

field; thence due South 40 poles to the beginning, containing 50 acres, more or less.

Grantee, its successors and assigns, shall take under this Deed the perpetual right to mine and take from under the land hereby described all the coal hereby conveyed that may be in and under the same, and dispose of said minerals as it may see proper, and is granted the right to enter upon said land for the purpose of opening mines, 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, or 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, agrees to pay before taking the same, and the then owner of the surface of said land agrees to accept the sum of FIFTY (\$50.00) DOLLARS per acre. If any of said land shall be damaged in mining operations of Grantee, or its successors and 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. 5: DESIGNATED AS ELEVENTH TRACT

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

(a) Beginning at a planted stone at the line of Haley's fence; thence N. 88 W. 254 poles to two white oaks and ash in the line of Haley's survey; thence with said line S. 12 poles to a beech, sugar tree and white oak, corner thereto; thence E. 9 poles to two hickories and poplar; thence S. 40 poles to a sweet gum, black gum and maple; thence        87 1/4 E. 160 poles to a large white oak, said Summers' corner; thence with his line S. 47 poles to a large beech another of his corners; thence with another of his lines S. 75 E. 87 poles to a sweet gum and elm, Samuel E. (W.) Earle's corner; thence with his line N. 15 E. 87 1/4 poles to an elm, his corner, at the corner of his fence; thence with said fence N. 2 E. 38 poles to the beginning, containing 117 acres, more or less.

(b) Beginning at a standing gum and large beech, thrown, Thomas C. Summers' original corner; thence S. 200 feet to the head of Sandy Branch; thence W. and a little North, to the Public Road leading from Sacramento to Hopkinsville, said line crossing the road; thence with the ditch to the creek, and thence with the meanders of said creek to Summers' and Ward's corner; thence with their line to the beginning, containing 5 acres, more or less.

There is also conveyed by this Deed an undivided one-half of a railroad right-of-way over the surface of said above-described lands as surveyed by the Kentucky Midland Railroad Company.

The party of the second part, its successors and assigns, shall take under this Deed the perpetual right to mine and take from under the land hereinabove described all the minerals that may be in and under the same, and dispose of said minerals as it or they may see proper, and is granted the right of entering upon said land for the purpose of opening mines, 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, or its successors and assigns, 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 minerals, and for such surface space as it or they may take for the purpose aforesaid, said party of the second part, or its successors and assigns, shall pay before taking same, and the then owner of the surface agrees to accept, the sum of FIFTY (\$50.00) DOLLARS per acre, but it is

understood that the right-of-way for said railroad above conveyed has already been paid for as a part of the consideration for this Deed. If any of said land shall be damaged in mining operations by the party of the second part, or its successors and 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. 6: DESIGNATED AS TWELFTH TRACT

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

Beginning at a white oak and hickory, Northwest corner of the 87 ½ acre tract, of which this is a part, running thence E. 177 poles to a stake, Northeast corner of said 87 ½ acre tract; thence S. 31 poles to a stake in the line of said tract; thence W. 177 poles to a stake in the West line of said 87 ½ acre tract; thence N. 31 poles to the beginning, containing 35 acres, more or less.

The party of the second part, its successors and assigns, shall take under this Deed the perpetual right to mine and take from under said tract of land all the coal that may be in and under the same, and dispose of said minerals as it or they may see proper, and are granted the right to enter upon said land for the purpose of opening mines, and the right of ingress and egress on and beneath the surface to and from any mine opened by them, and the right to such surface space as may be necessary for mining operations, and for such surface space as it or they may take for the purposes aforesaid the party of the second part, or its successors and assigns, shall pay before taking same, and the then owner of the surface of said land agrees to accept, the sum of FIFTY (\$50.00) DOLLARS per acre. If any of said land shall be damaged in mining operations of the party of the second part, or its successors and 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. 7: DESIGNATED AS THIRTEENTH TRACT

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

Beginning at a planted stone, corner to Haley's home tract; thence with a line thereof N. 57 W. passing a sugar tree, beech and black gum corner at 96.1 poles, continuing same course 82 poles, in all 178 poles, to a stake in the line of Will Martin's survey; thence with his line S. 12 ½ W. 31 poles to a white oak on the West Bank of the Creek; thence down same with the meanders thereof, and a straight line, about 16 poles to a stone, with pointers on the East Bank of the Creek, at 10 on the plat; thence S. 57 ½ E. 146 poles to a stone in a line of Johnson's survey; thence with his line N. 43 E. 33 poles to the beginning, containing 35 acres, more or less.

The party of the second part, its successors and assigns, shall take under this deed the perpetual right to mine and take from under said tract of land 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 mines, and the right of ingress and egress on and beneath the surface to and from any mine opened by them, and the right to such surface space as may be necessary in mining operations, and for such surface space as it or they may take for the purposes aforesaid, party of the second part, or 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 ONE HUNDRED (\$100.00) DOLLARS per acre. If any of said land shall be damaged in the mining operations of the party of the second part, or its successors

and 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. 8: DESIGNATED AS TWENTY-SECOND TRACT

An undivided one-half of all the oil, gas, salt water and other minerals (EXCEPT COAL) in and under the following tract of land in Muhlenberg County, Kentucky:

Beginning at a hickory corner to the Thomas R. Moore place, and the Martin Uzzle and Mary Jane Matheny tracts, both of which are now owned by the Matheny heirs, running thence with the old Moore line N. 51-30 W. 133 feet to a post oak corner between the Matheny heirs and a place now owned by Gipson; thence with Gipson's line N. 39-10 W. 343 feet to a stone, with two hickories marked as pointers, corner to Matheny heirs and Gipson; thence N. 70-20 E. 235 feet to a planted stone; thence 25-30 E. 560 feet to a planted stone with hickory, white oak and post oak marked as pointers; thence S. 80-00 W. 131 feet (crossing center of mine opening at 100 feet) to a planted stone with hickory and ash marked as pointers; thence N. 5-45 W. 98 feet to the beginning, containing two acres, more or less.

The foregoing boundary being the remainder Tract Designated as Twenty Second (a) (b) and (c) the only interest owned therein by first party as set out in deed from C. E. Martin, et al., to W. T. Matheny, by deed dated March 31, 1928, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 158, page 418, which undivided one-half (½) interest therein, is hereby conveyed to second party.

TRACT NO. 9: DESIGNATED AS TWENTY-THIRD TRACT

An undivided one-half of all the coal of every kind and character in, under and upon the following tract of land in Muhlenberg County, Kentucky:

Beginning at a hickory, running thence S. 45 E. 33 poles to a stake; thence S. 63 E. 46 poles to a black walnut; thence N. 54 E. 19 poles to a Spanish oak and double dogwood; thence S. 31 W. 102 poles to a beech (Matthew Adams' corner); thence S. 45 E. 76 poles to three beeches, now dead, Roark's corner, a stone planted at this point as a memorial to the corner; thence S. 45 W. 192 poles to a white oak; corner to a parcel of land surveyed for Bowen; thence with his line N. 58 ½ W. 108 poles to two sugar trees; thence N. 3 about 55 poles to two white oaks and walnut; thence N. 4 E. 100 poles to the beginning, containing 200 acres, more or less.

But there is excepted from said tract, and not conveyed, about 1-3/4 acres thereof on the East side of Isaac's Creek which was sold and conveyed by Mrs. E. T. Martin and her husband, F. J. Martin, to Mrs. Sarah Plain, and by her sold to Samuel Wilkins.

The said party of the second part, its successors and assigns, shall have the full and free right of ingress and egress to and from said land for the purpose of taking therefrom the coal of all kinds, hereby conveyed, and the said party of the second part, its successors and assigns, shall also 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 it or them to operate and remove said coal and to build railways, tanks, stations and structures thereon to remove or to take care of said products. In the event it shall become necessary for the said party of the second part, its successors and assigns, to use any of the surface of said premises for said purposes, then and in that event the said party of the second part, its successors and

assigns, shall pay therefor the sum of ONE HUNDRED (\$100.00) DOLLARS per acre for each acre of said surface so used.

TRACT NO. 10: DESIGNATED AS TWENTY-FOURTH TRACT

An undivided one-half of all the coal of every kind, character or nature which may exist in, under or upon the following tract of land in Muhlenberg County, Kentucky:

Beginning at a black oak stump near Morgan's house, running thence N. 40 E. 106 poles to two white oaks; thence S. 60 E. 85 poles to a planted stone at the end of a cross-fence; thence with said fence S. 40 W. 99 poles, passing a spring, and allowing each party an equal right to said spring and its waters, to a planted stone at the corner of said fence; thence with another fence S. 41 E. 20 poles to a planted stone; thence S. 53 W. 19 poles to a planted stone, corner to the meeting house ground; thence with a line thereof N. 36 1/4 W. 17 poles to a planted stone, another corner thereof; thence S. 53 W. 120 poles to a planted stone, a corner thereof; thence N. 36 1/4 W. 26 poles to a planted stone; thence N. 53 1/4 E. 20 poles to a planted stone; thence N. 36 1/4 W. 18 poles to a planted stone; thence S. 80 1/2 W. 33 poles to a small walnut, black oak and sweet gum in the old line of which this is a part; thence with said line N. 17 W. 25 poles to the beginning, containing 55 acres, more or less.

But from said tract there is reserved and not conveyed the following parcel conveyed by J. C. Johnson and wife to the Trustees of Antioch Church by Deed dated April 10, 1907, and of record in said Clerk's Office in Deed Book 50, page 542.

Beginning at a planted stone, Northwest corner of the Church Lot deeded by Thomas C. Summers to Antioch Church running thence with Summer's and Johnson's line N. 34-3/4 W. 10 poles to a planted stone; thence N. 54 1/4 E. 10 poles to a planted stone; thence S. 34 E. 10 poles to a planted stone; thence S. 54 1/4 E. 10 poles to the beginning, containing 100 square rods.

The said party of the second part, its successors and assigns, shall have and take under this Deed the full and free right of ingress and egress to and from said land for the purpose of mining, digging, taking away and transporting all of said coal, hereby conveyed, and all materials required for mining operations, and the said party of the second part, its successors and assigns, shall have the full and free right to purchase so much of the surface of said tract of land, not to exceed 10 acres, to be taken so as not to interfere in any way with the buildings of any sort, at a price not to exceed FORTY (\$40.00) DOLLARS per acre; said surface so purchased to be used for erecting and constructing thereon tipples, air shafts, rights-of-way for a railroad, or for any other purpose incidental to, required in, or necessary for the proper conduct of the business of mining, digging, taking away and transporting said coal.

TRACT NO. 11: DESIGNATED AS TWENTY-FIFTH TRACT

An undivided one-half of all the coal of every kind, character or nature which may exist in, under or upon the following tract of land in Muhlenberg County, Kentucky:

Beginning at a beech and hickory, Southeast corner of T. C. Summers' survey; thence with the line thereof N. 41 1/2 poles to two white oaks, his corner; thence with another line of same S. 60 E. 12 poles to a white oak and black oak, also his corner; thence with another line of same N. 144 poles to a

beech; thence W. 84 poles to a sweet gum and white oak; thence N. 91 poles to an ironwood and elm; thence E. 54 poles to a sycamore, W. C. Eades' corner (now William Stewart's); thence with his line S. 80 E. 68 poles to a sycamore; thence with another line of same S. 70 E. 76 poles to a white oak, his corner; thence E. 8 poles to two hickories and an elm in Stewart's line, corner to C. M. Sparks survey; thence with his line S. 142 poles to a dogwood, ash and hickory, Hunt's corner (now Thomas Stovall's); thence with Ball's line S. about 100 poles to two hickories in John Miller's line (now Hays'); thence W. 100 poles to the beginning, containing 180  $\frac{1}{4}$  acres, more or less.

But there is excepted from said tract, and not conveyed, that vein of coal known as No. 11 vein in the following two parcels:

(a) A tract on the North side of said survey, beginning at a stake or rock at the West end of a slat and wire fence; thence N. 56 poles to a stake or rock; thence E. 43 poles to a stake or rock; thence S. 56 poles to a stake or rock; thence W. 43 poles to the beginning, containing 15 acres, more or less.

(b) A tract on the East side of said survey, beginning at a black gum in the old line, also line of H. C. Lewis' survey; thence S. with said line 40 poles to a stake or rock; thence W. 20 poles to a stake or rock; thence N. 40 poles to a stake or rock near the opening of a mine; thence E. 20 poles to the beginning, containing 5 acres, more or less.

The said party of the second part, its 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 all of said coal, hereby conveyed, and materials required for mining operations. And it is further agreed that the said party of the second part, its successors and assigns, shall have the right to purchase so much of the surface of said tract of land as they may desire, not to exceed 10 acres, to be taken so as not to interfere in any way with buildings of any sort, at a price not exceeding FORTY (\$40.00) DOLLARS per acre; said surface so purchased to be used for erecting and constructing tipples, air shafts and structures of all kinds, right-of-way for railroads, or for any other purpose incidental to, necessary on, or required for the proper conducting of the business of mining, digging, taking away and transporting said coal to market.

TRACT NO. 12: DESIGNATED AS TWENTY-SIXTH TRACT

An undivided one-half of all the coal of every kind, character and nature which may exist in, under or upon the following tract of land in Muhlenberg County, Kentucky:

Beginning at a black walnut on the South side of the Greenville and Madisonville Road, running thence N. 60 W. 18 poles to a stake on the North side of said road and in the Rumsey and Hopkinsville Road; thence N. 6  $\frac{1}{4}$  E. 67 poles to a planted rock on the West side of the said Rumsey and Hopkinsville Road; thence N. 59 W. 45 poles to a small elm and sycamore in the line of fence and in the old line; thence S. 41 W. 101 poles passing the spring, said spring being exactly on the line, to a stake, J. R. Roark's corner; thence S. 39 E. 24 poles to a planted rock; thence S. 53 W. 39  $\frac{1}{4}$  poles with the line of J. R. Roark and Antioch Church to a hickory; thence N. 36  $\frac{1}{4}$  W. with the line of said church Lot in part 34 poles to an elm, thence S. 65 W. 24 poles to a stake in the old line; thence with the old line S. 16 E. 132 poles to a beech, two ashes wanting; thence S. 60 E. with another old line to a beech near the North Abutment of a bridge on Isaac's Creek and on the West side of the Rumsey and Hopkinsville Road; thence N. 19 E. 36 poles to a stake in said road; thence N. 44- $\frac{3}{4}$  E. 113 poles to two black oaks; thence N. 13 E. 34 poles to

the beginning, containing 131 acres, more or less.

But there is reserved from said tract 3/4 of an acre, on which the school house stands, and 1/4 of an acre, embracing the graveyard.

There is also reserved from said tract, and not conveyed, that vein of coal, known as No. 11 vein, in the following part thereof:

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, an old corner, and bearing 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.

The said party of the second part, its 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 all of said coal, hereby conveyed, and materials required for mining operations, and it is further agreed that the party of the second part, its successors and assigns, shall have the right to purchase so much of the surface of said tract of land as they may desire, not to exceed 10 acres, to be taken so as not to interfere in any way with buildings of any sort, at a price not to exceed FORTY (\$40.00) DOLLARS per acre; said surface so purchased to be used for erecting and constructing tipples, air shafts and structures of all kinds, right-of-way for railroad, or for any purpose incidental to, necessary in, or required for the proper conduct of the business of mining, digging, taking away and transporting said coal of all kinds to market.

NOTE: For further exception to Tract designated as Twenty-Sixth, see exception under Tract Designated as S-32.

TRACT NO. 13: DESIGNATED AS TWENTY-SEVENTH TRACT

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

Beginning at a sweet gum and hickory and running thence N. 30 E. 76 poles to a rock marked "T. I." in D. B. Wilson's field; thence N. 60 W. 309 poles to a rock and small black gum, white oak and red oak; thence S. 30 W. to the mouth of a small creek; thence with the meanders thereof to a sugar tree, poplar and beech; thence S. 60 E. 108 poles to the beginning, containing 200 acres, more or less.

But there is reserved from said tract, and not conveyed, the following part thereof, conveyed to Baxter Jagoe by William Young by Deed dated March 14, 1892, recorded in Deed Book 41, page 196:

Beginning at a planted stone, marked "T. I." running thence N. 57 W. 34 poles to a planted stone on the edge of the 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 in the Haley 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, more or less.

The party of the second part, its successors and assigns, shall take under

this Deed the right to mine and take from under said tract of land all coal, oil, gas, salt water, or other minerals, hereby conveyed, that may be under the same, and to dispose of such coals, and minerals as it or they may see proper, and are granted 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 the party of the second part, or its successors and assigns, 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 party of second part, its successors and assigns, will pay before taking the same at the rate of FIFTY (\$50.00) DOLLARS per acre, but no rights are granted to the party of the second part under this Deed for any part of the surface without first paying for same as above recited.

TRACT NO. 14: DESIGNATED AS TWENTY-EIGHTH TRACT

An undivided one-half of all the coal of every kind, character or nature which may exist in, under or upon the following two tracts of land in Muhlenberg County, Kentucky:

(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 and elm, J. B. Hays' and William C. Eades' corner near a creek; thence due N. 115 1/4 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. 5 W. 8 poles to a rock, Young's corner; thence S. 31 1/2 W. with Young and Irvin's line 94 1/2 poles to the beginning, containing 57 acres and 154 square rods, more or less.

(b) Beginning at a planted stone marked "T. I." running thence N. 57 W. 34 poles to a planted stone on the edge of the 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 in 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, more or less.

The said party of the second part, its successors and assigns, shall take and have under this Deed the full and free right of ingress and egress to and from said land for the purpose of mining, digging, taking away and transporting any and all of said coals hereby conveyed, and all materials required for mining operations.

TRACT NO. 15 DESIGNATED AS TWENTY-NINTH TRACT

An undivided one-half of all the coal of every kind, character or nature which may exist in, under or upon the following tract of land in Muhlenberg County, Kentucky:

Beginning at a white oak, Mrs. F. J. Martin's corner, and running thence S. 22 W. 164 poles to a planted stone at a branch, a beech marked as a pointer; thence N. 57 W. 151 poles to a planted stone in place of a sassafras and four dogwoods; thence N. 23 E. 153 poles to a black oak stump, Joseph Martin's corner; thence N. 57 W. 23 1/4 poles with his line to a sugar tree; thence N. 30 W. E. 22 poles to a planted stone on the South side of the Greenville and Madisonville Road, Granville Corley's corner; thence with his line N. 67 1/4 E. 55 poles to a stake in the center of said road, Mrs. F. J. Martin's corner, or line; thence S. 6 W. 62 poles to a planted stone in place of two sugar trees, another of Mrs. F. J. Martin's corners; thence S. 57 E. 110 poles with her line to the beginning, containing 163 acres, more or less.

The said party of the second part, its successors and assigns, shall have and

take under this Deed the full and free right of ingress and egress to and from said land for the purpose of mining, digging, taking away and transporting any and all of said coal, hereby conveyed, and all materials required for mining operations, and it is further agreed that the party of the second part, its successors and assigns, shall have the full and free right to purchase so much of the surface of said tract of land as they may desire, not to exceed 10 acres, to be taken so as not to interfere in any way with buildings of any sort, at a price not exceeding FORTY (\$40.00) DOLLARS per acre; said surface so purchased to be used for the purpose of erecting and constructing tipples, air shafts of all kinds, rights-of way for a railroad, or for the proper conduct of the business of mining, digging, taking away and transporting said coals to market.

NOTE: Grantor further acquired title to Tract No. 15 (designated as Twenty-Ninth), by deed from Lillian Head, etc., dated February 10, 1943, and now of record in said Clerk's Office in Deed Book 149, page 369. (This additional conveyance is designated on Duncan Map and file as E-32.)

TRACT NO. 16: DESIGNATED AS THIRTY-FIRST TRACT

An undivided one-half of all the coal and coal rights in the following tract of land in Muhlenberg County, Kentucky, including the right to take from said land coal of all kinds:

Beginning at a planted rock in J. C. Richey's line 140 feet from the said Richey's and T. A. Haley's corner and running thence with the said Richey's line S. 5 W. (Old call S. 2 W.) 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.

The said party of the second part, its successor and assigns, shall have all the full and free right of ingress and egress to and from said land for the purpose of taking therefrom any and all of said coal and coal rights, hereby conveyed, and the said party of the second part, its successors and assigns, shall also 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 to remove said coal, and to build railways, stations and structures thereon to remove or take care of said products.

In the event it shall become necessary for the said party of the second part, its successors, or assigns, to use any of the surface of said premises for said purposes, then and in that event the said party of the second part, its successors or assigns, shall pay therefore the sum of TWENTY-FIVE (\$25.00) DOLLARS per acre for each acre of said surface so used.

TRACT NO. 17: DESIGNATED AS THIRTY-SECOND TRACT

An undivided one-half of all the coal of whatsoever kind, character or nature which may exist in, under or upon the following tract of land in Muhlenberg County, Kentucky:

Beginning at a sweet gum and beech, beginning corner of the original survey, and running South 51 E. 46 poles to a poplar and maple; thence due E. 64 poles to a sycamore and elm; thence due N. 115 poles to a stake; thence due E. 60 poles to a stake; thence due N. 41 poles to a stake; thence due W. 60 poles to a stake; thence due N. 22 poles to a stake; thence N. 75 W. 146 1/2 poles to a very large beech; thence due N. 47 poles to a large white oak marked "E.A."; thence due W. 174 1/2 poles to a small white oak, small sweet gum and maple in Irvin's line; thence with Irvin'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, containing 194 acres, 1 rood and 35 poles.

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

(a) Beginning at a sweet gum and beech, running thence S. 51 E. 49 poles to a poplar and maple; thence due E. 64 poles to a sycamore J. B. Hays' and William C. Eades' corner; thence due North with Eades' line 115 1/4 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 W. with Young and Irvin's line 94 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 W. 60 poles to a stake; thence S. 41 poles to a stake in Eades' line; thence due East with Eades' line 15 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 said Clerk's Office in Deed Book 20, page 691.

(c) Beginning at the intersection of the Southwesterly line of said tract with center line of located line railroad; thence S. 57-30 E. 90 feet, more or less, to a stake, thence curving to the right on a line concentric with the line of location stakes, radius of said curve being 1587 feet, 430 feet, more or less, to a stake; thence S. 79-36 E. 1670 feet, more or less, to Mrs. John C. Richey's line; thence with said line Northward 100 feet, more or less, passing center of location at about 50 feet to a stake; thence N. 79-36 W. 1670 feet, more or less, to a stake; thence curving southward, radius 1687 feet, about 590 feet to Jesse Noffsinger's Northerly line; thence with said line S. 57-30 E. about 90 feet to the beginning, containing 4.99 acres, it being the same parcel conveyed to the Kentucky Midland Railroad Company by H. C. Lewis, Special Commissioner of the Muhlenberg County Court by Deed dated March 30, 1908, and now of record in said Clerk's Office in Deed Book 73, page 278.

(d) 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 W. a little North, to the public road leading from Sacramento to Hopkinsville, said line crossing the road, running with a ditch to the creek, and thence with the meanders of said creek to Summers' and Ward's original 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 parcel 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.

The party of the second part, its successors and assigns, shall have the full and free right of ingress and egress to and from said tract of land for the purpose of mining, digging and taking away all of the coal of every kind, character and nature, hereby conveyed, thereunder, therein, or thereupon, and for transporting all materials and machinery required for operations, and it is further understood and agreed, and is a part of the consideration for this conveyance, that the said party of the second part, its successors and assigns, shall have the full and free right to purchase so much of the surface of said tract of land as they may desire, not to exceed 10 acres, to be taken and is not to interfere in any way with buildings of any sort, at a sum not

exceeding FORTY (\$40.00) DOLLARS per acre; said surface so purchased to be used for the purpose of erecting and constructing coal tipples, air shafts, rights-of-way for a railroad; or for any other purpose incidental to, required in or necessary for the proper conduct of the business of mining, digging, taking away and transporting to market all the coal in said tract of land.

Grantor further acquired title to Tract No. 17 (designated as Thirty-Second Tract), by deed from Robert Ward, et al., dated August 31, 1945, and now of record in said Clerk's Office in Deed Book 157, page 80 (and designated as W-33, Tract No. 19 of A).

TRACT NO. 18 DESIGNATED AS THIRTY-THIRD TRACT

An undivided one-half of all the coal of every kind, character or nature which may exist in, under or upon the following two tracts of land in Muhlenberg County, Kentucky:

(a) Beginning at two dead white oaks, corner to William Stewart; thence with his line S. 20 E. passing the corner of first tract 48 1/4 poles (a beech and gum) in all 97 poles to where there is a gum, mulberry and poplar called for in Deed, not found, but a black gum instead thereof, also Stewart's corner; thence with another line thereof S. 45 W. 35 poles to an elm, dogwood and hickory, corner to Stanley's survey; thence with a line thereof S. 47 1/4 E. 62 poles to a planted rock, with two hickory pointers, corner to John Miller's tract; thence with a line thereof N. 48 1/4 E. 80 poles to a hickory, beech and black gum in a drain, corner to said Miller's tract; thence with another line thereof N. passing two beeches and gum at 60 poles, in all 108 1/4 poles to two hickories, white oak and gum, corner to the homestead; thence with a line thereof W. 86 poles to the beginning, containing 77 1/4 acres, more or less.

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

Beginning at Williams' and Stovall's corner, a stake on 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's and Stovall's corner, a planted rock, two small hickories and two black oaks marked as pointers; thence N. 47 W. 12 1/4 poles to a dead white oak and 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 said 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, and being the same tract conveyed by C. A. Bourland and wife to C. W. Stovall by Deed dated March 2, 1896, and of record in said Clerk's Office in Deed Book 55, page 339.

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

The said party of the second part, its successors and assigns, shall have the full and free right of ingress and egress to and from said land for the purpose of taking therefrom any and all of said coal, hereby conveyed, and the said party of the second part, its successors and assigns, shall also have the full and free right to make such excavations and erect such structures upon said land as may be necessary and convenient to enable them to mine and

operate for or to remove any and all of said coal. And the party of the second part, its successors and assigns, shall have the right to purchase so much of the surface of said land as they may desire, not to exceed 10 acres, at a price not to exceed FORTY (\$40.00) DOLLARS per acre, to be used for the purpose of building switches, railways, stations and structures thereon for the purpose of mining, digging and removing any and all of said coal and putting the same upon the market, to be taken so as not to interfere with any buildings on said premises.

TRACT NO. 19: DESIGNATED AS THIRTY-FOURTH TRACT

An undivided one-half of all the coal in, under and upon the following tract of land in Muhlenberg County, Kentucky:

Beginning at a white oak, S. A. Earle's corner; thence due North with said Earle's line 77 poles to a black gum and hickory; thence due West 125 poles to a black oak and two white oaks on the bank of a branch; thence due south 77 poles to a stake in said Earl's line; thence due East with said Earle's line 125 poles to the beginning, containing 50 acres, more or less.

Said tract of land was formerly owned by R. Martin & Brother. During their ownership thereof they conveyed the surface of said tract of land to other parties, reserving the coal therein with the right to mine and remove the same, unto themselves. Said Deed conveying said surface contained the following provisions:

"But there is reserved and not conveyed in this Deed all the coal in and under said tract of land, together with the perpetual right to mine and take from under the land hereinbefore described all the coal there may be in and under the same, and dispose of said coal as the parties of the first part, their heirs, successors and assigns, may see proper, and there is also reserved the right to enter upon said land for the purpose of opening mines, with the right of ingress and egress on and beneath the surface to and from any mine opened by parties of the first part (R. Martin & Brother), 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 for such surface space as it may take for the purposes aforesaid, said parties of the first part (R. Martin & Brother), or their successors in title, agree to pay before taking same, and the party of the second part (the Grantee in said Deed), for himself and his successors in title, agrees to accept, the sum of FIFTY (\$50.00) DOLLARS per acre. If any of said land shall be damaged in mining operations of the parties of the first part (R. Martin & Brother), or their successors, they shall pay the then owner of the surface of said land at the same rate per acre for the portion so damaged."

One of the Deeds conveying 25 acres of said surface was to T. A. Haley dated September 17, 1907, and of record in said Clerk's Office in Deed Book 93, page 323. The Deed conveying the residue of said surface has never been put to record. The parties of the first part own an undivided one-half of the coal in said tract of land subject to the provisions of the Deeds so made by R. Martin & Brother conveying the surface thereof, which one-half interest in said coal is now conveyed subject to all the terms and conditions of said Deeds conveying said surface.

TRACT NO. 20: DESIGNATED AS THIRTY-SIXTH TRACT

An undivided one-half of all the minerals and mineral substances of whatsoever name or kind, especially all the coal, iron ores, lead ores, petroleum, and

other oily substances, and all the fire clay on or beneath the surface of the tract of land hereinafter described, with full right and authority in the party of the second part, its successors and assigns, to prospect and explore said land therefor, and to mine and remove the same and to construct and maintain and use for said purposes all such pits, shafts, drifts, levels, reservoirs, drains, roads, engines, machinery and other structures as to the party of the second part, its successors or assigns, may seem expedient. And the party of the second part, its successors and assigns, shall not at any time be liable or responsible for any depressions, subsidence, damage or injury to said land by reason of the construction, maintenance or use of any of the structures or any of the mining operations herein provided for. And the party of the second part, its successors and assigns, shall at all times have the right to purchase from the surface owner of said land at the price of TEN (\$10.00) DOLLARS per acre, surface measure, so much of said land as may be needed by the said party of the second part, its successors or assigns, for the construction of said shafts and other structures herein provided for, and shall on payment of said price become entitled to a conveyance thereof. Said tract of land is situate in Muhlenberg County, Kentucky, and is bounded as follows:

Beginning at a stone, Johnson's corner; thence with his line S 14  $\frac{1}{4}$  E. 29 poles to a stone in the center of the Greenville Road, corner to Charles E. Martin; thence with his line S 78  $\frac{1}{4}$  W. 50 poles to a white oak on the south side of said road; thence with another line of said Martin N. 68 W. 30 poles to a sycamore on a small island in the creek; thence down the creek with its meanders to a stone and pointers at corner of John Haley's survey; thence with his line S. 57  $\frac{1}{2}$  E. 146 poles to a stone in Johnson's line; thence with his line S. 43 W. 26 poles and 11 links to the beginning, containing 74 acres, more or less.

TRACT NO. 21

DESIGNATED AS P-31

An undivided one-half of all the coals of whatsoever kind or nature which may exist in, under and upon the following described tract of land on the waters of Pond River, Briar Creek and Log Creek, in Muhlenberg County, Kentucky, to-wit:

PARCEL NO. 1: Beginning at the Northeast corner of Tract No. 27, W. S. Phillips' 19 acres, a poplar and white oak, running thence due South 271 poles to a white oak, David Whitmer's corner and the Southeast corner of Tract No. 16, A. J. Whitmer's 53.25 acres; thence due W. 68  $\frac{1}{2}$  poles with R. O. G. Walker's line to a rock, the Southwest corner of Tract No. 16; thence due North 264 feet to a poplar, gum and dogwood, David Whitmer's corner and the Southeast corner of Tract No. 17; thence due West 100- $\frac{1}{3}$  poles to a rock in J. J. Whitmer's line, the Northeast corner of Tract No. 18A; thence due South 16  $\frac{1}{2}$  poles to a rock, J. J. Whitmer's corner, the Southeast corner of Tract No. 18A; thence due West 22  $\frac{1}{2}$  poles to a black oak and white oak, Rufus O. Walker's corner, the Southwest corner of Tract No. 18A; thence due North 84 poles to a stake, Jeremiah Whitmer's corner, the Southeast corner of Tract No. 19, E. D. Phillips' 50 acres; thence with the South line of said tract due West 140  $\frac{1}{2}$  poles to an elm and white oak, the Southwest corner of Tract No. 19; thence due North 115 poles to a maple, J. R. Roark's corner, the Northwest corner of tract No. 22, Ephriam Phillips' 50 acres; thence due East 87 poles to a sassafras, persimmon and maple in James Murphy's line, corner to Tract No. 22 in the West line of Tract No. 25, E. D. Phillips' 21 acres; thence due North 253  $\frac{1}{4}$  poles to a gum and hickory, the Northwest corner of tract No. 37, A. J. Phillips' 44  $\frac{1}{2}$  acres; thence due East 62 poles to a rock near a dead elm, another corner of Tract No. 37 and corner to the new division line between Martin-Duncan and Potter; thence with the new division line S. 55  $\frac{1}{4}$  E.

1770 feet to a stake in Tract No. 38, A. J. Phillips' 55 acre tract; thence S. 87 E. 1500 feet to a stake in Tract No. 41, W. D. Strader's 117.25 acre tract; thence S. 2 ¼ W. 2180 feet to the beginning, containing 372 acres, more or less.

The parties of the First part (heretofore designated as Justin Potter and wife, Valere Blair Potter), also convey herein all of their right, title and interest in and to all the coal and seams of coal, iron, asphalt, fire clay, and other minerals, except oil and gas, of whatsoever kind or nature which may exist in and under the following described parcel of land, to-wit:

PARCEL NO. 2: Beginning at an elm at the Northwest corner of the Eugene Dexter 150 acre tract and running with the North line of said tract and the South line of the J. F. Walker 110 acre tract S. 88-40 E. 2530 feet to a white oak, corner to said Walker and Dexter tracts; thence continuing with the line of said tracts N. 4 W. 1185 feet to two black gums, beech and two dogwoods, another corner of said tracts in the line of the R. J. Walker 3 acre tract; thence with the south line of the R. J. Walker 3 acre tract S. 87-30 E. 214 feet to a stake, corner of said tract and the Dexter tract; thence continuing with the East line of the R. J. Walker 3 acre tract North 4-20 E. 198 feet to a rock, the Northeast corner of said R. J. Walker 3 acre tract; thence with a new division line between Martin-Duncan and Potter S. 27-13 E. 11,224 feet to a rock in the line of the W. G. Duncan Coal Company 23 acre mineral tract; thence with the North line of said tract S. 81-35 W. 658 feet to a stake in the West line of the Eugene Stovall 72 acre tract; thence with the West line of said Stovall 72 acre tract N. 17-45 W. 710 feet to a white oak, corner to T. T. Hailey 12 acre tract; thence with the South line of said T. T. Hailey 12 acre tract S. 73 W. 918 feet to a rock; the Southwest corner of said tract and corner to the Wm. R. Stewart 30 acre tract; thence N. 61-50 W. 422 feet to a stake on the branch; corner to the T. T. Hailey 4.09 acre tract, in the line of the Wm. R. Stewart 30 acre tract; thence with the South line of said Hailey 4.09 acre tract S. 88-30 W. 710 feet to a stake, another corner of said Hailey tract; thence with the West line of said Hailey tract N. 3 E. 320 feet to a rock on the branch, corner to the Hailey tract in the South line of the Eugene Stovall 35 acre tract and also corner to the Wm. R. Stewart 30 acre tract; thence with the South line of said Eugene Stovall tract N. 88-45 W. 826 feet to a stake, the Southwest corner of said tract; thence still with the West line of the Eugene Stovall tract and the West line of the Cecil Stovall tract and C. M. Sparks tract, N. 2-30 E. 2330 feet to a white oak, the Northwest corner of the said C. M. Sparks' tract and the Southwest corner of the C. M. Sparks 89 acre tract, and the Southeast corner of the Wm. R. Stewart 178 acre tract; thence with the division line between the C. M. Sparks 89 acre tract and the Wm. R. Stewart 178 acre tract N. 3-45 E. 2590 feet, passing C. M. Sparks' Northwest corner at 1130 feet to a poplar and elm, Wm. R. Stewart's Northeast corner in the South line of the W. E. Sparks 200 acre tract; thence with the South line of the W. E. Sparks 200 acre tract and the North line of the Wm. R. Stewart 178 acre tract N. 88-30 W. 2892 feet to a walnut; thence still with the lines of said tracts N. 5-45 W. 689 feet to a white oak and read oak in the South line of the Eugene Dexter 150 acre tract; thence with a line of said Eugene Dexter 150 acre tract N. 86-15 W. 630 feet to a rock, another corner of said tract; thence still with said tract due North 360 feet to a rock; thence still with said tract N. 62-30 W. 970 feet to a sweet gum and elm; thence still with said tract N. 1 W. 1285 feet to the beginning, containing 485.97 acres, more or less.

All bearings refer to true meridian.

But there is reserved and not conveyed herein all of the coal and seams of coal, together with all of the iron, asphalt, fire clay, and other minerals of

whatsoever kind or nature that may exist from the surface down to and including the No. 11 seam of coal in and under the following described 4 tracts of land, to-wit:

TRACT NO. 1: Beginning at the Northeast corner of the R. J. Walker 3 acre tract and running with the East line thereof S. 4-20 W. 198 feet to the Southeast corner of said tract; thence with the South line of said tract N. 87-30 W. 214 feet to two black gums, beech and dogwood, Eugene Dexter and J. F. Walker's corner in said line; thence with line of the Eugene Dexter 150 acre tract S. 4 E. 1185 feet to a white oak; corner to J. F. Walker and Eugene Dexter tracts; thence still with the lines of Eugene Dexter 150 acre tract and J. F. Walker 110 acre tract N. 88-40 W. 1900 feet to a stake, in the line of said tract; thence S. 48-45 W. 616 feet to a stake; thence S. 1 E. 240 feet to a stake; thence S. 62-20 E. 886 feet to a stake; thence S. 74-30 E. 1084 feet to a stake; thence N. 76-30 E. 1032 feet to a stake; thence due North 325 feet to a stake; thence due East 770 feet to a stake in the new division line between Martin-Duncan and Potter; thence with said division line N. 27-13 W. 2375 feet to the beginning, containing 94.87 acres, more or less.

TRACT NO. 2: Beginning at a stake in the new division line between Martin-Duncan and Potter, and running thence S. 18-50 W. 130 feet to a stake; thence S. 30 E. 690 feet to a stake; thence S. 77-45 E. 78 feet to a stake in the new division line; thence with said division line N. 27-13 W. 830 feet to the beginning, containing 1.30 acres, more or less.

TRACT No. 3: Beginning at a stake in the new division line of Martin-Duncan and Potter, and running thence S. 31-45 W. 374 feet to a stake in the South line of the W. E. Sparks 200 acre tract; thence S. 1-45 E. 1420 feet to a stake; thence S. 0-45 W. 530 feet to a stake; thence due East 480 feet to a stake; thence due South 1094 feet to a stake; thence S. 14-55 E. 656 feet to a stake; thence S. 44 E. 564 feet to a stake in the center of Highway #70; thence with said highway N. 71-15 E. 443 feet to a stake in said highway; thence with said highway N. 64-45 E. 425 feet to a stake in said highway; thence with said highway N. 57-45 E. 373 feet to a stake in the division line of Martin-Duncan and Potter; thence with said division line N. 27-13 W. 4368 feet to the beginning, containing 101.63 acres, more or less.

TRACT NO. 4: Beginning at a stake in the new division line between Martin-Duncan and Potter, and running S. 13-05 E. 1477 feet to a stake in the line of the W. G. Duncan Coal Company 23 acre mineral tract; thence with the North line of said tract N. 81-35 E. 380 feet to a stake, corner to the division line between Martin-Duncan and Potter; thence with said division line N. 27-13 W. 1477 feet to the beginning, containing 6.45 acres, more or less.

The parties of the first part (heretofore designated as Justin Potter and wife, Valere Blair Potter), also convey herein all of their right, title and interest in and to all of the coal and seams of coal, iron, asphalt, fire clay, and all other minerals except oil and gas, of whatsoever kind or nature which may exist from the surface down to and including the No. 11 seam of coal in and under the following three parcels of land, to-wit:

PARCEL NO. 3: Beginning at a stake in the division line between Martin-Duncan and Potter and running thence E. 444 feet to a stake; thence S. 18-50 W. 556 feet to a stake in said division line; thence with said division line N. 27-13 W. 596 feet to the beginning, containing 2.71 acres.

PARCEL NO. 4: Beginning at a stake in the division line between Martin-Duncan and Potter and running thence S. 77-45 E. 618 feet to a stake; thence S. 31-45 W. 486 feet to a stake and in said division line; thence with said division

line N. 27-13 W. 596 feet to the beginning, containing 2.86 acres.

PARCEL NO. 5: Beginning at a stake in the division line between Martin-Duncan and Potter and running thence N. 57-45 E. 385 feet to a stake; thence S. 3 E. 866 feet to a stake; thence S. 13-05 E. 143 feet to a stake in said division line; thence with said line N. 27-13 W. 896 feet to the beginning, containing 3.71 acres.

The parties of the first part (heretofore designated as Justin Potter and wife, Valere Blair Potter) also convey herein all of their right, title, and interest in and to all of the coal and seams of coal, iron, asphalt, fire clay, and all other minerals except oil and gas of whatsoever kind or nature that may exist under and beneath the No. 11 seam of coal in and under the following described parcel of land:

PARCEL NO. 6: Beginning at the Southwest corner of the Carl Mercer 106 acre tract in the line of the A. J. Whitmer 53-1/4 acre tract, also a corner to the R. J. Walker 3 acre tract, and running thence N. 4-10 E. 1150 feet to a stake in the old line; thence S. 27-13 E. 1282 feet to a rock, the Northeast corner of the R. J. Walker 3 acre tract; thence with the North Line of said tract N. 88-15 W. 660 feet to the beginning, containing 8.52 acres, more or less.

The parties of the first part (heretofore designated as Justin Potter and wife, Valere Blair Potter) also convey herein all of their right, title, and interest in and to all of the coal of whatsoever kind, character or nature that may exist, in, under and upon the following described parcel of land:

PARCEL NO. 7: Beginning at a sycamore on the bank of Pond River, the Northwest corner of Tract No. 61, W. T. Phillips' 52.5 acre tract, and running thence with the meanders of Pond River N. 53 E. 198 feet, N. 69 E. 250 feet to a hornbeam on the bank of the river, Northeast corner of said tract and corner to Tract No. 62, O. E. Dossett's 55.4 acre tract; thence still with the meanders of Pond River N. 55 E. 135 feet; N. 42-30 E. 290 feet to a white oak and elm at the mouth of a small drain, corner to said tract and Northwest corner of Tract No. 63, N. T. Hendricks' 119 acre tract; thence with the meanders of Pond River N. 31 E. 140 feet; N. 39-30 E. 455 feet; N. 58-30 E. 195 feet; N. 72-30 E. 155 feet; S. 87 E. 115 feet; S. 58-30 E. 140 feet; S. 45-30 E. 370 feet to a post oak, ash and hickory on the bank of Pond River, Northeast corner of said tract; thence leaving Pond River and running S. 32 E. 394 feet to a stake in East boundary of Tract No. 64, B. N. Phillips' 104.65 acre tract; thence S. 58 W. 1990 feet to a stake in West boundary of Tract No. 61, W. T. Phillips' 52.5 acre tract; thence N. 33-30 West 744 feet to a sycamore, the beginning, corner containing 38.10 acres.

The parties of the first part (heretofore designated as Justin Potter and wife, Valere Blair Potter), have mined and removed the No. 11 seam of coal under Tracts Nos. 1, 2, 3 and 4, and parcel 6 set out herein, and said parties of the first part (Justin Potter and wife, Valere Blair Potter), their heirs and assigns, shall in no wise be liable or responsible to the parties of the second part (heretofore designated as W. G. Duncan Coal Company), their successors or assigns, for any damages they may sustain resulting from the aforesaid mining operations of the parties of the first part.

The parties of the first part (heretofore designated as Justin Potter and wife, Valere Blair Potter), convey herein by this deed only such coal and minerals, except oil and gas, mining rights and privileges, as were conveyed to them and as set out in the various deeds referred to in Parcels 1, 2, and 5 of the deed referred to hereinabove, insofar as they pertain to the parcels

described herein, and there is specifically reserved by the parties of the first part, their heirs and assigns, the joint use of such surface rights, rights of ingress and egress and such other mining privileges incidental to, required in, or necessary for the business of mining and transporting said coal and other minerals to market, as set forth in the various deeds in Parcels Nos. 2, 3, 4, 5, 6 and 7, in which parcels first parties conveyed to second parties certain veins and seams of coal and other minerals and retained and reserved certain veins and seams of coal and other minerals as hereinbefore set out.

There is now pending in the Kentucky Legislature a measure designated as House Bill 158 (now KRS: 352.490), containing certain regulations as to the mining of coal of adjoining landowners (adjoining coal owners): the parties of the first part have heretofore mined the No. 11 vein or seam of coal under Tracts 1, 2, 3, and 4 of Parcel #2 and at present have discontinued and completed their mining operations in the No. 11 vein or seam of coal in that area and have left a pillar approximately 80 feet thick on first parties' side of the divisional lines of the above parcels. Said first parties do hereby convey and grant unto the parties of the second part, their successors in title and assigns, the right to mine and remove said No. 11 vein or seam of coal up to 5 feet of the divisional lines of first and second parties under Tracts 1, 2, 3, and 4 of Parcel #2, and also under Parcels 3, 4, and 5, and said right to so remove said No. 11 vein or seam of coal up to 5 feet of the said divisional line shall be a covenant to run with the title to the No. 11 coal conveyed in this deed under parcels above mentioned.

Grantor acquired title to Tracts Nos. 1 through 21, inclusive, 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.

Grantor further acquired title to Tract No. 21 as above described by deed from Justin Potter and wife, Valere Blair Potter, dated December 31, 1951, and now of record in the Muhlenberg County Court Clerk's Office in Deed Book 177, page 579. (In said deed first parties were designated as Justin Potter and wife, Valere Blair Potter, and second parties were designated as Benjamin C. Martin and Henson E. Martin, as Trustees under and by virtue of the last will and testament of Charles E. Martin, deceased, and the W. G. Duncan Coal Company.)

TRACT NO. 22: . DESIGNATED AS KENTUCKY MIDLAND (KM)

PARCEL 1  
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, bounded as follows:

Beginning at a sweet gum on a branch, an original corner, and running thence, with the branch, S. 18-46 E. 181.7 feet to a stake; thence due East 803.0 feet to a stake in Metzker's line, now Stovall; thence with his line N. 31-07 W. 478 feet to a planted rock, the old corner; thence N. 59-37 E. 328.7 feet to a stake in the middle of the Greenville Road; thence with the road N. 36-14 W. 288.4 feet to a stake; thence with the road S. 67-00 W. 540.0 feet to small sugar tree on the South side of the road; thence S. 15-00 E. 165.0 feet to the center of a spring; thence S. 72-00 W. 198.0 feet to a stake, haw bush called for in the old Deed; thence N. 12-00 W. 198.0 feet to a stake on the South side of the road; thence S. 9-38 W. 418.8 feet to the beginning, containing 11.2 acres. Bearings referred to the True Meridian.

Being a part of tract "O" conveyed to the party of the first part by the Kentucky Midland Coal Company by Deed dated the 14th day of October, 1935, of record in the Muhlenberg County Court Clerk's Office in Deed Book 139, page 207.

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 2

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 the center of the John Miller Spring, and running thence N. 19 W. 10 poles to a small sugar tree on the South side of the road; thence West 12 poles to a stake near a horse lot; thence S. 16 E. 12 poles to a small haw bush and 3 hickories; thence N. 68 E. 12 poles to the beginning, and containing about 3/4th of an acre, and being tract "P" 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 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 3

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 white oak and sweet gum, and running thence S. 14-00 E. 108 1/4