

# Source Deeds

Jack

These should be the sources of each parcel.

Everything south of route 70

1. Parcel 024-00-00-004.000
- 2.

Tract 1 - Designated as First Tract - DB602-P1858 - 344.9 Acres  
Tract 17 - Designated as W-31 - DB602-P1826-99.2 Acres

1. Parcel 039-00-00-001.000
- 2.

Tract 22 - Parcel 3 - Designated as KM - DB602-P1849 - 102 Acres  
Tract 18 - (a) - Designated as Thirty Third Tract - DB602-P1841 - 77.5 Acres  
Tract 26 - Designated H-32 - DB602-P1856 - 73 Acres

1. Parcel - 025-00-00-001.000
- 2.

Tract 10 - Designated as B-31 - DB602-P1821 - 65 Acres  
Tract 5 - Designated as Seventeenth Tract - DB602-P1814 - 147 Acres  
Tract 9 - Designated as Twenty-First Tract - DB602-P1820 - 47.5 Acres  
Tract 3 - (a) - Designated as Fifth Tract - DB602-P1812 - 56 Acres  
Tract 3 - (b) - Designated as Fifth Tract - DB602-P1812 - 35.5 Acres

1. Parcel - 005-00-00-001.001
- 2.

Tract 25 - Designated as T-31 - DB602-P1855 - 347.5 Acres

1. Parcel - 002-00-00-001.000
- 1.

Tract 4 - Designated as Sixth Tract - DB602-P1814 - 125 Acres  
Tract 6 - Designated as Eighteenth Tract - DB602-P1815 - 190 Acres

1. Parcel - 011-00-00-003.000
- 2.

Tract 2 - Designated as Fourteenth Tract - DB602-P1859 - 263 Acres

south of 70

1. ~~Parcel - 036-00-00-047.000~~

not selling

Tract 21 (a) - Designated as Sixteenth Tract - DB602-P1828 - 18 Acres  
Tract 21 (b) - Designated as Sixteenth Tract - DB602-P1828 - 2 Acres

Tracy Crume

**QUITCLAIM DEED**

**THIS QUITCLAIM DEED**, made this 24<sup>th</sup> day of June 2022, by and between C.E. MARTIN HEIRS, LLC, a Kentucky limited liability company, party of the first part, GRANTOR, and JARRIS, LLC, a Kentucky limited liability company, party of the second part, GRANTEE.

WITNESSETH:

That for and in consideration of the sum of \$1,161,950.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the GRANTOR does hereby REMISE, RELEASE AND FOREVER QUITCLAIM unto the GRANTEE, all of its right, title and interest, in and to the following described property, located in Muhlenberg County, Kentucky, and being more particularly described in Exhibit A attached hereto and made a part hereof (the "Property").

GRANTEE acknowledges and agrees that the property is being sold and accepted "AS IS" AND "WITH ALL FAULTS" IN ITS PRESENT CONDITION, WITHOUT ANY REPRESENTATION OR WARRANTY (EXPRESS OR IMPLIED) OF ANY KIND OR NATURE, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, INCLUDING WITHOUT LIMITATION, WITH REGARD TO (A) THE PHYSICAL, OPERATING, REGULATORY COMPLIANCE, SAFETY, OR ENVIRONMENTAL CONDITION OF THE PROPERTY; (B) MINEABILITY, WASHABILITY, VOLUME, LOCATION, QUANTITY, QUALITY, ACCESS TO OR RECOVERABILITY OF ANY COAL, EXISTING PRODUCING AND NON-PRODUCING OIL AND GAS WELLS AND DEVELOPMENT; (C) GEOLOGICAL CONDITIONS OF THE PROPERTY; (D) THE PRESENT AND/OR FUTURE EXISTENCE OR LACK THEREOF OF ANY SUBSTANCE, CONDITION, MATERIAL UPON, WITHIN, BELOW OR ABOUT THE PROPERTY. GRANTEE ACKNOWLEDGES AND AGREES THAT ACTIVITIES FOR THE MINING, EXTRACTION, PROCESSING, AND TRANSPORTING OF COAL AND OIL AND GAS HAVE OCCURRED ON THE PROPERTY AND ALL OR ANY PART OF THE PROPERTY MAY CONTAIN ROUGH, UNNATURAL OR UNSTABLE SURFACES, INADEQUATE SUBADJACENT OR LATERAL SUPPORT OR OTHER CONDITIONS RELATING TO THE PRIOR USE OF THE PROPERTY. GRANTEE acknowledges and agrees that it has made such investigation and conducted such due diligence of the condition of the Property as GRANTEE deems necessary or advisable to consummate the transaction contemplated in this Deed and is relying solely upon its own investigation and not upon and representation or warranty, statement or opinion by the GRANTOR. THE ACCEPTANCE OF THIS DEED BY GRANTEE SHALL CONSTITUTE AN ADMISSION BY GRANTEE OF GRANTEE'S COMPLETE SATISFACTION, SOLELY IN RELIANCE UPON GRANTEE'S INSPECTION OF THE PROPERTY, WITH THE CONDITION OF THE PROPERTY, AND GRANTEE AND GRANTEE'S SUCCESSORS AND ASSIGNS SHALL NOT BE ENTITLED TO MAKE OR ASSERT ANY CLAIM AGAINST GRANTOR WITH RESPECT TO THE CONDITIONS OF THE PROPERTY OR OPERATIONS HERETOFORE OCCURRING ON THE PROPERTY, OR WITH RESPECT TO ANY WARRANTY OR REPRESENTATION IN RESPECT THEREOF (NONE HAVING BEEN MADE BY GRANTOR).

CERTIFICATE OF CONSIDERATION

We, the undersigned, GRANTOR and GRANTEE herein, do hereby certify, pursuant to K.R.S. Chapter 382, that the above-stated consideration in the amount of \$1,161,950.00 is the true, correct and full consideration paid for the Property. We further certify our understanding that falsification of the stated consideration of sale price of the property is a Class D Felony, subject to one to five years imprisonment and fines up to \$10,000.00.

The tax bill for the year in which this transfer is and all subsequent years shall be sent to Jarris, LLC at 819 Griffith Avenue, Owensboro, KY 42301.

*Signatures and Acknowledgments Follow Next Page.*

DOCUMENT NO: 304074  
RECORDED: July 13, 2022 11:35:00 AM  
TOTAL FEES: \$209.00 TRANSFER TAX: \$1,162.00  
COUNTY CLERK: CRYSTAL SMITH  
DEPUTY CLERK: SHERRY R. WHITNEY  
COUNTY: MUHLENBERG COUNTY  
BOOK: D602 PAGES: 1806 - 1863

~~The tax bill for the year in which this transfer is and all subsequent years shall be sent to Jarris, LLC, [250 Less Travelled Land, Calhoun, Kentucky 42327].~~

*Signatures and Acknowledgments Follow Next Page.*

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be executed by its duly authorized representative as of the day and year first above written.

C.E. MARTIN HEIRS, LLC, a Kentucky limited liability company

By: Mary Martin Rogers

Name: Mary Martin Rogers

Title: Authorized Manager

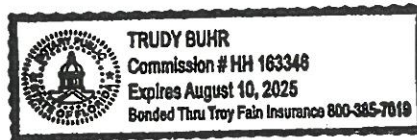
STATE OF Florida,  
COUNTY OF Indian River, TO-WIT:

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of June 2022, by Mary Martin Rogers, as the Authorized Manager of C.E. MARTIN HEIRS, LLC, a Kentucky limited liability company, for and on behalf of said limited liability company.

Trudy Buhr  
NOTARY PUBLIC

My Commission Expires:

August 10, 2025



Client Work\4870-5409-4373.v1-6/17/22

IN WITNESS WHEREOF, GRANTEE has caused this instrument to be executed by its duly authorized representative as of the day and year first above written.

JARRIS, LLC, a Kentucky limited liability company

By: \_\_\_\_\_

IN WITNESS WHEREOF, GRANTEE has caused this instrument to be executed by its duly authorized representative as of the day and year first above written.

JARRIS, LLC, a Kentucky limited liability company

By: [Signature]

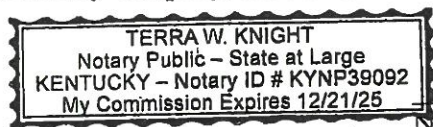
Name: Jacob Reid

Title: Member

STATE OF Kentucky

COUNTY OF Daviess, TO-WIT:

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of June 2022, by Jacob Reid, as the authorized member of JARRIS, LLC, a Kentucky limited liability company, for and on behalf of said limited liability company.



[Signature]  
NOTARY PUBLIC

My Commission Expires:  
12-21-2025

PREPARED BY:  
[Signature]

Terra Knight  
Thecker Hodokery & Knight, LLP  
209 W. 4th St  
Owensboro KY 42301  
270-926-4560

**Exhibit A**

All right, title, and interest of the GRANTOR in and to the surface, coal, oil, gas, and other minerals of lands in Muhlenberg County, Kentucky, lying North of State Highway 70, the general boundary of which is depicted on the map attached hereto as Exhibit A. GRANTOR quitclaims to GRANTEE any interest it may own in surface, coal, oil, gas and other minerals that are situated within the boundary depicted in Exhibit A. For the avoidance of any doubt, it is the intent of the parties to this conveyance to grant from GRANTOR to GRANTEE all of GRANTOR'S right, title, and interest, if any, in and to the surface, coal, oil, gas, and other minerals in Muhlenberg County, Kentucky, lying north of State Highway 70, including in the portions of the tracts of land described by the metes and bounds descriptions attached hereto and incorporated herein by reference which lie North of State Highway 70.

**Grantor's Sources of Title**

**(All References to Muhlenberg County, Kentucky Clerk's Office)**

1. By Deed dated November 22, 1999, and recorded in Deed Book 472, page 688, Mary M. Rogers and James L. Rogers, III, Ann M. Forsythe and Charles M. Forsythe, Elizabeth Martin, and George R. Martin, Jr., and Anne D. Martin conveyed all of their right, title, and interest in and to the Property to GRANTOR.
2. By Deed dated November 29, 1999, and recorded in Deed Book 472, page 577, Benjamin C. Martin, Jr., and Owensboro National Bank, Successor Trustee of Central Bank & Trust Company, as Co-Trustees of the Benjamin C. Martin Trust dated July 12, 1976, conveyed all of their right, title, and interest in and to the Property to GRANTOR.
3. By Deed dated December 6, 1999, and recorded in Deed Book 472, page 633, Hilda Martin, Trustee of the Charles E. Martin II Revocable Trust dated August 17, 1995, conveyed all right, title, and interest of said trust in and to the Property to GRANTOR.
4. By Deed dated December 7, 1999, and recorded in Deed Book 472, page 521, Earle P. Martin, Jr., Henry W. Martin, and Owensboro National Bank, Successor Trustee of Central Bank & Trust Company, as Co-trustees of the Earl P. Martin Trust dated September 5, 1980, conveyed all of their right, title and interest in and to the Property to GRANTOR.
5. By Deed dated December 23, 1999, and recorded in Deed Book 473, page 001, Owensboro National Bank, Successor Trustee of Central Bank & Trust Company, as Trustee of the Lorine Kirkpatrick Trust, conveyed all right, title, and interest of said trust in and to the Property to GRANTOR.
6. By Deed dated December 24, 1999, and recorded in Deed Book 472, page 745, Mary Jane Sparks and Donald Sparks conveyed all of their right, title, and interest in and to the Property to GRANTOR.

## EXHIBIT "A"

## AREA I PROPERTIES

## TRACT NO. 1: DESIGNATED AS THIRD TRACT

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

Beginning at an ash, dogwood, white oak and black oak, the beginning and Northwest corner of a 200 acre survey made in the name of Willis Morgan, assignee of Elijah Adams, and Southwest corner of John McFarland, running thence with the line of the last mentioned survey N. 219 poles to a white oak, black oak and three elms, Southeast corner to a survey for Willis Morgan, assignee of Susannah Weir; thence with the line of said survey W. 146 poles to four small hickories; thence S. 219 poles to three white oaks, black oak and gum: thence E. 146 poles to the beginning, containing 200 acres, more or less.

On the 28th day of October, 1905, by Deed of record in Muhlenberg County Court Clerk's Office in Deed Book 60, page 605, C.E. Martin and others conveyed to Gustave B. Hengen, his heirs and assigns all right, title and interest in and to the minerals and mining privileges on and under said tract of land with the right to mine and take from under the same all the coal, oil, gas, salt water or other minerals that may be under said land and dispose of said minerals as he the said Hengen, his heirs or assigns may see proper, together with the right to enter upon said land for the purpose of opening mines, and the right of ingress and egress to and from any mine opened by him or his heirs, and the 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 said Hengen, his heirs or assigns, will pay before taking same at the rate of TWENTY (\$20.00) DOLLARS per acre, but no rights were granted to the said Hengen under said Deed to any part of the surface without first paying for the same as above stated.

Grantor now owns an undivided one-half of said tract of land less the coal and minerals so conveyed to the said Gustave B. Hengen, which one-half interest so owned by Grantor is now conveyed by this Deed subject to the terms and conditions of the said Deed to the said Hengen.

## TRACT NO. 2: DESIGNATED AS FOURTH TRACT

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

Beginning at a white oak, corner of James Murphy and Charles Morgan, running thence due South with said Morgan's line 242 poles to a sassafras in said Morgan's field: thence due East 30 1/4 poles with another of said Morgan's lines to a white oak, Summers' corner: thence due N. 45 poles to a sweet gum, L. H. Lewis' corner: thence due East with his line 20 poles to a white oak and maple: thence due North with Leander Lovell's line 80 poles to a hickory and swamp white oak in said Lovell's line: thence due East 26 1/2 poles to an elm and swamp white oak Coombs' corner: thence due North 117 1/2 poles, passing another of said Coombs' corners at 85 1/2 poles to a stake in the said Murphy's line: thence due West with his line 76-3/4 poles to the beginning, containing 87 1/2 acres, more or less.

On the 28th day of October, 1905, by Deed of record in Muhlenberg County Court Clerk's Office in Deed Book 60, page 605, C. E. Martin and others conveyed to Gustave B. Hengen, his heirs and assigns all right, title and interest in and to the minerals and mining privileges on and under said tract of land with the right to mine and take from under the same all the coal, oil, gas, salt water or other minerals that may be under said land and dispose of said minerals as he, the said Hengen, his heirs or assigns may see proper, together with the right to enter upon said land for the purpose of opening mines, and the right of ingress to and from any mine opened by him or his heirs, and the 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 said Hengen, his heirs or assigns, will pay before taking same at the rate of TWENTY (\$20.00) DOLLARS per acre, but no rights were granted to the said Hengen under said Deed to any part of the surface without first paying for the same as above stated.

Grantor now owns an undivided one-half of said tract of land less the coal and minerals so conveyed to the said Gustave B. Hengen, which one-half interest so owned by Grantor is now conveyed by this Deed subject to the terms and conditions of the said Deed to the said Hengen.

TRACT NO. 3: DESIGNATED AS FIFTH TRACT

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

(a) Beginning at three beeches in J. B. Hays' line, running thence N. 81 1/5 E. 60 poles to a beech; thence S. 70 E. 61 1/2 poles to a beech on the South side of a drain; thence N. 76 E. 36 poles to three beeches; thence S. 26 E. 32 poles to a sassafras and planted rock in the old line; thence S. 50 W. 18 poles with the old line to a white oak, Randolph's corner; thence S. 70 W. Poles with Randolph and Underwood's line 100 1/4 poles to a white oak near several big rocks; thence N. 20 W. 90 poles to the beginning, containing 56 acres more or less.

(b) Beginning at a stone in the Greenville and Madisonville Road, corner to the Stovall Tract, running thence S. 12 E. 27 1/2 poles to a sweet gum on a branch; thence S. 19 E. 17-3/4 poles to a beech on said branch; thence S. 37 W. 17 poles to a stone with a beech pointer, in the original line; thence S. 70 E. 21 poles to a dead beech in the field; thence N. 75 E. 36 poles to two beeches East of a branch; thence S. 26 E. 24 poles and 10 links to a sassafras and planted rock; thence N. 53-1/2 E. 36 poles and 15 links to a white oak stump on the West side of the Road; thence 35-3/4 W. 4 poles to stake. Miller's corner in Ball's line; thence S. 78 W. 7 poles and 4 links to a stake on the South side of said Road, a small black oak marked as corner; thence the same course S. 78 W. 17 poles and 4 links to a stake on the North side of the Road; thence S. 56 1/2 W. 36 poles to a small sugar tree on the South side of said Road; thence S. 19 E. 10 poles to a stake in the center of a Spring; thence S. 68 W. 12 poles to a small haw bush and two hickories marked as pointers; thence N. 16 W. 12 poles to the beginning, containing 35 1/2 acres, more or less.

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

1. Beginning at a sassafras and rock, W. T. Underwood's corner; thence N. 50 E. 23 poles to a white oak and black oak, Ball's corner; thence with Ball's line 22 poles to a small hickory; thence S. 50 W. 58 poles to a planted rock on Underwood's line; thence S. 26 E. to the beginning, containing 7 acres,



more or less.

(2) Beginning at planted rock, Hays' and Randolph's corner on Ball's line, running thence with Ball's line, N. 35 W. 51 poles to a rock in Ball's line: a black gum, small size hickory and black oak marked as pointers: thence S. 53 1/2 W. 37 1/2 poles to a planted rock in an old field: thence S. 36 1/2 E. 53 poles to a planted rock in Hays' and Randolph's line: thence N. 50 E. 36 1/2 poles to the beginning.

(3) There is excepted from Tract 5(b) above described about 4/10 of an acre of surface, which is included in a boundary containing 25.4 acres, which was conveyed to J. H. Vincent, by C. E. Martin, et al., by Deed dated June 4, 1923, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 128, page 446.

(c) Beginning at a rock in the center of the John Miller Spring, running thence N. 19 W. 10 poles to a small sugar tree on the South side of said Road: thence W. 12 poles to a stake near a horse lot: thence S. 16 E. 12 poles to a small haw bush and two hickories: thence N. 68 E. 12 poles to the beginning, containing 3/4 of an acre, more or less.

(d) Beginning at two small gums, Hays' and McLevain's corner on the Greenville and Madisonville Road: thence with McLevain's line N. 33 W. 53 poles to the three small black oaks on the edge of the road: thence N. 21 E. 16 poles to a stump on the edge of the road: thence with Ball's line N. 36 E. 22 poles to a small hickory, Metzker's corner: thence S. 50 W. 58 poles to a planted rock in Underwood's line: thence with that line S. 26 E. 22 poles to a rock at a sassafras, his corner: thence still with his line S. 50 W. 18 1/2 poles to a rock in the lane: thence still with the same S. 72 W. 70 poles to a small black oak in the lane, Roark's corner: (an ash down called for) thence with his line S. 39 E. 39 poles to his corner, a white oak: thence S. 72 E. 32 poles to a sweet gum at a large rock, another of his corners: thence N. 50 E. 10 poles to a hickory, Roark's corner: thence still with his line S. 40 E. 30 poles to a planted rock in said line: thence N. 41 E. 36 poles to a sweet gum and dogwood: thence N. 47 E. 61 poles to the beginning, containing 59 acres, more or less.

On the 28th day of December, 1905, by Deed of record in said Muhlenberg County Court Clerk's Office in Deed Book 63, page 309, C. E. Martin and others conveyed to Gustave B. Hengen, his heirs and assigns all the coal and minerals in said four tracts of land except the number eleven vein of coal, and mining rights and privileges in a tract of ten acres to be laid off in the form of a square so that the coal mine known as the "Underwood Coal Bank" shall be in the northern edge of said square, said ten acres being located within the lines of the first tract above described, together with the right to enter upon any and all of said four tracts of land and open mines for the purpose of extracting, mining and removing the coal and minerals that may be in and under same and operate said mines and remove the coal and minerals therefrom, and dispose of said coal and minerals as he, or they, 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 them, and the right to such surface space as is necessary in their mining operations together with all useful rights-of-way for building railroads and railroad switches to transport the products of such mines to market, together with the right to purchase such portion of the surface space of said tracts of land as he or they may desire, at and for the sum of FIFTY (\$50.00) DOLLARS per acre, which priced the grantors in said Deed for themselves, their heirs and assigns agreed to accept.

Grantor now owns an undivided one-half of the above described four tracts of

land less the coal mining rights and privileges conveyed to the said Gustave B. Hengen and the said undivided one-half interest so owned by Grantor is now conveyed by this Deed subject to the terms and conditions of the said Deed to the said Gustave B. Hengen.

TRACT NO. 4: DESIGNATED AS SIXTH TRACT

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

Beginning at a white oak and two hickories standing on the East Bank of Pond River, Bourland's corner, and running thence with her line N. 17 E. 226 poles to a black walnut and mulberry in the old line: thence W. 7 poles to a mulberry and hickory on a hillside: thence N. 66 W. 33 poles to a white oak standing on the East Bank of said river, a Spanish oak and elm now wanting: thence up the middle of the river, and meandering therewith S. 33 3/4 E. 34 poles: S. 6 1/2 W. 14 poles: S. 49 W. 20 poles: S. 80 W. 22 poles: N. 46 W. 20 poles: N. 17 W. 12 poles: N. 50 W. 12 poles: S. 69 1/2 W. 26 poles: S. 20 W. 62 poles: S. 7 W. 34 poles: S. 13 W. 26 poles: S. 32 1/2 E. 26 poles: S. 9 W. 60 poles S. 48 E. 28 poles: S. 78 E. 43 poles to the beginning, containing 125 acres, more or less.

On the 25th day of July, 1907, by Deed of record in said Clerk's Office in Deed Book 73, page 49, Charles E. Martin and others conveyed to Gustave B. Hengen, his heirs and assigns, all the coal and minerals in said tract of land, with the right to freely mine, take and carry away the same, with all proper, useful and necessary mining privileges in and under said tract of land, together with the perpetual right to mine and take from under said land all the coal and minerals that may be in and under same, and dispose of said coal and minerals as he or they may see proper, together with the right to enter upon said land for the purpose of opening mines, and the right of ingress and egress upon and beneath the surface to and from any mine opened by him or them, or their successors in title, and the right to such surface space as may be necessary in mining operations, including the right-of-way for any railroad that may be necessary for the transportation of said coal and minerals, and for such surface space as the said Hengen, his heirs or assigns, may take for the purposes aforesaid, they, or their successors in title, agree to pay before taking the same, and the surface owner of said land agrees to accept, the sum of FIFTY (\$50.00) DOLLARS per acre, which Deed further provides that if any of the land should be damaged in mining operations by the said Hengen, his heirs or assigns, then they shall pay the owner of the surface of said land at the same rate per acre for the portion so damaged.

Grantor now owns an undivided one-half interest in said tract of land subject to the said conveyance to the said Gustave B. Hengen and it is the undivided one-half interest now owned by Grantor that is conveyed by this Deed subject to all the terms and conditions of the said Deed to the said Gustave B. Hengen.

NOTE: For exceptions, see exceptions under Tracts 6 and 7 (designated as Tracts 18 and 19).

TRACT NO. 5: DESIGNATED AS SEVENTEENTH TRACT

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

1. Beginning at a beech and ash, running thence N. 45 E. 250 poles to a white oak, Harris' old corner: thence S. 7 E. 172 poles to a triple beech and white

oak: thence S. 7 E. 6-2/3 poles to a sweet gum and white oak: thence S. 69 W. 148 poles to a white walnut on Fishback's line: thence N. 45 W. 6-2/3 poles to a beech and ash in Fishback's line: thence same course N. 45 W. 100 poles to the beginning, containing 147 acres, more or less.

But from said tract there is excepted and not conveyed the following parcel, conveyed by C. W. Stovall to C. A. Bourland by Deed dated March 2, 1896, and of record in said Clerk's Office in Deed Book 55, page 339:

Beginning at a dead white oak and planted rock on said Bourland and Stovall's old line in a field, and running thence S. 49 W. 16 poles to a planted rock: thence N. 47 W. 58 poles to a planted rock on Stewart's and said Stovall's old line: thence with their line N. 49 E. 16 poles to an elm, an old corner for Stewart and Stovall on Bourland's line: thence with Bourland's and Stovall's line S. 47 E. 58 poles to the beginning, containing 6 acres, more or less.

(b) Beginning at Williams and Stovall's corner, a stake in said Bourland's old line in the center of the big road, a rock on each side of the road planted on the old line for pointers, and running thence with Stovall's line S. 49 W. 51-3/4 poles to said Bourland and said Stovall's corner, a planted rock and two small hickories and two black oaks marked as pointers: thence N. 47 W. 12 1/2 poles to a dead white oak and a planted rock on the old line: thence N. 49 E. 48 poles and 10 links to a rock in the center of the big road, a walnut tree on the Southwest side of the road marked as a pointer: thence with the road S. 60 E. 13 poles and 9 links to the beginning, containing 4 acres, more or less.

But there is excepted from said tract, and not conveyed, the following portion thereof sold by R. Martin & Brother to George T. Dexter:

Beginning at a white oak and running N. 45 W. 122 feet to a rock: thence N. 50 E. 594 feet to a rock on the edge of the Madisonville Road: thence with the road S. 59 E. 122 feet to a rock: thence \_\_\_\_\_ 49 1/2 W. 640 feet to the beginning, containing 1 1/2 acres.

On the 4th day of November, 1905, by Deed of record in said Clerk's Office in Deed Book 62, page 221, R. Martin & Brother conveyed to Gustave B. Hengen, his heirs and assigns, all the coal, iron, oil, gas, salt water and other mineral substances in and underlying said two tracts of land, together with the right to mine and take from under said land all the coal, oil, gas, salt water or other minerals that may be in and under the same, and dispose of said minerals as he, or they, might see proper, together with the right to ingress and egress upon or beneath the surface of said land to or from any mine opened by him, his heirs or assigns, which Deed provides that if the said Hengen, his heirs or assigns, should damage said land in mining operations, or that if he, or they, shall desire any part of the surface thereof for use in such mining operations, he or they shall pay at the time of damage or taking the same the then fair market price or value of such surface space as may be so damaged or taken, and the rights in said land conveyed to the said Hengen are reserved and not conveyed, and this Deed is made subject to the provisions of the said Deed to the Gustave B. Hengen.

TRACT NO. 6: DESIGNATED AS EIGHTEENTH TRACT

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

Beginning at a white oak and two hickories standing on the East Bank of Pond River and running thence N. 17 E. 226 poles to a black walnut and mulberry in an old line 7 poles East due East from a mulberry and hickory on a hillside:

thence with the old line due E. 63 poles to a white oak and hickory and ash: thence N. 56 E. 14 poles to a sugar tree: thence S. 51 E. 164 poles to two walnuts and an elm and hickory, corner to Lot No. 1 of a 277 acre survey: thence with a line of same S. 65 W. 300 poles to the beginning, containing 190 acres, more or less.

On the 25th day of July, 1907, by Deed of record in said Clerk's Office in Deed Book 73, page 49, R. Martin & Brother conveyed to Gustave B. Hengen, his heirs and assigns, all the coal and other minerals in said tract of land, together with the necessary, usual and proper mineral and mining rights and privileges in and under said tract, together with the perpetual right to mine and take from under said land all the coal and minerals that may be in and under the same, and dispose of said coal and minerals as he, or they, might see proper, together with the right to enter upon said land for the purpose of opening mines, and the right of ingress and egress upon and beneath the surface to or from any mine opened by him, or them, or their successors in title, and the right to such surface space as may be necessary in mining operations including the right-of-way for any railroad that may be necessary for the transportation of said coal and minerals, which Deed provides that for such surface space as might be taken for the purposes aforesaid the said Hengen, or his successors in title, agree to pay before taking same, and the said R. Martin & Brother, or the owners of the surface of said land, agree to accept, the sum of FIFTY (\$50.00) DOLLARS per acre, or that if any of said land should be damaged in mining operations by the said Hengen, or his successors in title, he or they shall pay the then owner of the surface of said land at the same rate per acre for the portion so damaged, and the rights in said land conveyed to the said Hengen are reserved and not conveyed, and this Deed is made subject to the provisions of the said Deed to the said Gustave B. Hengen.

There is excepted from Tract No. 6 above described (designated as Tract No. 18), a parcel of surface conveyed to Terteling Bros., Inc., by W. G. Duncan Coal company, et al., by Deed dated May 4, 1954, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 187, page 455, and bounded as follows:

Beginning at a sugar tree, the northeast corner and corner to Terteling Bros., and running thence S. 51 E. 220 feet to a stake in a line of Terteling Bros.; thence S. 65 W. 540 feet to a stake: thence N. 64 1/2 W. 565 feet to a stake in an old line, also Terteling Bros. line; thence with the old line due East 620 feet to a white oak, hickory and ash (Terteling Bros. corner); thence with another old line (also Terteling Bros. line) N. 56 E. 231 feet to the beginning, containing 3.25 acres, more or less.

NOTE: For further exceptions to Tract No. 6 (designated as Tract No. 18) see exceptions to Tract No. 7 (designated as Tract No. 19).

TRACT NO. 7: DESIGNATED AS NINETEENTH TRACT

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

Beginning at a beech, William Miller's corner, running thence with his line S. 40 E. W. 315 poles to three black oak bushes and three hickories in the Uzzle line; thence N. 51 W. 189 poles to a sugar tree and beech; thence N. 61 W. 181 poles to a sugar tree and beech; thence N. 61 E. 140 poles to a beech; thence N. 61 E. 86 poles to three sassafras; thence N. 15 E. 14 poles to a poplar and sassafras; thence S. 75 E. 124 poles to the beginning, containing 305 acres, more or less.

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

(a) Beginning at a hickory and planted rock, running thence S. 25 E. 115 poles to a planted rock in Dallas Mercer's line; thence with his line N. 45 E. 120 poles to a beech, Mercer's corner; thence N. 75 W. 115 poles to a poplar, hickory and sassafras; thence S. 14 W. 14 poles to two sassafras and rock; thence S. 88 W. 18 poles to the beginning, containing 38 1/4 acres, more or less.

(b) Beginning at three black oaks in the line of Lot No. 1; thence N. 15 E. 116 poles to a beech; thence N. 69 E. 43 poles to a hornbeam; thence N. 45 E. 12 poles to a white oak; thence N. 58 E. 18 1/2 poles to three beeches; thence 79 E. 36 poles to two beeches; thence S. 39 E 57 1/2 poles to two ashes; thence S. 44 W. 103 poles to the beginning, containing 50 acres, more or less.

(c) Beginning at a rock in the old line, white oak pointer, running thence N. 89 1/2 E. 105-2/3 poles to a rock and dogwood; thence S. 23 1/2 E. 109 poles to a rock and dogwood; thence S. 48 W. 74 poles to a rock; thence N. 62 1/2 W. 48 poles to a beech; thence S. 87 W. 36 poles to two planted rocks in a beech stump; thence N. 7 1/4 W. 128 poles to the beginning, containing 101 acres, more or less.

On the 25th day of July, 1907, R. Martin & Brother by their Deed of that date, of record in said Clerk's Office in Deed Book 73, page 49, conveyed to Gustave B. Hengen, his heirs and assigns, all the coal and other minerals with all the usual, necessary and proper mining and mineral rights in and under said tract of land together with the perpetual right to mine and take from under said land all the coal and minerals that may be under the same, and dispose of said coal and minerals as he, or they, might see proper, together with the right to enter upon said land for the purpose of opening mines and the right of ingress and egress upon and beneath the surface to and from any mine opened by him, or them, or their successors in title, and the right to such surface space as may be necessary in mining operations, including the right-of-way for any railroad that may be necessary for the transportation of said coal and minerals, with Deed provides that for such all such surface space as they may take for the purposes aforesaid the said Hengen, or his successors in title, agree to pay before taking the same, and the said R. Martin & Brother, or the owners of the surface of said land, agree to accept, the sum of FIFTY (\$50.00) DOLLARS per acre, and if any of said land shall be damaged in mining operations then the said Hengen, or his successors, shall pay the then owner of the surface of said land at the same rate per acre for the portion so damaged. The rights conveyed to the said Hengen are reserved, and this Deed is made subject to the provisions of the said Deed to the said Gustave B. Hengen.

There is excepted from Tracts 4, 6 and 7 above described (designated as Tracts 6, 18 and 19), the surface of certain property conveyed to Hart Coal Company, by Charles E. Martin, et al., by Deed dated August 22, 1938, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 143, page 61, and bounded as follows:

Lot of parcel of land situate, lying and being on the waters of Pond River, in the County of Muhlenberg, and Commonwealth of Kentucky, 150 feet in width, 5850 feet in length, the same being 75 feet in width, on each side of the center line, described as follows, to-wit:

Beginning at a point in the center of Pond River, located N. 76-22 W. 180 feet; S. 60-45 W. 240 feet; S. 46-07 W. 218 feet; S. 63-06 W. 116 feet; N. 58-02 W. 212 feet from a large white oak corner common to the Union Uzzle tract

No. 4, Jno. D. Haley tract No. 14, James W. Oates N. 11, belonging to the Grantors; running thence N. 44-57 E. 1235 feet to the point of a one degree curve to the left of 1166.66 feet to the point of tangent; thence N. 33-17 E. 300 feet to the point of a four degree curve to the right; thence with line of said curve 1025 feet to point of tangent; thence N. 74-17 E. 743.34 feet to the point of a six degree curve to the left; thence with line of said curve 966.66 feet to the tangent; thence N. 16-17 E. 413.34 feet to the Northern line of Susan Loney's tract; and also certain lot joining the same bounded and described as follows, to-wit:

Beginning at station 142+15 in line of a four degree curve to the right, running thence S. 40 E. 225 feet to a stake; thence N. 56-30 E. 236 feet to a stake; thence N. 28 W. 225 feet to station 145+15 in the eastern line of said strip first conveyed; thence S. W. with curved line, turning four degrees to the left, 300 feet, more or less, to the beginning:

All of said property containing 21.49 acres.

There is further excepted from Tracts 6 and 7 (designated as Tracts 18 and 19) the surface of two boundaries conveyed to Hart Coal Company, by C. E. Martin, et al., by Deed dated November 10, 1939, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 145, page 558, and bounded as follows:

Beginning at a beech stump, one of the original corners, and corner of George McNary; thence with the old line and with McNary S. 80-44 E. 189.81 feet to a stone, a division corner; thence with the division line S. 7-17 E. 2206.3 feet to a stone on South bank of a drain, and in line of Eli Matheny tract; thence with said Matheny tract, and with said drain N. 63-40 W. 280.2 feet to an old marked beech; thence S. 73-43 W. 178.7 feet to a point in the drain; thence S. 52-59 W. 302.4 feet to a stake, (formerly a white oak) thence S. 49-22 W. 192.4 feet to a stake, (formerly a hornbeam); thence S. 71-33 W. 709.8 feet to a large marked beech in the old line of J. W. Oates tract, and corner of the Matheny 50 acre tract; thence with the old line, and the J. W. Oates tract N. 48-29 W. 1363.9 feet to a stake (formerly a sugar tree and beech), corner of J. W. Oates and Nelson Moore tracts; thence N. 4-43 W. 643.8 feet to a stake by a large marked beech, (formerly sugar tree and beech); thence N. 61-23 E. 2369 feet to the beginning, containing 101.75 acres.

Beginning at a stake 75 feet right of station 134+79.66 of the Hart Coal Company's railroad survey and running thence S. 60-0 E. 1338 feet to a stake thence N. 66-11 E. 2914 feet to a black oak, thence N. 46-45 W. 1376 feet to a beech, corner to Tract 1 of this Deed, thence with that tract N. 48-07 W. 575 feet to a stake in a line of the right-of-way sold to the Hart Coal Company by the W. G. Duncan Coal Company and C. E. Martin, recorded in Deed Book 143, page 61, thence with the right-of-way S. 16-17 W. 98 feet, thence curving to the right with a radius of 1030 feet, 1043; thence S. 74-17 W. 743 feet, thence curving to the left with a radius of 1358 feet, 286, thence S. 28-0 E. 225 feet, thence S. 56-30 W. 236 feet, thence N. 40-0 W. 225 feet to a stake on the right-of-way line, thence with the right-of-way curving to the left with a radius of 1358 feet, 401 feet, thence S. 33-17 W. 312 feet to the beginning, containing 99.3 acres.

TRACT NO. 8: DESIGNATED AS TWENTIETH TRACT

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

Beginning at a stake in the Clark Mill Road, with a black walnut marked as