

## TITLE OPINION

**DATE:** January 13, 2023  
**PROPERTY OWNER:** MOUNTAIN MINERALS, LLC, a Texas limited liability company  
**PROPERTY ADDRESS:** Indian Mountain Road, Jellico, TN 37762

The undersigned hereby certifies to **POWELL AUCTION AND REALTY, LLC, 6729 Pleasant Ridge Road, Knoxville, TN 37921**, that, based on personal examination of the public records of Campbell County, Tennessee, for a period of thirty years down to 8:30 A.M. on the date hereof, it is the opinion of the undersigned that, subject to the liens, encumbrances and other objections noted in Schedule B hereof, the marketable fee simple title in the real estate herein below described is vested in **MOUNTAIN MINERALS, LLC**.

### SCHEDULE A Description

SEE EXHIBIT "A" ATTACHED HERETO AND ADOPTED BY REFERENCE HEREIN.

### SCHEDULE B Liens, Objections, Etc.

1. **TAXES:** The Campbell County taxes are paid through 2022 in the amount of \$1,368.00 (Receipt No. 19232). The 2023 county taxes are accruing and constitute a lien against the subject property, but are not yet due and payable.

Tax Parcel ID No. 003-003-026.00

2. **DEEDS OF TRUST, LIENS, etc.:**

I find none of record affecting the subject property.

3. **RESTRICTIONS:**

a. Subject to all applicable easements, restrictions and right of ways as shown of record in the Campbell County Register of Deeds Office.

4. **EASEMENTS:**

a. Subject to all applicable easements, restrictions and right of ways as shown of record in the Campbell County Register of Deeds Office.

b. May be subject to a Pipeline Right of Way in favor of Alamco, Inc., a Delaware Corporation recorded in Book W340, Page 725, in the Register of Deeds Office, Campbell County, Tennessee.

c. May be subject to a Compressor Site and Right of Way in favor of Alamco, Inc., a Delaware Corporation recorded in Book M37, Page 107, in the Register of Deeds Office, Campbell County, Tennessee.

d. May be subject to a 20 foot Right of Way recorded in Deed Book W120, Page 306, in the Register of Deeds Office, Campbell County, Tennessee.

5. **OTHER EXCEPTIONS, OBJECTIONS, REMARKS OR REQUIREMENTS:**

a. The description of the property is vague and indefinite. It is impossible to accurately determine the property's exact location or boundaries. We recommend that the property be surveyed, and a new description drawn from the survey for use in conveyance of this property.

b. The following Oil and Gas Leases are not released and may still encumber the subject property described in Schedule A, above:

(1) Oil and Gas Lease as recorded in Book M28, Page 26, as modified by Amended and Corrected Oil and Gas Lease of record in Book M28, Page 741, and as partially released by Partial Release of Oil and Gas Lease of record in Release Book 42, Page 572, in the Register of Deeds Office, Campbell County, Tennessee.

(2) Oil and Gas Lease as recorded in Book M35, Page 536, in the Register of Deeds Office, Campbell County, Tennessee.

(3) Oil and Gas Lease as recorded in Book M96, Page 728, in the Register of Deeds Office, Campbell County, Tennessee.

c. May be subject to a Lease of Real Property as recorded in Book M76, Page 467, in the Register of Deeds Office, Campbell County, Tennessee.

d. Subject to the terms and conditions of the deeds in the chain of title, including without limitation, those set out in Deed Book W120, Page 306, Deed Book W218, Page 429, and Deed Book W376, Page 41, all in the Register of Deeds Office, Campbell County, Tennessee.

e. Part of the described property has been conveyed to others. There is excepted from this certificate that portion of the property (containing 124.782 acres, more or less) described in deed dated December 30, 1991, and recorded in Deed Book 306, Page 298 in the Register of Deeds Office, Campbell County, Tennessee, which instrument reserves all underground minerals. This out-sale must be excepted from any future conveyances of this property.

f. Part of the described property has been conveyed to others. There is excepted from this certificate that that portion of the property (containing 7 acres, more or less) described in deed dated October 26, 2007, and recorded in Book W439, Page 486 in the Register of Deeds Office, Campbell County, Tennessee, which instrument reserves all underground minerals. This out-sale must be excepted from any future conveyances of this property.

g. Part of the described property has been conveyed to others. There is excepted from this certificate that portion of the property (containing 6 acres, more or less) described in deed dated January 28, 2010, and recorded in Deed Book W456, Page 617 in the Register of Deeds Office, Campbell County, Tennessee. See also Limitation of Warranty Agreement recorded in Book M96, Page 425. This out-sale must be excepted from any future conveyances of this property.

h. Excepted from this opinion are all parts of the subject property described in Schedule A, above, lying or located outside the boundaries of Campbell County, Tennessee, and no opinion is expressed as to the status of the title to such property located outside the boundaries of Campbell, County, Tennessee.

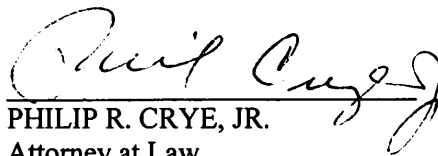
#### DISCLAIMERS:

a. This Report of Title does not make any representation with regard to (A) any parties in possession; (B) deficiencies in quantities of land; (C) boundary line disputes; (D) roadways; (E) any unrecorded easements; (F) any unrecorded liens; (G) accuracy of the index books of the Register of Deed's Office for the County in which the property is situate; (H) any matter not of public record which would be disclosed by an accurate survey or inspection of the premises; (I) any undisclosed heirs; (J) any fraud or forgery in connection with any of the instruments of the chain of title; (K) mental incompetence; (L) confusion with regard to the name or proper identity of parties; (M) improprieties with regard to the delivery of any deed; (N) marital rights - spouse or former spouse of past owners not revealed in the instrument; (O) any instrument executed by a minor; (P) lack of corporate capacity in the event a corporation is in the chain of title; (Q) mineral and/or mineral related rights; and (R) rights of any parties or persons under any other unrecorded deeds, mortgages, or other instruments of whatsoever type or nature.

b. The items listed under the preceding paragraph are matters which would not be revealed by an examination of the records in the Register of Deed's Office for the county in which the property is situate, and, therefore, matters in which we have no means of securing the necessary information. The matters under (A), (B), (C), (D), and (E) could be protected against by an accurate survey by a qualified licensed surveyor. Item (F) unrecorded liens, could be guarded against by inspection of the premises for newer improvements, and if such appear to have been present, the utilization of the notice of completion and expiration of the waiting period as per Tennessee Code Annotated Section 66-11-143. The remaining items listed under the preceding paragraph number, (G) through (R), may be insured against by the utilization of title insurance, and should you desire more information in that regard, we would be pleased to discuss same with you and our position, if you desire, to arrange for title insurance to be secured.

c. This Report of Title is intended for the exclusive use of **POWELL AUCTION AND REALTY, LLC, 6729 Pleasant Ridge Road, Knoxville, TN 37921**, and makes no warranties, express or implied, to any other bank, corporation, group, person, or persons, for any purpose whatsoever.

d. This Certificate of Title does not warrant against any claims known or unknown arising at any time as a result of the presence of toxic or hazardous substances or pollutants of any kind upon, within, or under the surface of said property, including prior usage as a "dump site" or as a landfill in whole or in part, nor does this Certificate of Title warrant against any claims known or unknown arising at any time as a result of violation of any Federal or State laws or regulations, including "the Superfund" regulations, concerning environmental hazardous waste or toxic waste or substances or other pollutants and the regulation thereof.

  
PHILIP R. CRYE, JR.  
Attorney at Law  
125 North Main Street  
Clinton, Tennessee 37716

### Exhibit "A"

(A) Five (5) tracts of land containing 567 acres, more or less, in Campbell County, Tennessee, and 145.8 acres, more or less, in Whitley County, Kentucky, and being the same land conveyed to Ronald L. Giles, et al, Joint Venture, by Josephine F. Vermillion, unmarried, and Margaret E. Vermillion, unmarried, by Deed bearing date July 23, 1975, which is duly recorded in Deed Book 256, Pages 139 through 148, Whitley County Court Clerk's Office, and recorded in Deed Book 218, Page 429, Campbell County, Tennessee, Register of Deeds, which land is more particularly described as follows:

#### **Tract No. 1**

Beginning at a beech, the 8th corner to Jesse D Lay 100 acre grant, and the beginning corner of the Jesse Beem's 100 acre grant, which stands in the bottom land near the chute of Lewis Francis and Henry Stines; thence with the lines of these grants (Variation being allowed to 1910) N 58 W 100 feet to a beech; thence N 61 W 463 feet to a large poplar stump stone near the Blue Gem Coal level, having a small buckeye pointer; thence N 81-45 W 430 feet to a poplar (stone); thence S 85-30 E 1188 feet to a white oak near the top of a ridge, said white oak admitted to be the original 12th corner of the Jesse D Lay 100 acre grant; and to be the 5th corner of the Jesse Beems 100 acre grant; thence leaving the Jesse Beems Survey but continuing with the Jesse D Lay survey, as run by a "joint survey", S 56-15-W 367-8/10 feet to a large stone planted by agreement for the 13th or poplar corner of the Lay grant; thence S 36-15 W 236-6/10 feet to a walnut stump (stone) taken by agreement to the 14th corner of the said Lay grant; thence S 63-30 W 677-9/10 feet to a buckeye (fallen), the original corner (15th) of said Lay grant; thence S 24-45 E passing 2 hickories, old line trees, in all 539 feet to a stone in the state line taken by agreement to be the 16th corner of said Lay grant; thence with the State line S 87-10 E 192-7/10 feet to a stone planted between 2 small black oaks, original State line trees, and taken by agreement as the North end of the "Braxton Hackler Line" as decreed by the Courts for the dividing line of the Trammel and Strange tract; thence leaving the State line and with said decreed line S 0-45 W 1189 1/2 feet to a stone set as per decree 198 feet from Jesse D. Lay's beech corner; thence leaving the decreed line and running with the Jesse D. Lay 180 acre line N 41-45 W 242-6/10 feet to a small hole in a large flat rock taken by agreement for the poplar corner of said Lay 180 acre grant; thence still with Lay 180 grant S 85-10 W passing 3 original side line trees, in all 677-4/10 feet to a large corner stone on a bench of the Mountain, said stone being planted by agreement on joint survey, as the intersection of the line made by duly executed and recorded deeds between the Falls Branch Coal Company and the East Tennessee Coal Company in exchanging lands to straighten these lines; thence with said "exchange" or "compromise" or "conditional line" N 0-15 E 168-1/10 feet to a stake by a small cliff, thence N 59-45 W 373-6/10 feet to a stone near a cliff near the top of the Mountain; thence S 30-15 W 1315 feet to a stone, from which a hickory between a chestnut and a buckeye (all marked pointers) bears S 10-30 W 17 feet, and from which another hickory bears S 74-15 W 26 feet, thence S 59-45 E 1523-3/10 feet to a spotted oak on a ridge among some large rocks having arrows ( ) on them pointing to the corner tree. In the grant for the Jesse D Lay 180 acres this tree is called a red oak; but it was admitted and agreed that this was the 11th corner of the Lay grant, and it is certainly the tree named and called for in the "exchange" deed of the Falls Branch and East Tennessee Coal Companies in the deeds of exchange; thence (from the spotted oak) the same course continued S 59-45 E 1336-8/10 feet to a stone planted N 73 E 3 feet from a marked chestnut in the line between Richmond and the East Tennessee Coal Company. This stone is now a corner of the East Tennessee Coal Company, the Falls Branch Coal Company and the heir or heirs of John Riley Richmond, and from this stone stand bearing trees as follows, S 4 W 11 1/2 ft. an 8 inch white oak, S 75 W 3 ft. a 22 inch chestnut, N 54 W 21 1/2 ft. a 5 inch walnut, N 27 E 22 1/2 ft. a 10 inch black oak; thence with the said old line between Hackler and the East Tennessee Coal Co. N 7-10 E 116.5 ft. to a stone at the intersection of the said old line with a fence row laid by said Braxton Hackler and enclosing a small part of land covered by the deed to the East Tennessee Coal Company, but which had been there long enough in the year 1913 to perfect the title by "possession", from which stand bearing trees, N 4 1/2 W 14 1/2 feet to a 4 inch Mulberry, N 55 E 11-1/2 feet a 9' chestnut, S 38 E 2 feet to a 3 inch black gum, South 3/12 feet to a double maple; thence leaving the original line and with the fence row N 56-30- E 146 feet to a 7" dogwood, in the old fence row, having a 5" dogwood and a 20' \_\_\_\_\_ for pointers; thence still with the old fence row N 59-15 E 175 feet to a 22' spotted oak in a drain at the corner of the old fence, from which stand bearing trees N 85 W 33 1/2 feet to a 7" black gum, N 12 W 11 feet to a 16" maple, S 32 E 24 feet to a 6" black gum; thence still with the old fence row S 68 E 104 feet to a 13" hickory which is at the intersection of the old original line with the line of the old fence, having a 28" beech pointer; thence leaving the old fence row, and with the old original line, S 87-30 E 117 feet to a stone set in the remains of a beech stump, and identified corner, from which stand bearing trees, S 63 E 4 feet a 1 1/2 inch maple, S 19" a 3" white oak, N 32 E 11 1/2 feet to a 2 1/2 inch black oak, N 53 1/2 E 11 1/2 feet a 2 1/2 inch black oak; thence with original marked "conditional line" N 54 E passing an old dead beech snag at 30 feet which still shows the old center marks in 1928, and passing other old line trees, in all 355 feet to a stone set in the middle of a hollow beech stump in a ravine at the corner of the fence, which beech was standing properly marked in the year 1913, from which a 20" beech bears N 60 W 14 1/2 feet; thence still with the old marked conditional line, S 48 E passing an 18" white oak and old center line tree at 60 feet in all 198 feet to a stone set for a black gum, from which stand bearing trees, S 47 W 5 feet to a 2 inch locust, S 58 W 26 feet to an 8" black oak, N 26 1/2 E 6 feet to a 2 inch locust, N 34 E 3 feet to a 3 inch locust, thence crossing out of the field, but still with the old conditional line and passing old marked line trees, S 63-30 E 476 feet to a stone set in the hollow of a black gum on a ridge above some small cliffs which shows the old center line tree marks, having a 14" black oak pointer, thence S 63-50 E 259 feet to a stone set where a large white oak, and old center line tree, was upturned from, in a barren place with no place suitable for bearing trees; thence still following the old marked conditional line, S 56 E 679 feet to a stone set in the middle between a 16" black gum and 17" beech at the fence, both of these trees being marked from center line trees in the said conditional line; from which stone there are pointers as follows: a 7" black oak, a 4" black oak, a 12" black oak and a 3" pine; thence S 59-15 E 551 feet to a large white oak at the fence, an old center line tree; thence through a corner of the field S 57-30 E 170 feet to a stone in the remains of a chestnut stump, which was standing and showed corner marks in 1913; thence up the mountain N 24-45 255.3 feet to a 17" chestnut oak properly marked; among some large rocks, and two of these rocks having arrows ( ) chiseled on them pointing to the corner tree; thence along the side of the mountain, passing old line trees S 68-35 E 433 feet to a stone set in the remains of a spotted oak stump which is 20 feet west of a mountain haul road, and from which stand bearing trees N 18 1/2 W 10 feet to a 4 inch pine, S 14 1/2 E 15 1/2 feet to a 4" pine, N 49 1/2 E 13 1/2 feet to a 3" pine, S 32 1/2 E 17 feet to a 2" pine, S 4 E 10 feet a 2 inch sourwood; thence S 68-15 E passing old line trees and passing a stone set on line on top of a ridge at 1472 feet and continuing the same course, in all 1660 feet to a stone set for a dogwood in a ravine, from which stand bearing trees, S 74 1/2 W 9 feet to a 9" ash, N 43 1/2 W 14 feet to a 9" maple, N 2 W 37 feet to a 7" elm and arrow chiseled on a large rock, N 18 E 30 feet to a 16" white oak; thence down the branch S 4-15 E 73.5 feet to a stone set at an upturned ash in the ravine, a corner of the East Tennessee Coal Company, a corner of the Proctor Coal Company and a corner of \_\_\_\_\_ Davis, from which an 8" ash bears N 9 W 18 1/2 feet thence with the Proctor line N 76-05 E 912 feet to a stone on a ridge in a mountain haul road, from which stand bearing trees, N 8 E 33 1/2 feet to a 12" black gum, with lots of Mistletoe in it, N 86-30 E 17 feet a 3 inch pine, S 40 E 46 feet to an 8" pine, S 3 W 41 feet to a 9" chestnut; thence down the ridge S 13-45 E passing an arrow chiseled

on a rock at a small cliff at 240 feet and continuing the same course, in all 422.7 feet to a large white oak at the corner of a fence; thence N 65-40 E 288 feet to an 18" leaning poplar near the fence on the inside; thence N 70-25 E 185 feet to a large black gum on a ridge near the fence and near a dirt dump, wasted from a cut on the old incline, a corner or Aaron Hackler; thence with Hackler's line up the mountain N 18-20 W 346 feet to a stone set where a white oak corner was upturned from, having a 8" maple, a 4" maple and as 12" maple pointers; thence still with Hackler S 80-30 W 53.3 feet to chestnut stump at the corner of the fence, having an arrow chiseled on a rock, and a 4" maple pointers; thence still with Hackler N 11-30 E 206 feet to a sourwood at the fence, having a 2 1/2 inch maple, and two 8" maple pointers, thence with Hackler N 2-30 E 302 feet to a stone set where the dogwood stood at the fence; thence with Hackler N 53-10 E 271.2 feet to a stone set at the place from which a large rock had a X mark on it for a corner was taken to help build a rock wall used as a fence, from which bearing trees stand S 63 E 10 1/2 feet to a 7" maple, S 72 1/2 W 16 feet to the south end of the rock wall, N 74 W 33 feet to an 8" ash, N 33 W 35 1/2 feet to a 9" chestnut oak; thence crossing the rock wall N 11-45 E 137 feet to a stone set in the remains of a hickory stump, from which bearing trees stand S 53 1/2 E 10 feet to the North end of the rock wall, S 55 W 13 1/2 feet to a 5" maple, N 84 W 3 feet to a 13" chestnut oak; N 25 W 4 1/2 feet to an arrow chiseled on a large rock, N 18 W 8 1/2 feet, a 6" black oak, N 37 E 5 feet to an arrow chiseled on a large rock; thence down the hill, crossing a ravine N 65-30 E 239 feet to a stone set in the middle of a large white oak stump which is hollow, having two small locust pointers on the inside of the fence, and from which bearing trees stand N 67 1/2 W 21 feet to an 8" hickory, N 12 1/2 W 21 feet to an 8" maple; thence with the lines of Jeremiah Smith N 0-05 E 539 feet to a stone set in the remains of a chestnut stump on the brink of a bench of the mountain, from which stand bearing trees, N 27 E 2 feet, a 12" chestnut. S 22 W 11 feet a double maple, S 52, W 26 feet to a 14" white oak, N 39 1/2 W 41 feet, an 8" elm, thence N 27-20 E 159 feet to a hollow maple properly marked, having a stone set in the hollow of the corner tree, and from which bearing trees stand N 68-30 W 10 1/2 feet to a 6" walnut, N 9 E 33 1/2 feet to a 5" walnut; thence N 30-10 E 84.2 feet to a stone set at a maple stump, from which stand bearing trees N 68 1/2 W 15 feet, an 8" elm, N 16 1/2 E 7 feet a double sourwood, N 76 E 10 1/2 feet to an 8" hickory, S 43 1/2 E 19 feet an 8" sassafras, N 15 W 32 feet to a 6" maple; thence down the hill N 58-55 E 147 feet to a large spotted oak stump, from which stand bearing trees S 68 E 12 feet to an 8" maple, S 16 1/2 E 20 feet an 8" hickory; thence N 16-55 E 109 feet to a 10" hickory, having a 6" hickory and a 10" black oak pointers; thence N 47-10 W 140.7 feet to a X mark on a large flat rock imbedded in the ground where a dead marked beech stood ready to fall, in a ravine, from which stand bearing trees S 28 W 35 1/2 feet to a 10" ash, N 69 1/2 W 16 feet an 8" hickory, N 8 W 33 feet to a 12" ash N 86 E 15 1/2 feet to a 7" buckeye; thence N 44 E 274.4 feet to a walnut, having an 11" white oak, a 5" ash, an 8" black oak, a 7" chestnut oak on a small cliff, and 7" spotted oak pointers; thence N 28 E 113 feet to a dead 16" black oak, having a 7" hickory, a 10" hickory, and arrow chiseled on a large rock, and a 26" black oak pointers; thence N 34-50 E 182.2 feet to a chestnut stump which grew against a small cliff, having two arrows chiseled on a rock of the cliff, a 17" black oak, a 4" chestnut, a 7" walnut, and a 2 1/2 inch maple pointers; thence N 51-40 W 231.3 feet to a 6" dogwood, from which bearing trees stand S 32 E 9 1/2 feet to a 12" maple, S 72 W 22 feet to a 14" beech, N 82 W 17 1/2 feet to a 6" dogwood; thence N 25-40 W 164.2 feet to a 20" beech nearly dead, from which stand bearing trees, south 33 1/2 feet to a 24" beech, S 55 W 28 feet a 6" chestnut oak, N 73 W 25 1/2 feet a 6" dogwood, N 59 W 33 1/2 feet to an 18" ash, N 5 E 19 feet a 13" Spanish oak; thence N 17-15 W 155 feet to a stone set against the upper edge of a 6" sourwood, from which stand bearing trees S 55 E 13 1/2 feet to a 5" dogwood, S 34 1/2 E 12 feet 16" chestnut, S 36 W 14 1/2 feet a 4" dogwood, S 63 W 22 feet to a 26" chestnut oak; thence N 70-50 W 141.8 feet to a stone on the southeast side of ravine, with old original pointers, and from which stand bearing trees, S 20 E 13 feet a 5' sourwood, S 70 1/2 W 22 1/2 feet to a 6" dogwood, N 73 W 23 1/2 feet to a 6" beech N 57 W 24 1/2 a 9" beech; thence down the hill N 1-15 E 275.7 feet to a stone at the fence, near 22" beech, the fence having been in place the requisite length of time to perfect the title for land enclosed; thence leaving the original line and with the fence N 74-30 W 145 feet to a 22" sweet gum at the corner of the fence; thence still with the fence N 22-10 W 29.7 feet to a 16" elm at the fence; thence still with the fence N 11-20 E 344.5 feet to a stone at the fence, set at the intersection of the fence with the original property line; from which a 14" sugar tree bears S 61 1/2 W 9 1/2 feet; thence leaving the fence and with the original property line N 1-15 W 226 feet to an old corner stone set in the State line between Tennessee and Kentucky, which has three arrows chiseled in large rocks nearby, and other pointers; thence 15-15 E 84 1/2 feet to a walnut; thence N 3 E about 70 feet to the right of way of the Proctor Railroad; thence westerly with said right of way about 780 feet to the line of the Main Jellico Mountain Coal Company; thence with their line S 23 W with the fence about 420 feet to a stone planted at the old fence corner in the State line; thence with the State line N 87-30 W 485 feet to a stone 2 feet above a black walnut stump, the beginning corner of their Tennessee tract; thence still with their lines S 19-15 W 542 feet to a leaning dogwood near the level of the Jellico seam; thence 42-30 W 194 1/2 feet to a chestnut (not found) now a stone; thence N 75 W 400 feet to a sugar tree near the head of a hollow; thence N 69 W 186 1/2 feet to a dogwood (not found) now a stone; thence N 22-30 W 378 feet to a sugar tree and a black gum on a ridge near a path (the black gum gone but the sugar tree o.k.) with a beech and 2 dogwood pointers; thence (from sugar tree) N 20-30 E 100 feet to a hickory in the State line on the point of a ridge (not found now a stone in State line); thence easterly and northerly with the East Tennessee and Main Jellico Coal Companies' lines 850 feet to the Proctor R.R. right of way near the "Rock House Trestle"; thence with said right of way westerly about 1700 feet to the point where it intersects with the line of the J.B. Perkins tract (a part of the Jesse D Lay 100 acre grant); thence with said Perkins line S 55 W about 85 feet to a stake near a forked hornbeam; thence N 78 W with a fence 693 feet to a stake at corner of fence; thence S 77 W 330 feet to the beech, the beginning.

## Tract No. 2

Beginning at a stone on the east side of the Indian Creek County Road and in the south line of the Indian Mountain incline right of way, thence with the right of way and Sam Hackler line S 58 E passing black oak side line trees, in all 200 feet to a stone; thence S 70 E 180 feet to a stone planted between 2 hickories on a side hill; thence S 7-3/4 W 77 feet to a stone in the bottom with a cross mark on it, and with other large rocks nearby having arrows chiseled on them pointing to the corner; thence S 80 1/2 E 243 feet to a stone; thence S 41 E 353 feet to a stone at the northwest corner of Solomon Hubbard's fence; thence with the line of the old fence; S 42 E 150 feet to a stake; S 42 E 150 feet to a stake; S 25 1/2 E 156 feet to a stake; S 13 E 192 feet to a stake; S 1 W 180 feet to a stake in the K & O now Southern Railway Company right of way, and in the north line of a 40 foot street or road; thence with the K & O now Southern Railway Company right of way, northwardly about 330 feet to Elk Fork Creek; thence northwardly with said creek about 385 feet to a stake at the mouth of a spring branch; thence up said branch passing between an ash and a willow, and with the line of Sam Hackler's a present fence N 61 1/4 W 386 feet to a stone; thence N 42-3/4 W 196 feet to a stone; thence N 31-3/4 W 100 feet to a stone; thence N 11-3/4 W 334 feet to a mulberry on the side of a hill; thence N 20 1/2 W 346 feet to a forked elm in the line between Sam Hackler and Squire Broyles lands; thence S 62 1/2 W 96 feet to a stake; thence S 3-45W 270 feet to a stake; S 2-45 W 243 feet to a stone; thence N 70 W 180 feet to a stone; thence N 60-06 W 185 feet to a stone on the East side of the road; thence with the road S 15-30 W 81 feet to the beginning.

### Tract No. 3

Beginning at a stake in the western edge of county road and corner of J.P. Weavers; thence with the fence N 58 W 840 feet to a stake in the property line of East Tennessee Coal Company; thence N 18-20 W 115 feet with the property line of East Tennessee Coal Company to a stake; thence S 58 W 973 feet with the old fence to a stake on the west side of county road; thence with said county road S 15-30 W 81 feet to the beginning.

### Tract No. 4

A twenty (20) feet right of way beginning at the present end of the county road near the rock house trestle and running to the East Tennessee Coal Company lands just west thereof. This right of way is to follow the shortest direct line, if such direct line is not marked by severe natural obstructions. This right of way is not to revert if not used, kept open or properly identified. It is further provided that the officials and agents of the East Tennessee Coal Company shall have the right to use the private highway of the Proctor Coal Company from Jay Lane crossing, which highway occupies the old proctor railroad bed and trestle, for making inspection of their property so long as the Proctor Coal Company rents the farming and grazing land of the East Tennessee Coal Company. This is not to be construed to mean that the East Tennessee Coal Company, its agents or assignees shall have the right to haul coal or timber or any other commodity over said private highway, since the sole right of use is for inspection and all other uses are prohibited.

### Tract No. 5

Grantor herein likewise conveys all rights, title and interest conveyed to the East Tennessee Coal Company by deed from J.S. Lindsay, et al dated March 8, 1887, and recorded in Deed Book X, Page 376- 380, Campbell County, Tennessee, Clerk's Office.

It is the intent of the grantor hereon to convey the grantee herein all of the right, title and interest to the above described tracts of land, and its interest therein, as well as all other rights, title and interest which it may own to lands, mineral rights, easements, and all other rights which is owns located in Campbell County, Tennessee, and in Whitley County, Kentucky, and such rights are intended to, and do, include all tenements, stores, and other buildings, mining equipment, tip-houses, residences, barns, stables, easements, rights of way contracts, and all other things used in connection with grantor's premises, which are intended to, and are likewise conveyed by this deed.

(B) One tract containing 7 acres, more or less, in Campbell County, Tennessee, and being the same land conveyed to the grantor by deed bearing date July 23, 1975, which is duly recorded in Deed Book 218, Page 429, Campbell County, Tennessee, Register of Deeds, which land is more particularly described as follows:

Beginning on a stake 5 feet east of power pole west side of county road; running with road N 19 deg. 30 min. E 294.4 feet to a 12 inch walnut west side of road, same being a corner of Byrd lands; thence with Byrd line N 72 deg. 55 min. W 817.8 feet to a stake in the C. C. Vermillion line, stake being 17.2 feet S W of set stone now gone; thence with Vermillion line S 30 deg. 10 min. W 227.0 feet to a set stone on lower edge of flat; thence with Vermillion line S 01 deg. 00 min. W 312 feet to a 10 inch maple, John Marion corner; thence with Marion line S 61 deg. 00 min. E 274.4 feet to a 10 inch locust on top of cliff, a corner of Abner lot; thence with Abner line N 17 deg. 00 min. E 313 feet to a 16 inch mulberry, also a corner to Abner lot; thence with Abner line S 69 deg. 00 min. E 490 feet to the beginning. Containing seven (7) acres, more or less.

(C) All interest of Party of the First Part in 838 acres of land described in deed recorded in Deed Record Book 228, Page 629, Whitley County Clerk's Office, Whitley County, Kentucky, and Deed Book 269, Page 197, Campbell County, Tennessee, Register of Deeds, and reference is here made to said Deeds for full particulars and full description.

(D) All other assets, real and personal or mixed, including land, minerals royalties, fees, rentals and accounts receivable, easements and assets of any nature owned by Party of the First Part, wherever located.

SAVE AND EXCEPT the surface of 124 acres of land described as follows:

SITUATE in the Fifth Civil District of Campbell County, Tennessee, in what is known as the Falls Branch area and being more fully described as follows:

BEGINNING on an iron pin in the head of the hollow in Falls Branch, said iron pin being the Northeasterly corner of the John K. Irish tract and the Northwesterly corner of the Lee Davis tract, and running thence out the side of the mountain with Lee Davis line and fence the following calls: North 74 deg. 10 min. 00 sec. East, 116.5 feet to a set stone; Thence North 57 deg. 10 min. 37 sec. East 150.24 feet to an iron pin; Thence North 59 deg. 21 min. 31 sec. East, 175 feet to a marked oak standing in a drain; thence South 60 deg. 21 min. 18 sec. East 111.79 feet to an iron pin; Thence South 87 deg. 30 min. 00 sec. East, 117.00 feet to a set stone on a ridge; Thence North 59 deg. 42 min. 55 sec. East, 343.51 feet to a set stone in a drain and ravine; Thence South 50 deg. 34 min 07 sec. East, 161.21 feet to a set stone; Thence South 61 deg. 24 min. 23 sec. East, 476.43 feet to a set stone; Thence South 60 deg. 20 min. 29 sec. East 241.46 feet to a set stone; Thence South 54 deg. 44 min. 49 sec. East, 667.56 feet to a set stone; Thence South 56 deg. 56 min. 51 sec. East, 557.79 feet to a large white oak in the fence; Thence South 55 deg. 25 min. 28 sec. East 162.92 feet to a set stone at the Southwesterly corner of the W. M. Davis or Bert Davis tract; Thence leaving the Lee Davis line and running with the W.M. Davis or Bert Davis line North 27 deg. 09 min. 05 sec. East, 255.97 feet to a chestnut oak standing in some large rocks with arrows cut in the rocks pointing to the chestnut oak, said chestnut oak being the Northwesterly corner of the W.M. Davis or Bert Davis tract; Thence running out the mountain with the W.M. Davis or Bert Davis line South 66 deg. 18 min. 05 sec. East 434.20 feet to a set stone near an old mountain road; Thence continuing with the W.M. Davis or Bert Davis line South 89 deg. 23 min. 32 sec. East, 369.49 feet crossing a ridge and then a deep hollow to an iron pin on the Easterly side of said hollow; Thence leaving the W.M. Davis or Bert Davis line and running up the hill with the remainder of the Ronald L. Giles tract North 7 deg. 27 min. 55 sec. East, 1593.74 feet to a marked hickory on top of the mountain on a steep slope and on the North side of an old logging road; Thence running with the top of the mountain and the remainder of the Ronald L. Giles tract the following calls: South 73 deg. 18 min. 18 sec. West, 720.83 feet to

a marked hickory at a turn in the top of the mountain; Thence North 51 deg. 52 min. 54 sec. West, 629.03 feet to a forked chestnut marked as a corner; Thence North 46 deg. 16 min. 13 sec. West 500.35 feet to a hickory marked as a corner; Thence South 85 deg. 40 min. 23 sec. West, 456.70 feet to a marked double hickory; Thence North 75 deg. 51 min. 46 sec. West, 168.19 feet to a marked white oak; Thence South 83 deg. 49 min. 12 sec. West 518.34 feet to an oak snag in a rock outcrop marked as a corner; Thence South 56 deg. 41 min. 49 sec. West, 452.72 feet to a crooked oak marked as a corner and standing in some rocks on the East side of a gap in the mountain; Thence South 82 deg. 26 min. 31 sec. West, 327.48 feet to an old chestnut oak marked as a corner; Thence North 77 deg. 16 min. 13 sec. West, 401.87 feet to a small white oak marked as a corner; Thence South 71 deg. 03 min. 03 sec. West, 225.97 feet to a hickory on a flat area marked as a corner; Thence North 86 deg. 53 min. 35 sec. West, 225.03 feet to a chestnut oak marked as a corner and standing on a small rock ledge on steep slope; Thence South 68 deg. 47 min. 29 sec. West, 310.89 feet to a hickory marked as a corner; Thence South 80 deg. 19 min. 08 sec. West, 228.92 feet to a hickory marked as a corner; Thence South 84 deg. 21 min. 26 sec. West, 314.68 feet to an iron pin in the edge of a strip mined area; Thence South 31 deg. 30 min. 29 sec. West, 59.32 feet to an iron pin in a strip-mined area a corner of the John K. Irish tract; Thence leaving the top of the mountain and running down the mountain with the Irish line South 59 deg. 45 min. 00 sec. East 1352.57 feet to the point of BEGINNING containing a calculated area of 124.782 acres as per survey and plat dated December 12, 1991, by Gary R Owens, Registered Land Surveyor.

AND SAVE AND EXCEPT the surface only of 7 acres of land described in Agreement for Exchange between Jim Stanfill, et al, and Ronald L. Giles, et al, Joint Venture dated April 3, 1996.

LESS AND EXCEPT that portion of the property (containing 124.782 acres, more or less) described in deed dated December 30, 1991, and recorded in Deed Book 306, Page 298 in the Register of Deeds Office, Campbell County, Tennessee, which instrument reserves all underground minerals.

LESS AND EXCEPT that portion of the property (containing 7 acres, more or less) described in deed dated October 26, 2007, and recorded in Book W439, Page 486 in the Register of Deeds Office, Campbell County, Tennessee, which instrument reserves all underground minerals.

LESS AND EXCEPT that portion of the property (containing 6 acres, more or less) described in deed dated January 28, 2010, and recorded in Deed Book W456, Page 617 in the Register of Deeds Office, Campbell County, Tennessee. See also Limitation of Warranty Agreement recorded in Book M96, Page 425.

BEING all of the remaining property conveyed from Ronald L. Giles, et al, Joint Venture, a joint venture composed of Ray E. Jones, Antoinette (Toni) Jones, A.V. Holden, Wanda Holden, Larry L. Smith, and Patty Smith to Mountain Minerals, L.L.C., a Texas Limited Liability Company, by Deed dated August 1, 2000, recorded November 18, 2000, in Book W376, Page 41 in the Register of Deeds Office, Campbell County, Tennessee.