitmer's corner; thence with that line N. 55 E. 25 poles to a black oak and white oak; thence S. 88 W. 29 poles to a planted rock in George Whitmer's line; thence with his line N. 18 1/4 poles to the beginning, containing 2 acres, more or less.

Grantor acquired title by Deed from W. G. Duncan, Sr., et al., dated March 11, 1951, and now of record in said Clerk's Office in Deed Book 107, page 479.

There is excepted from tract No. 21, all the coal, and other minerals except oil and gas, to the extent same were conveyed to Justin Potter and his wife, Malere Blair Potter, by Deed dated December 31, 1951, and of record in said Clerk's Office in Deed Book 178, page 10.

TRACT NO. 1: DESIGNATED AS SECOND TRACT

An undivided one-half of the following tract of land in Muhlenberg County, Kentucky:

Beginning at the North East corner of the W. G. Duncan Coal Company's property, a stone, corner to Vernie Bivins; thence N. 87-20 W. 2374.0 feet to a stone on West side of old road; thence with property of Lock Ford, Nick

Ferguson and Mannie Johnson S. 2-40 W 1402.0 feet to a stone in the old road, 10 feet East of a black oak tree and 10 feet West of a hickory tree, corner to property of Mannie Johnson, William Pittman and Arch Reno; thence with Arch Reno S. 87-37 E. 2280.0 feet to a stake, corner of Vernie Bivins; thence N. 7-15 E. 1387.0 feet to the beginning, containing 74.3 acres, more or less.

There is excepted from the above boundary and not conveyed by this deed that portion of the above described boundary that was conveyed by the parties of the first part to the Commonwealth of Kentucky by and through its State Highway Commission by deed dated October 15, 1933, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 136, page 161.

NOTE: The foregoing boundary is a correct survey of March 2, 1943, and there is excepted from said tract the surface only, which was conveyed to George Washington Reeves, by Charles E. Martin, et al., by deed dated March 2, 1943, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 149, page 470. In said deed all coal, oil and oily substances, gas and gassy substances, iron ore, and all other minerals in, under and upon said above described boundary were excepted and reserved with the right to mine and remove same, and said undivided one-half interest in said minerals so reserved by said deed are now conveyed to Grantee herein.

TRACT NO. 2: DESIGNATED AS SEVENTH TRACT

An undivided one-half of all the coal, oil, gas, salt water and other minerals in and under the following three tracts of land in Muhlenberg County, Kentucky.

(a) Beginning at a poplar on the old line and standing on the East side of a branch, running thence S. 24 W. 66 poles to a rock in place of two beeches; thence S. 87 E. 24 poles to a hickory at the junction of the fence; thence N. 2 1/4 E. 61 poles to the beginning, containing 4 1/2 acres, more or less.

(b) Beginning at two poplars, beech and hickory, W. W. McNary's corner, running thence N. 30 E. 32 poles to three beeches, corner of W. C. McNary in the old line; thence S. 78 E. 39 poles to four beeches; thence S. 21 W. 62 poles to two blazed dogwoods; thence same course S. 21 W. 26 poles to a stake in the old line, and thence with the old line N. 11-3/4 E. 25 poles to the beginning, containing 25 acres, more or less.

(c) A tract lying adjacent to the above two tracts, containing about 60 acres, and being the old homestead of William C. Tyson, and being a portion of the North side of a 200 acre survey made in the name of Alexander Stewart.

March 6, 1908, C. E. Martin and others by Deed of that date of record in said Muhlenberg County Court Clerk's Office in Deed Book 72, page 524, conveyed the surface of said three tracts of land to Joseph Rickard, by the said Deed reserving unto themselves, their heirs and assigns, all the coal, oil, salt water and other minerals therein by the following reservation contained in said Deed:

"There is reserved from this conveyance all right and title and interest in and to the mineral and mining privileges in and under said land, consisting of the right to mine and take from under the land hereinabove described all coal, oil, gas, salt water, or other minerals that may be under same, and to dispose of said coals and minerals as they may see proper, and reserving the right to enter upon said land for the purpose of opening mines, and the right of ingress and egress to any mine or mines opened by parties of the first part, or their successors or assigns, and their right to such surface space as may

be necessary in mining operations, but for such surface space as may be taken for the purposes aforesaid the parties of the first part, or their assigns, will pay before taking the same at the rate of \$25.00 per acre."

Grantor now owns an undivided one-half interest in all the coal, oil, gas, salt water and other minerals in said three tracts of land so reserved in the said conveyance to the said Joseph Rickard, and said undivided one-half interest therein is now conveyed by this deed subject to the terms and conditions of the said deed to the said Joseph Rickard.

NOTE: There is excepted from Tract No. 2 (designated as Seventh (a) and (c)), the Number Nine (#9) coal only, as conveyed to Zeigler Coal and Coke Company, by W. G. Duncan Coal Company, et al., by deed May 4, 1951, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 174, page 624, under the following boundary:

Beginning at an iron pin by a beech on a branch and running thence S. 53-05 East 1407 feet to a beech, thence N. 29-09 E. 320 feet to a stake, thence S. 89-08 East 416 feet to a stake; thence N. 4-51 East 1089 feet to a beech, thence N. 32-01 East 651 feet to a stake, thence N. 56-48 West 595 feet to the center line of the railroad tract leading to the tipple of the Vogue Mine, thence S. 53-41 West 1842 feet with said tract a portion of the way and continuing in a straight line thereafter to an intersection with the West line of the old survey, thence S. 26-46 East to the point of beginning, containing 51.6 acres.

TRACT NO. 3: DESIGNATED AS EIGHTH TRACT

An undivided one-half of all the coal and mining privileges in and under the following three tracts of land in Muhlenberg County, Kentucky:

(a) Beginning at a black gum, ash and elm, one of the original corners to the Fishback and Landmand surveys, running thence W. 177 poles to a post, oak and elm, J. R. Roark's corner; thence N. 80 poles to a white oak and hickory; thence E. 177 poles to a stake in the line of said original survey, now Jackson Browning's line; thence S. with said line 80 poles to the beginning, containing 87 1/2 acres, more or less.

(b) Beginning at a rock, corner to T. C. Summers; running thence S. 39 poles to a rock, S. W. Earle's corner; thence 29 1/4 poles to a rock on Earle's line; thence N. 77 poles to two white oaks and black oak in the original line; thence W. 255 1/2 poles to a black gum; thence S. 32 1/4 poles to two white oaks and ash, T. C. Summers' corner; thence with his line S. 89 E. 254 poles to the beginning, containing 61 acres and 109 poles, more or less.

(c) Beginning at a black gum, Leander W. Lovell's corner, running thence E. 120 1/2 poles with Liston H. Lewis' line to a stake, William Stewart's corner; thence N. with his line 16 poles to a poplar, gum and dogwood; thence W. 120 1/2 poles to a rock in Lovell's line; thence S. with his line 16 poles, to the beginning, containing 12 acres and 16 poles, more or less.

But from said three tracts there are excepted and not conveyed the following parcels:

1. Beginning at a rock in T. C. Summers' line, running thence N. 88 W. 205 poles to two white oaks and ash, T. C. Summers' corner; thence due N. 32 poles to a black gum; thence S. 88 E. 20 poles to a post, oak and maple, Roark's corner; thence North with Roark's line 8 poles to a planted rock, two elms marked as pointers; thence S. 88 E. 185 poles to a planted rock in a field;

thence due S. 40 poles to the beginning, containing 50 1/4 acres, more or less, and being the same tract conveyed to Jacob F. Whitmer by Jeremiah Whitmer by Deed dated February 4, 1878, of record in said Clerk's Office in Deed Book 29, page 52.

(2) A tract or parcel of land containing 35 acres, more or less, off the North side of the 87 1/2 acre tract (tract "a" herein conveyed) conveyed to the party of the first part (David W. Whitmer) by his father, Jeremiah Whitmer, by Deed dated November 16, 1898, of record in said Clerk's Office in Deed Book 47, page 23, the 35 acres to be laid off so as to begin at a white oak and hickory, one of the corners of the said 87 1/2 acre tract; thence to embrace a strip of land 31 poles wide and 177 poles long on the North side of said tract, containing 35 acres, and being the same tract of land conveyed to John C. Richey by David W. Whitmer by Deed dated August 25, 1900, and of record in said Clerk's Office in Deed Book 50, page 104.

(3) Beginning at a planted rock in J. C. Richey's line 140 feet from his and T. A. Haley's corner, running thence with J. C. Richey's 5 W. (old call S. 2W.) 485 feet to a rock; thence S. 87 E. (old call due East) 470 feet to a black oak; thence N. 3 E. 473 feet to a planted rock; thence N. 85-3/4 W. 455 feet to the beginning, containing 5.06 acres, and being the same tract conveyed to J. F. Whitmer by T. A. Haley and wife by their Deed bearing date April 10, 1908, and of record in said Clerk's Office in Deed Book 74, page 294.

(4) Beginning at a black oak and white oak, Rufus O. Walker's corner, running thence E. 22 1/2 poles to a rock, J. J. Whitmer's corner thence N. 16 1/2 poles to a rock in J. J. Whitmer's line thence W. 23 1/2 poles to a rock, D. W. Whitmer's corner and J. J. Whitmer's line; thence S. 16 1/2 poles to the beginning, containing 2 acres and 22 poles, more or less, and being the same tract conveyed to Amos J. Whitmer by D. W. Whitmer and others by Deed bearing date April 4, 1903, and of record in said Clerk's Office in Deed Book 75, page 515.

The Grantee, its successors and assigns, shall take under this Deed the perpetual right to mine and take from under the land hereinabove described all the coal that may be in and under the same, and dispose of said coal as it or they may see proper, and are granted the right to enter upon said land for the purpose of opening mine, and the right of ingress and egress on and beneath the surface to and from any mine opened by the party of the second part, its successors and assigns, and the right to such surface space as may be necessary in mining operations, and for such surface space as it may take for the purposes aforesaid said Grantee, its successors and assigns, shall pay before taking the same, and the then owner of the surface of said tract of land agrees to accept, the sum of TWO HUNDRED (\$200.00) DOLLARS per acre. If any of said land shall be damaged in mining operations of the Grantee, its successors or assigns, it or they shall pay the then owner of the surface of said land at the same rate per acre for the portion so damaged.

## TRACT NO. 4:

## DESIGNATED AS NINTH TRACT

An undivided one-half of all the minerals and mining privileges in and under the following tract of land in Muhlenberg County, Kentucky:

Beginning at a planted rock in T. C. Summers' line, and running thence N. 88 W. 205 poles to two white oaks and ash, T. C. Summers' corner thence due North 32 poles to a black gum; thence S. 88 E. 20 poles to a rock, oak and maple, Roark's corner; thence North with Roark's line 8 poles to a planted rock, two elms marked as pointers; thence S. 88 E. 185 poles to a planted rock in a