

poles to a hickory and black gum on a drain; thence S. 48-30 W. 24 poles to a stake in the Greenville Road, a walnut and poplar marked as pointers; thence S. 46-00 E. with said road 26 poles to a stake in the road; thence S. 63-00 E. 40 poles to a white oak; black oak, and small hickory; thence N. 82-00 E. 38 poles and 14 links to a stake in the line of fence near a horse lot; thence due East 12 poles to a small sugar tree on the South side of said road; thence N. 56-30 E. with said road 32 poles to a stake on the North side of the road; thence due North 10 poles to a stake in a side road; thence with said road due East 4 poles; thence with the side road N. 16-00 E. 47 poles to a planted rock, 3 white oaks, Ball's corner; thence N. 16-00 W. 83 poles and 18 links to 2 hickories, a dogwood and elm, Brown's corner in Ball's line; thence N. 89 W. 100 poles to the beginning, containing 102 acres, more or less, and being tract "Q" conveyed by the aforesaid Deed from the Kentucky Midland Coal Company to the party of the first part.

The party of the second part, his heirs and assigns, shall take under this Deed the right to enter upon said tract of land, or any part thereof, and open mines for the purpose of extracting, mining and removing the coal and minerals that may be in and under the same, and operate said mines and remove the coal and minerals therefrom and dispose of same as he or they may see proper, together with the right of ingress and egress upon or beneath the surface of said land to and from any mine opened by him or them, and the right to such surface space as may be useful in his or their mining operations, together with all the usual rights-of-way for building railroads, or railroad switches, to transport the products of said mines to market, and the party of the second part, his heirs and assigns, shall have the right to purchase such portion of the surface of said tract of land as he or they may desire at and for the price of \$50.00 per acre, which price the owner of the surface, for himself, his heirs and assigns, has agreed to accept.

Parcel 4

An undivided one-half of all the coal, iron, gas, salt water and other mineral substances, that may be in or underlie the following-described tract or parcel of land situated on the waters of Isaac's Creek, and bounded as follows:

Beginning at Williams' and Stovall's corner, a stake in 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's and Stovall's corner, a planted rock, and 2 small hickories, and 2 black oaks marked as pointers; thence N. 47 W. 12 1/2 poles to a dead oak and a planted rock in 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 pointer; thence with the road S. 60 E. 13 poles and 9 links to the beginning, containing nearly 4 acres, and being tract "R" conveyed by the aforesaid Deed from the Kentucky Midland Coal Company to the party of the first part.

The party of the second part, his successors and assigns, shall take under this Deed the right to mine and take from under said tract of land all the minerals that may underlie the same, and dispose of said minerals as he or they may see proper, and said party of the second part, his heirs and assigns, are granted the right of ingress and egress upon and beneath the surface of said land to and from any mine opened by him or them. If he or they shall damage any of said land in mining operations, or 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 damaging or taking the same the then fair market price or value of such surface space as may be so damaged or taken.

Parcel 5

An undivided one-half of all the coal and minerals in and under the following-described tract or parcel of land situated on the waters of Isaac's Creek, and bounded as follows:

Beginning at a stake, the old Stovall and Bourland corner, and running thence S. 15-25 E. 855.1 feet to a large sweet gum, an original corner; thence with the old line N. 84-24 E. 586.6 feet to a stake; thence 51-00 E. 164.5 feet to a stake; thence due East 1274.0 feet to a stake in the old line on a branch; thence N. 18-46 W. 181.7 feet to a sweet gum on a branch, an original corner; thence with the old line N. 98-38 E. 418.8 feet to a stake on the South side of the Greenville road; thence with the road S. 85-10 W. 557.8 feet to a planted rock on the South side of the road; thence, still with the road, N. 64-00 W. 414.7 feet to a stake on the South side of the road, a corner of the Church Lot; thence with the line of the Church Lot S. 39-05 W. 319.2 feet to a stake; thence N. 85-55 W. 322.3 feet to a stake; thence N. 35-02 E. 486.6 feet to a stake on the South side of the road; thence with the road N. 40-55 W. 484.4 feet to a stake in the middle of the road, in the old Bourland Line; thence S. 51-00 W. 939.2 feet to the beginning, containing 37.3 acres. Bearings referred to the True Meridian.

Being part of tract "S" conveyed by the aforesaid Deed from the Kentucky Midland Coal Company to the party of the first part.

The party of the second part, his heirs and assigns, shall take under this Deed the right to enter upon said tract of land, or any part thereof, and open mines for the purposes of extracting, mining and removing the coal and minerals that may be in and under the same, and operate said mines and remove the coal and minerals therefrom and dispose of the same as he or they may see proper, together with the right of ingress and egress upon and beneath the surface of said land to from any mine opened by him or them, and the right to such surface space as may be useful in his or their mining operations, together with all usual rights-of-way for building railroads, or railroad switches, to transport the products of said mine to market, and the party of the second part, his heirs and assigns, shall have the right to purchase such portion of the surface of said land as he or they may desire at and for the price of \$50.00 per acre, which price the owner of the surface of said land, for himself, his heirs and assigns, has agreed to accept.

Parcel 6

An undivided one-half of all the coal and other minerals that may be in or underlie the following-described tract or parcel of land situated on the waters of Isaac's Creek and bounded as follows:

Beginning at a stake in the old line and running thence N. 51-00 E. 815.0 feet to a stake in another old line; thence with the old line S. 84-24 W. 586.6 feet to a large gum, an old corner; thence with the old line S. 1-48 W. 423.0 feet to the beginning, containing 3.25 acres. Bearings referred to the True Meridian.

Being a part of tract "T" conveyed by the aforesaid Deed from the Kentucky Midland Coal Company to the party of the first part.

The party of the second part, his heirs and assigns, shall take under this Deed the right to enter upon said above-described tract of land and open mines for the purpose of extracting, mining and removing the coal and minerals that may be in and under the 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 and beneath the surface of said land to and from any mine opened by him or them, and the right to such surface space as may be useful to his or their mining operations, together with all the usual rights-of-way for building railroads, and railroad switches, to transport the products of such mines to market, and the party of the second part shall have the right, which shall extend to his heirs and assigns, to purchase such portion of the surface of said tract of land as he or they may desire for the sum of \$50.00 per acre, which price the owners of the surface of said tract of land, for themselves, their heirs, successors and assigns, have agreed to accept.

Parcel 7

An undivided one-half of all the coal, iron, oil, gas, salt water, and other mineral substances that may be in or underlie the following described tract or parcel of land situated on the waters of Isaac's Creek, and bounded as follows:

Beginning at a stake in the old line and running thence with the old line S. 36-15 E. 700 feet to a planted rock an original corner; thence with the old line N. 85-16 E. 2016.0 feet to a stake in the old line; thence N. 4-44 W. 600.0 feet to a stake; thence N. 51-00 E. 436.6 feet to a stake in the old line; thence, with the old line, N. 1-48 E. 423.0 feet to a large sweet gum, an original corner; thence with another old line N. 15-25 W. 855.1 feet to a stake, the old Stovall and Bourland corner; thence N. 43-30 W. 216.0 feet to a stake; thence S. 52-30 W. 264.0 feet to an old fence post; thence N. 41-27 W. 914.0 feet to a stake in the old line; thence with the old line S. 53-13 W. 1908.8 feet to a stake; thence S. 0-37 W. 1266.0 feet to the beginning, containing 141.6 acres. Bearings referred to the True Meridian.

Being part of tract "U" conveyed by the aforesaid Deed from the Kentucky Midland Coal Company to the party of the first part.

The party of the second part, his heirs and assigns, shall have under this Deed the right to mine and take from under the above-described tract of land all the minerals that may underlie same and dispose of said minerals as he or they may see proper, and the party of the second part, his heirs and assigns, are granted the right of ingress and egress upon and beneath the surface of said land to and from any mine opened by him or them. If he or they shall damage any of said land in their mining operations, or 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 damaging or taking the same the then fair market price or value of such surface space as may be so damaged or taken.

Grantor acquired title to Tract No. 22, parcels 1 through 7, by deed from Kentucky Midland Coal Company, dated October 14, 1935, and now of record in said Clerk's Office in Deed Book 139, page 207.

Parcel 8

An undivided one-half of all the coal, fire clay, iron ore, gas, mineral and mineral substances, oil and oily substances, in and under the following-described tract or parcel of land in Muhlenberg County, Kentucky, bounded as follows:

Beginning at a rock, corner to the C. W. Stovall and C. D. Stanley tracts and running thence N. 85-16 E. 775 feet to a stake; thence S. 37-36 W. 760 feet to a walnut stump; thence N. 29-50 W. 625 feet to the beginning, containing 4.9

acres, and being a part of the 161 acre tract conveyed to the party of the first part by C. D. Stanley and others by Deed dated October 30th, 1916, of record in the Muhlenberg County Court Clerk's Office in Deed Book 91, page 509.

Included in this conveyance are all of the usual rights necessary or incident to the mining and removal of said coal, fire clay, iron ore, gas, mineral and mineral substances, oil and oily substances, in, under and above the above-described tract of land, including the right to make and use such openings in the surface of said land as may be necessary or convenient for entries shafts, air-shafts, passages and watercourses, and including the right to construct, maintain and use over, on or under the surface of said land all roads, railroads, tracks, switches, turnouts, coal tipples, buildings and appurtenances which the party of the second part, his heirs and assigns, may think necessary or proper for the mining and transportation of the coal, fire clay, iron ore, gas, mineral and mineral substances, oil and oily substances from said land, or from other lands, and transportation of machinery, tools, supplies and other materials, and all employees and other persons to and from said land, and to and from other lands in connection with the business of mining, selling and removal of the coal, fire clay, iron ore, gas, mineral and mineral substances, oil and oily substances, and including the right of exercising all of said rights in connection with the mining, sale and removal of the coal and all other minerals now or hereafter owned or controlled by the said party of the second part, his heirs or assigns, on, in or under any other lands, including the right to erect, maintain, repair and use on the said land all buildings, structures, machinery, appliances and fixtures which the said party of the second part, his heirs or assigns, may think necessary, incident or proper in the business of the mining, sale and removal of the coal, fire clay, iron ore, gas, mineral and mineral substances, oil and oily substances, in, under and upon said land, and for the drainage or ventilation of any or all mines, together with the right of ingress and egress to and from said lands at any and all times for all the purposes aforesaid.

It is provided that all interferences with pastures, crops, and like surface farming operations, or the surface of said land, shall be paid for by the owner of such coal, fire clay, iron ore, gas, mineral and mineral substances, oil and oily substances conducting such mining operations, and should the parties hereto or their successors or assigns fail to agree as to the proper amount to be so paid, then the matter so in dispute shall be determined by three arbitrators, each party to select one and the two thus selected to find and nominate the third person.

Grantor acquired title to Tract No. 22, parcel 8, by deed from C. D. Stanley and others, dated October 30, 1916, and now of record in said Clerk's Office in Deed Book 91, page 509.

Tract No. 23 Designated as E-31

An undivided one-half of the following:

FIRST TRACT: Beginning at a planted rock, the 4th original corner, formerly two white oaks, near Ford's fence; running thence S. 20 degrees E. 156-3/4 feet to a planted rock, S. A. and W. C. Stewart's divisional line S. 70 W. 225 1/2 feet to a rock planted on the S. W. line of the Greenville and Madisonville road; thence S. 44 1/2 W. 825 feet to a rock planted in field, near base of hill; thence S. 40 E. 288-3/4 feet to a stake; thence S. 49 degrees 2 minutes W. 816-3/4 feet to a stake on top of hill in the edge of old field; thence N. 55 degrees and 24 minutes W. 1006-3/4 feet to a stake; thence S. 33 degrees and 36 minutes W. 693 feet to a stake in the old line on the S.

W. side of Isaac's Creek; thence with old line N. 65 1/2 W. 387-3/4 feet to a sugar tree on the N. E. side of Harps' Hill; thence N. 34 degrees and 36 minutes E. 1931 feet to a beech on old corner, formerly a beech and poplar, and passing a stake planted in the N. E. bank of Isaac's Creek at 379 feet; thence S. 86 degrees and 24 minutes E. 1830 feet to the beginning, containing 65 acres by survey.

The said parties of the second part, their heirs and assigns, shall take under this deed the perpetual right to mine and take from under said tract of land all the coal of every kind and nature, and shall have the full and free right of ingress and egress to and from said land for the purpose of mining and taking therefrom any and all of said coal, and shall have the full and free right to make such excavations and erect such structures upon said land as may be necessary or convenient to enable them to mine and operate for, or remove said coal of all kinds. They shall also have the right to build railways, switches, stations and structures, shafts and air shafts, and dirt roads, for the development and operation of said coal and the marketing of same.

In the event it shall become necessary for the said parties of the second part, their heirs or assigns, to use any of the surface of said land for any of the above purposes, then and in that event, the said parties of the second part, their heirs or assigns, shall pay therefor the sum of THIRTY (\$30.00) DOLLARS per acre, for each acre of said surface so used. If it shall become necessary for the parties of the second part, their heirs or assigns, to use any of said surface for the purposes aforesaid, the taking thereof shall be in such a way and manner as not to interfere with any of the buildings, or improvements, situated on said tract of land, and in no event shall the parties of the second part, their heirs or assigns, use more than ten (10) acres of the surface of said land for said purposes.

It is further provided that the said parties of the second part, their heirs and assigns, shall have the full and free right to transport through underground passages under said tract of land, any coal and material from other tracts of land that they may own or may hereafter acquire.

All the coal and other minerals, except oil and gas, contained in and under the following described two tracts or parcels of land, located in Muhlenberg County, Kentucky, and bounded as follows:

SECOND TRACT: Beginning at a planted rock on S. W. Hillside 3d 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 1/4 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 and 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. 1820 feet to the beginning, containing 65 acres by survey.

THIRD 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 16 acres, more or less.

All of the coal and other minerals, except oil and gas, contained in and underlying the above described two tracts of land, with the right to mine, remove and dispose of same, and second parties, their heirs and assigns, shall have the right to use as much surface as may be necessary in mining and removing said coal and minerals and the right of ingress and egress across said surface for said purpose, but shall pay for the surface so used in mining and removing said coal and other minerals at the rate of \$25.00 per acre for the surface used for said purpose.

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

TRACT NO. 24: DESIGNATED AS Z-31

An undivided one-half of the following:

All of the No. 9 vein of coal having an overburden of fifty (50) feet or more from the surface, together with the right to prospect for, mine and remove the same; also

The portion of the No. 9 vein of coal having an overburden from the surface of fifty (50) feet or less necessary to permit the Grantees to enter and mine, in an economical and workmanlike manner, the No. 9 vein of coal having an overburden from the surface of more than fifty (50) feet, in and underlying the three tracts of land, bounded and described as follows:

1. Beginning at Robinson, Whitmer and Martin-Duncan corner, which is also a corner of Tract 3; thence with Robinson-Whitmer line, also Tract 3, N. 77-33 W. 255.00 feet to a corner in Robinson-Whitmer line; thence with the meanders of the perimeter of Hart-Ross Coal Company's old mine works, general trend as follows: N. 7-45 W. 732-30 feet; thence N. 37-01 E. 814.1; thence due East, 143.71 feet to a point in Whitmer and Martin-Duncan line; thence S. 11-18 W. 1459.00 feet to the beginning corner.

It is the intention of this deed and there hereby is conveyed any and all unmined No. 9 coal between the Hart-Ross Company's old line of the perimeter of said old works above set out.

2. Beginning at a 30 inch diameter gum, which is a corner to Robinson, Lamb, Martin and Duncan, thence N. 17-02 E. 1273.72 feet to a stake; thence S. 83-00 E. 791.99 feet to a stake; thence N. 21-15 E. 428.20 feet to a stake; thence S. 56.16 E. 412.56 feet to a stake; thence with mineral property line of Zeigler and Martin-Duncan S. 26-46 W. 2820.18 feet to a corner in Renley Tyson and Robinson's line; thence with said line N. 18-02 W. 1261.20 feet to the beginning corner, a 30 inch gum tree.

3. Beginning at a 30 inch diameter gum, which is also the beginning corner of Tract 2; thence S. 18-02 E. 1261.20 to a corner in Renley Tyson and Robinson line, being also a corner of Tract 2; thence continuing with Robinson's line S. 18-02 E. 470.00 feet to Robinson's Southeast corner; thence due West, 505.00 feet to a point on the perimeter of Hart-Ross Company's old mine works; thence with the meanders of this perimeter of old mine works general trend, as follows: N. 5-23 W. 790.40 feet; thence N. 28-50 W. 327.61 feet; thence N. 69-52 W. 502.72 feet; thence S. 29-42 W. 343.07 feet; thence S. 11-42 W. 386.16 feet; thence N. 27-44 W. 440.62 feet; thence N. 55-18 E.

564.23 feet to a point in Robinson and Whitmer's line; thence with said line S. 77-33 E. 255.00 feet to Robinson, Whitmer and Martin-Duncan corner; thence S. 77-35 E. 693.00 feet to the beginning corner, a 30 inch gum tree.

It is the intention of this deed and there hereby is conveyed any and all unmined No. 9 coal between the Hart-Ross Company's old mine works and the line of the perimeter of said old works above set out.

The Grantor also hereby grants and conveys to the Grantees all of the rights which it has to use, and to acquire for use, in connection with the recovery of the coal herein conveyed the surface overlying said coal.

Grantor acquired title by deed from Zeigler Coal and Coke Company, dated May 29, 1951, and now of record in said Clerk's Office in Deed Book 174, page 591.

TRACT NO. 25: DESIGNATED AS T-31

An undivided one-half interest in all of the No. 11 and No. 12 coal remaining on the following described tract of land, being part of what is known as the McNary Tract, located near Pond River in Muhlenberg County, Kentucky, and described as follows:

Beginning at a stake in the Clark Mill Road, with a black walnut marked as a pointer, corner to the S. F. McNary tract of land, and running thence S. 85 W. 1340 feet to a stake; thence N. 64 1/4 W. 1360 feet to a stake in the old line; thence N. 36 1/4 E. 1045 feet to an iron pin in the center of the old 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. 460 feet to a stake; thence S. 64 1/4 E. 2565 feet to a stake in the old line; thence S. 2 1/4 W. 780 feet to a stake in the Clark Mill Road; thence S. 12 1/4 E. 34-22/25 poles to the beginning, a plat of which is annexed hereto and made part hereof.

And being a part of Group #2, Parcel #2, Tract #3, containing 347 1/2 acres, conveyed to Terteling Bros., Inc., by Hart-Ross Coal Company by deed dated December 16, 1947, at page 488, in Deed Book 164, in the office of the County Clerk of Muhlenberg County, Kentucky.

There is excepted from the above described tract of land the No. 11 and No. 12 coal which underlies 12.5 acres of surface which is this day being conveyed by the parties of the second part to the party of the first part, and described 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 525 feet to the place of beginning, containing 12.5 acres, more or less.

Grantor acquired title by deed from Terteling Bros., Inc. dated April 9, 1954, and now of record in said Clerk's Office in Deed Book 203, page 534.

TRACT NO. 26: DESIGNATED AS H-32

An undivided one-half (1/2) interest in the following described property lying and being situated in Muhlenberg County, Kentucky:

FIRST. All the coal, oil, gas, fire-clay, iron ore, and all the other

minerals of every kind and character in and under an undivided one-half of the following described tract of land:

Beginning at 2 hickories and iron beech, J. S. Lewis' corner; thence East 118 poles to 2 dogwoods, small hickory, and small black oak; thence North 100 poles to a hickory, small black oak and small white oak in Markwell's line; thence with his line West 118 poles to his corner, a dogwood, ash, and hickory; thence South 100 poles to the beginning, and containing 73 acres, more or less.

The party of the second part, his heirs and assigns, shall take under this deed the right to mine and remove coal, oil, gas, fire clay, iron ore, and other minerals in such a way as will not interfere with or damage the surface of said land and, in the event that any of the surface of said land shall be damaged by mining or removing said minerals, then in that event the party of the second part shall pay to Harland C. Lewis, his heirs or assigns, the sum of TWENTY (\$20.00) DOLLARS per acre for that part so damaged.

SECOND. All the coal, iron, asphalt, oil, gas, and other minerals in and under the following described tract of land, situated on the waters of Pond River in Muhlenberg County, Kentucky, bounded as follows:

Beginning at the most Northwesterly corner of Harland C. Lewis' 73 acre tract; thence N. 2 degrees 30 minutes E. about 2294 feet to C. M. Spark's corner in William R. Stewart's line; thence with Stewart's line S. 86 degrees 49 minutes E. about 1150 feet to said Stewart's corner and corner to C. M. Spark's 89 acre tract; thence S. 2 degrees 30 minutes W. about 2294 feet crossing C. M. Spark's 40 acre tract, Cecil Stovall's 65 acre tract, and Eugene Stovall's 50 acre tract to a stake in Harland C. Lewis' line; thence with his line West about 1150 feet to the place of beginning, and containing 60 acres, more or less.

The party of the second part shall take under this deed one-half (1/2) of sufficient surface rights as may be absolutely necessary for the construction of a tipple house and to have free ingress and egress and such rights-of-way as may be necessary for the mining and transportation of such minerals as may be mined and shipped from said land and in case the party of the second part shall desire to use more surface of said land than is necessary for the purposes set out herein, he shall have the privilege of purchasing one-half (1/2) of said surface, to be taken so as not to interfere with any buildings of any sort, at a sum of not exceeding TWENTY (\$20.00) DOLLARS per acre, provided that he shall not take to exceed his proportionate part of the ten (10) acres of surface from each of the three tracts of land of which this tract is a part, which right to buy surface is fully set out in three deeds to Gustave B. Hengen, recorded in Deed Book 61, page 11, Deed Book 61, page 9; and tract 2, Deed Book 60, page 345.

The party of the first part acquired its title to the interest in said land herein conveyed by the said deed from Gustave B. Hengen November 22nd, 1921, and of record in Muhlenberg County Court Clerk's office in Deed Book 111, page 146. It is the intention of the party of the first part to convey, by this deed an undivided one-half (1/2) of the rights acquired by it in the said deed from the said Hengen. It is not the intention of the party of the first part, under any circumstances, to convey or attempt to convey any other rights in said lands than were conveyed to it by the said Hengen.

TRACT NO. 27:

DESIGNATED AS S-32

An undivided one-half (1/2) interest in all that vein or seam of coal commonly

known and referred to as No. 11, together with the mining rights and privileges in, on and under the following described tract or parcel of land located in Muhlenberg County, Kentucky, and bounded as follows:

Beginning at a point in an old field 812 feet distant from a stake in the road leading from Sacramento to White Plains, and bearing N. 45 W. therefrom, said stake in the road being on the line between C. B. Summers and C. E. Martin, and distant 1155 feet from two black oaks, and old corner, and being S. 46-28 W. therefrom; thence N. 55 W. 126 feet to a stake; thence N. 35 E. 1452 feet to a stake; thence S. 55 E. 300 feet to a stake; thence S. 35 W. 1452 feet to a stake; thence N. 55 W. 174 feet to the beginning, containing 10 acres, more or less.

Said parties of the second part, its and their successors and assigns, shall have and take under this deed the full and free right of ingress and egress to and from said tract of land for the purpose of mining, digging, taking away and transporting said No. 11 vein or seam of coal hereby conveyed.

Grantor acquired title by deed from Gardner Stovall and his wife, Kendrick Stovall, dated April 28, 1949, and now of record in said Clerk's Office in Deed Book 201, page 142.

There is excepted from Tract No. 27 (designated as S-32) and Tract No. 12 (designated Twenty-Sixth Tract), all that vein or seam which was conveyed to Gardner Stovall, by W. G. Duncan Coal Company, et al., by deed dated April 29, 1949, and now of record in said Clerk's Office in Deed Book _____, page _____, in, on and under the following boundary:

Beginning at a stake which is S. 86-00 W. 680 feet from two black oaks, a corner of C. B. Summers; running thence N. 87-15 W. 627 feet to a stake; thence N. 01-00 E. 529 feet to a stake; thence N. 80-30 E. 710 feet to the northwest corner of a cemetery; thence S. 11-00 E. 72 feet to the Southwest corner of the cemetery; thence S. 88-30 E. 64 feet to the Southeast corner of the cemetery; thence S. 12-30 W. 448 feet to a beech; thence S. 22-15 W. 175 feet to the beginning stake, containing 10 acres.

The No. 11 vein or seam being conveyed to the said Gardner Stovall.

TRACT NO. 28: DESIGNATED AS D-31 AND D-32

An undivided one-half (1/2) interest in and to all the minerals, mining rights and privileges, in, on and under the following described tract or parcel of land, located on the waters of Isaac Creek, in Muhlenberg County, Kentucky, and bounded as follows:

Beginning at a rock marked TI at the crop fence between this and Sumner's farm, North 58 1/2 West .6 poles from a planted rock on the Rumsey and Hopkinsville road and running thence N. 33 E. 113 poles to a sweet gum and hickory; thence N. 60 West 108 poles to two sugar trees, poplar and beech on the bank of a small creek; thence with the meanders of said creek to the mouth; thence S. 30 W. _____ poles to a Spanish oak and 2 beeches, one of the old corners; thence S. 60 E. _____ poles to an ash and 2 hickories at the east end of the lane between this and Thomas Morgan's farm; thence N. 30 East _____ poles to a white oak near said Irvin's tobacco barn; thence N. 60 E. _____ poles to the beginning. Grantor acquired title by virtue of two deeds as follows:

(1) From Lillie I. Davis, a widow, dated October 3, 1952, and now of record in said Clerk's Office in Deed Book 183, page 117.

(2) From Dorothy Middleton, et al, dated November 1, 1952, and now of record in said Clerk's Office in Deed Book 183, page 114.

(3) From Fred A. Irvin, Jr., et al dated September 11, 1959, and now of record in said Clerk's office in Deed Book 212, page 148.

TRACT NO. 1: DESIGNATED AS FIRST TRACT

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

Beginning at a walnut tree on the South side of the Madisonville Road, C. B. Summer's corner, and standing in the Northeast corner of his garden, running thence N. 58 1/2 W. 18 poles to a planted stone on the North side of said road and in the Rumsey Road; thence N. 7 E. 67 poles to a stone; thence N. 58 W. 6 poles to a stone; thence N. 42 E. 122 poles to a sweet gum and beech; thence S. 54 1/2 E. 30 poles to a poplar and maple; thence S 1 1/2 W. 32 poles to a hornbeam and elm; thence S. 1 1/2 W. 72 poles to a sweet gum and white oak; thence S. 88 1/2 E. 78 poles to a black oak and hickory; thence S. 2 1/2 W. 162 poles to two black oaks and a beech, all down, on the South side of the Madisonville Road; thence N. 48 W. 11 poles to three white oaks, all dead; thence S. 2 1/2 W. 40 poles to a black oak, a beech and hickory, black oak and hickory down; thence N. 87 1/2 W. 41 poles to a dead poplar and beech; thence S. 31 W. 112 poles to a stone South of Isaac's Creek on a north hillside, Peter Boggess' old corner; thence N. 58 W. 170 poles to a beech North of said Creek, C. B. Summers' corner; thence with his line N. 19 1/2 E. 36 poles; N. 45 1/4 E. 113 poles to two black oaks; thence N. 13 1/2 E. 24 poles to the beginning, containing 344.9 acres.

There is excepted from Tract No. 1 (designated as First Tract), the surface only of two parcels as follows:

(1) A Parcel of 4.4 acres of surface only conveyed to C. E. Martin, by W. G. Duncan Coal Company, by deed dated October 2, 1940, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 145, page 420, and bounded as follows:

Beginning at a stone on the South side of the Greenville and Madisonville Road, near Earls, said stone being South 60 East 288.5 feet from the beginning corner of the T. C. Summers' 344.9 acre tract, and 20 feet from the center of said road; thence South 27 West 293 feet to a stone; thence South 29 East 396 feet to a stone; thence North 52-30 East 366 feet to a white oak; thence North 31-45 East 205 feet to a stone on the South side of the above-mentioned road; thence N. 64-45 West 503 feet to the beginning, containing 4.4 acres.

(2) A Parcel of 4 acres, more or less, of surface only, conveyed to Gardner Stovall and wife, Kendrick Stovall, by W. G. Duncan Coal Company, et al., by deed dated June 1, 1956, and now of record in said Clerk's Office in Deed Book _____, page _____, and bounded as follows:

Beginning at a point in the center of the Pleasant Hill and Earles Road, and in the old line between the C. B. Summers tract and the T. C. Summers tract; thence running with the center line of said road S. 32-01 W. 136.1 feet to a stake; thence S. 38-55 W. 121.1 feet to a stake; thence S. 41-00 W. 1273.8 feet to a stake; thence leaving the road and with the old T. C. Summers line N. 58 W. 60 feet, more or less, to a beech, north of Isaac's Creek, C. B. Summers corner; thence with his line N. 28-3/4 E. 594 feet; thence N. 51 E. 966 feet, more or less, to the beginning, containing 4 acres, more or less.

TRACT NO. 2: DESIGNATED AS FOURTEENTH TRACT

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

Beginning at 4 hickories on the South bank of Pond River at the mouth of McNary Spring branch and running thence down the river and binding thereon 18 poles to a red oak and elm, an original corner; thence with the old line S. 45 E. 218 poles to a white oak; thence S. 30 W. 40 poles to a sugartree; thence S. 56 1/2 E. 23-1/3 poles to a sugar tree and hickory (excepting one acre near Corley's house previously sold); thence S. 20 1/2 W. 98 poles to a stake in the old line, four beeches marked as corner trees, and passing a beech, W. C. McNary's and J. D. McNary's corner, at 62 poles; thence N. 78 1/2 W. 39 poles to a white oak and three beeches, an old corner, and J. N. Scott's corner; thence with said Scott's line S. 29 1/2 W. 67 1/2 poles to two beeches; thence N. 78 1/2 W. 7 1/2 poles to a sugar tree; thence S. 11 1/4 W. 110 poles to a black gum and a walnut tree; thence N. 78 1/2 W. 42 poles to a stake West of a branch, three beech pointers; thence N. 11 1/4 E. 134 poles to a small elm and sugar tree; thence N. 6 1/2 W. 91 poles to a large cottonwood on the South side of the Greenville Road; thence with N. B. Scott's line N. 16 1/2 E. 66 poles to a black gum; thence N. 27 W. 200 poles to a stake at low water mark on the South bank of Pond River, and two hickories; thence down the river and binding thereon to the beginning, containing 263 acres, more or less.

Grantor acquired title to Tracts 1 and 2, as above described, by deed from W. G. Duncan, Sr., et al, dated March 11, 1921, and now of record in said Clerk's Office in Deed Book 107, page 479.

TRACT NO. 3: DESIGNATED AS H-31

An undivided one-half interest in the following tract:

Beginning at a rock, corner to Tract 1, and running thence S. 86-45 E. 1143 feet to a rock, corner to Tract 1; thence N. 40-30 E. 880 feet to a stake on the branch, passing a rock corner to Tract 3 at 561 feet; thence N. 85-30 W. 355 feet to a wild cherry tree on the branch; thence N. 23 W. 182 feet to a beech on the branch; thence N. 50 W. 468 feet to a stake; thence N. 79 W. 337 feet to a planted rock; thence S. 53-30 W. 1374 feet to the beginning, containing 29 1/2 acres.

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. 4: DESIGNATED AS H-33

An undivided one-half interest in the following described tract or parcel of land, located on Isaac's Creek, in Muhlenberg County, Kentucky:

Beginning at two hickories and a black oak, James Ball's corner, and running thence N. 67 E. 57 1/4 poles to an elm, hickory and Spanish oak, one of the original corners; thence N. 20 W. 81 poles and 15 links to a planted rock on old line; thence S. 72 1/2 W. 58 poles to a rock; thence a straight line to the beginning, containing 40 acres, more or less.

Grantor acquired title by deed from W. T. Humphrey, et al., dated January 28, 1944, and now of record in said Clerk's Office in Deed Book 152, page 211.

TRACT NO. 5: DESIGNATED AS S-33

An undivided one-half interest in the following described tract or parcel of land, located on the waters of Pond River, in Muhlenberg County, Kentucky:

Beginning at a poplar and elm, John Shanks' corner, running West 218 poles to a stake, Wilson's corner; thence with Wilson's line S. 118 poles to a sycamore and elm; thence S. 80 E. 68 poles to a sycamore; thence S. 70 E. 76 poles to a white oak; thence E. 80 poles to 2 white oaks; thence N. 154 poles to the beginning, containing 178 acres, more or less.

There is excepted from the above described property the following:

(1) The surface only of a right-of-way containing 9.23 acres, more or less, conveyed to Chicago, St. Louis & New Orleans Railroad Company, by Fountain M. Stewart, et al., by deed dated March 26, 1923, and now of record in said Clerk's Office in Deed Book 116, page 68, which deed is hereby referred to and made a part hereof, the same as though fully copied herein.

(2) The surface only of a right-of-way containing 2.42 acres, more or less, conveyed to Chicago, St. Louis & New Orleans Railroad Company by Fountain M. Stewart, et al., by deed dated August 5, 1924, and now of record in said Clerk's Office in Deed Book 118, page 621, which deed is hereby referred to and made a part hereof, the same as though fully copied herein.

Grantor acquired title to same by two deeds, as follows:

(1) Deed from William G. Stewart and wife, Dimple Marie Stewart, dated March 19, 1956, and now of record in said Clerk's Office in Deed Book 196, page 286.

(2) Deed from Gardner Stovall and wife, Kendrick Stovall, dated May 23, 1956, and now of record in said Clerk's Office in Deed Book 197, page 228.

TRACT NO. 6: DESIGNATED AS S-34

An undivided one-half interest in the following tract of land, located on the waters of Pond River in Muhlenberg County, Kentucky.

Beginning at a stake W. C. Eades corner; thence East 6 poles to a stake; thence N. 41 poles to two black oaks, W. K. Morgan and S. W. Earles corner; thence W. 60 poles to a stake; thence S. 41 poles to a stake in Eades line; thence East with his line 54 poles to the beginning, containing fifteen (15) acres.

Grantor acquired title by deed from William G. Stewart and wife, Dimple Marie Stewart, dated March 19, 1956, and now of record in said Clerk's Office in Deed Book 196, page 289.

TRACT NO. 7: DESIGNATED AS HOME PLACE

Beginning at a stone on the South side of the Greenville and Madisonville Road, near Earls, said stone being South 60 East 288.5 feet from the beginning corner of the T. C. Summers' 344.9 acre tract, and 20 feet from the center of said road; thence S. 27 West 293 feet to a stone; thence South 29 East 396 feet to a stone; thence North 52-30 East 366 feet to a white oak; thence N. 31-45 East 205 feet to a stone on the South side of the above-mentioned road; thence N 64-45 West 503 feet to the beginning, containing 4.4 acres.

Grantor acquired title to same by deed, as follows:

(1) Deed from W. G. Duncan Coal Company, dated October 2, 1940, and now of

record in the Muhlenberg County Court Clerk's Office in Deed Book 145, page 420.

Tract #1: Designated as the Lockett Place.

All minerals and mineral and mining rights including oil and gas in and under the following two tracts of land in Muhlenberg County, Kentucky.

(a) Beginning at a planted rock, Doss' and Camp's corner and running thence S 4-1/4 W 1953 feet to a rock; thence N 86-1/2 W 1991 feet to a rock, Doss corner; thence N 2 E 16-1/2 feet to a stake; thence N 86-1/2 W 92 feet to a rock, A. J. Reed's corner; thence N 2 E 1917 feet to a rock, Bridges corner; thence S 88-1/2 E 2110 feet to the beginning containing 93-1/2 acres, more or less.

(b) Beginning at a white oak stump in C. E. Martin's line, running thence S 85 E 1344.5 feet to a corner in Geibel's and Lockett's line; thence S 89 degrees and 30 minutes E 2344 feet to a stake in the middle of a lane; thence S 5 degrees and 20 minutes W 1973 feet to a stake in Green's line; thence N 87 degrees and 20 minutes W along the line of Reed and Borland 3559 feet a white oak; thence N 1 degree and 30 minutes E 1316 feet to a white oak, corner to C. E. Martin's or the J. F. Doss land; thence N 3 degrees and 30 minutes E 625 feet to the beginning, containing by survey 159.894 acres, but there is excepted from the above boundary .918 of an acre upon which is situated the Lockett graveyard, also the right of way to said graveyard.

Grantor acquired title by virtue of three deeds as follows:

(1) From J. F. Doss, et ux. dated February 2, 1917 and now of record in said Clerk's office in Deed Book 95, page 60.

(2) From B. C. Martin, et ux. dated January 16, 1928, and now of record in said Clerk's office in Deed Book 124, page 511.

(3) From Estill Lockett, et al. dated April 27, 1917 and now of record in said Clerk's office in Deed Book 93, page 577.

And being the mineral rights reserved by the Trustees in the deed to Lorine Wickliffe, et al dated December 12, 1951 and now of record in said Clerk's office in Deed Book 179, page 135.

It is the intent and purpose to include in this Schedule all lands, minerals, rights and privileges or any interest in them owned by C. E. Martin at the date of his death, which have not been conveyed and transferred by the Trustees, or acquired by the Trustees during their terms of office, regardless of any omission or irregularity in the above descriptions.

This conveyance is also made subject to the deeds, leases and easements which affect portions of said property hereinabove described:

(1) Lease to Sentry Royalty Company dated August 19, 1958, as amended on December 23, 1958, and as amended on June 1, 1961, and is unrecorded.

(2) Deed of Easement to West Kentucky Coal Company dated February 27, 1959 and of record in Deed Book 211, page 381.

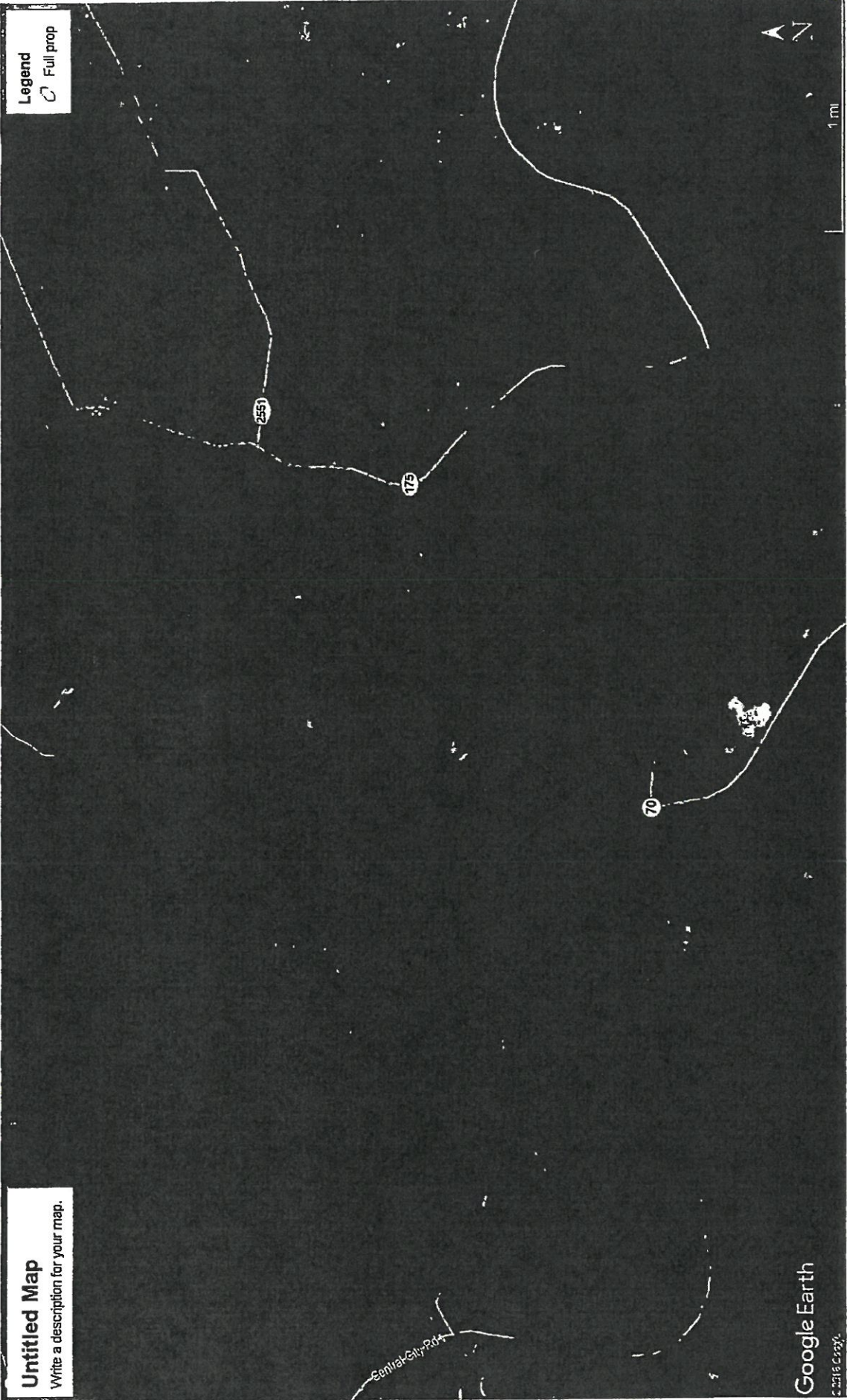
(3) Agreement of Right of Way to Texas Gas Transmission Corporation dated August 6, 1960, of record in Deed Book 219, page 546.

- (4) Timber deed to Frank Ramsey, dated _____, 1959.
- (5) Oil and Gas lease to J. C. Miller Oil Company, Inc. and Ashland Oil and Refining Company dated April 25, 1960 and of record in Lease Book 39, page 363.
- (6) Oil and Gas Lease to Charles Baker, Jr. and W. E. Williams dated September 25, 1964 and of record in Lease Book 49, page 589.
- (7) Oil and Gas Lease to E. F. Moran, Inc. dated May 2, 1962 of record in Lease Book 43, page 587.
- (8) Deed to Sentry Royalty Company dated February 12, 1960, of record in Deed Book 214, page 416.
- (9) All other easements and conveyances of record made by C. E. Martin during his lifetime affecting the above described property not set out hereinabove.

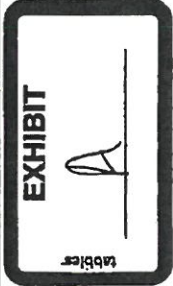
And being a part of the real estate devised in and by the last will and testament of Charles E. Martin, deceased, of record in Will Book 6, page 13 in the office of the Clerk of Muhlenberg County Court, and being a part of the real estate conveyed to the Trustees by HESSIE D. MARTIN, by deed dated December 31, 1949, and of record in Deed Book 171, page 235 in the office of the Clerk of the Muhlenberg County Court.

DOCUMENT NO: 97586
RECORDED ON JANUARY 21, 2000 02:20:00P
TOTAL FEES: \$120.00
COUNTY CLERK: GAYLAN SPURLIN
COUNTY: MUHLENBERG COUNTY
DEPUTY CLERK: KATHY SADDLER

BOOK D472 PAGES 688 - 744



MUHLENBERG COUNTY
D602 PG1863



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