

THIS INDENTURE, Made this 30th day of October, 1919, by and between CARBON FUEL COMPANY, a Utah corporation, party of the first part, and MUTUAL COAL COMPANY, a Utah corporation, party of the second part, WITNESSETH:

That whereas, said party of the first part is the owner of certain land in Township 13 South, Range 8 East, Salt Lake Meridian, upon which land the party of the second part desires to construct tunnels or slopes and necessary cross-cuts for the purpose of aiding in the development and operation of the coal mine or coal mines of said second party; and

Whereas, the party of the first part is willing to convey to the party of the second part a right of way for the construction of said tunnels or slopes and cross-cuts as hereafter provided;

Now therefore; in consideration of the sum of One Dollar and other valuable considerations in hand paid, by the party of the second part to the party of the first part, the receipt whereof is hereby acknowledged, the party of the first part by these presents, hereby grants to the party of the second part, its successors and assigns, a right of way over the land owned by first party to the extent of 14 feet in width and 8 feet in height upon the land of said first party for the construction of tunnels and slopes, the center line of said tunnels and slopes being described as follows, to-wit:

Beginning at a point which is situated at a point on the proposed tramline which bears South 701.0 feet from the North line of the Northwest Quarter of the Southeast Quarter of Section 1, Township 13 South, Range 8 East, S.L.M., and running thence north

701.0 feet, to the north boundary line of the said Northwest Quarter of the Southwest Quarter of Section 1, Township 13 South, Range 8 East, S.L.M., which shall constitute the center line of the main haulage way, 14 feet wide and 8 feet high, and beginning at a point which bears N. 54° 14' W. 186.0 feet from the mouth of the main haulage way and running thence N. 30° 00' E. 170.0 feet; Thence North 443.0 feet to the north boundary line of said Northwest Quarter of the Southeast Quarter of Section 1, Township 13 South, Range 8 East, S.L.M., running parallel to the main haulage way and 89.0 feet distant therefrom and shall constitute the center line of the proposed return air course.

It is agreed by the parties hereto that said right of way or easement shall be used only for the purpose of the construction, maintenance and operation of said tunnels and slopes in connection with the working and development of the coal mine or coal mines of said second party, and that first party, its successors and assigns shall have and does hereby reserve the right at any and all times to cross-cut said tunnels and slopes at such points or places as it may deem necessary in connection with the operation of its coal mine, and that in the event the use of said tunnels or slopes by said second party interferes with the convenient use of any cross-cut tunnel or tunnels by said first party, then and in that event whatever may be the expense necessary to avoid such inconvenience shall be borne by said second party.

If at any time the party of the second part, its successors or assigns shall after construction discontinue the use of said tunnels or slopes for the purpose aforesaid, then the land upon which said tunnels and slopes are constructed on the course above described, shall revert to the party of the first part, its successors and assigns, who shall have the right of possession and dominion and may without notice go upon same and exercise exclusive control thereof.

IN WITNESS WHEREOF, the said party of the first part, by resolution of its board of directors, hath caused these presents to be subscribed by its president and secretary, and its corporate name and seal to be hereunto affixed, the day and year first above written.

Executed in presence of

C. M. Holderman

(Seal of Carbon Fuel)

CARBON FUEL COMPANY

By L. F. Rains, President.

A. H. Jenkinson, Secretary

