

State of South Carolina,
County of Greenville.

Release and Easement.

Whereas, Miles Senn commenced an action in the Court of Common Pleas against Southern Public Utilities Company, a corporation, on or about May 1st, 1935, to recover damages to a tract of land in Dunklin Township, County of Greenville, State of South Carolina, which is a part of a tract of approximately 75 acres, more or less, owned by the plaintiff and his wife, Sallie T. Senn on Little Horse Creek, and its tributaries, which flow into Reedy River, part of said tract having been conveyed by Miles Senn to Sallie T. Senn by deed dated November 2nd, 1921, and recorded in the R. M. C. Office for Greenville County in Deeds Volume 73, at page 259, and acquired by Miles Senn by two conveyances, one recorded in the R. M. C. Office for Greenville County in Volume 000, at page 302, and the other recorded in Volume 60, at page 286, and

Whereas, the properties of Southern Public Utilities Company have since been transferred to Duke Power Company, a corporation, and

Whereas, a settlement of all the issues involved has been made dismissing said action and it is now desired that the plaintiff, Miles Senn and his wife, Sallie T. Senn, release the defendant, Southern Public Utilities Company and Duke Power Company from all claims and causes of action on account of the erection, construction and maintenance of a dam at Tumbling Shoals in Laurens County, S. C., across the Reedy River.

Now, Therefore, Know all men by these presents that for and in consideration of the sum of Three Hundred (\$300.00) Dollars, to them in hand paid at and before the sealing of these presents, the receipt whereof is hereby acknowledged, there being no other consideration promised other than as herein specified, we have remised, released and forever discharged and do hereby, for ourselves, our executors, administrators, heirs and assigns, forever remise, release and discharge Duke Power Company and Southern Public Utilities Company, their successors and assigns of and from all claims and demands, actions and causes of action on account of or in any way growing out of, resulting, or to result, from the erection, construction and maintenance of the dam of Duke Power Company and Southern Public Utilities Company at Tumbling Shoals in Laurens County, S. C. on Reedy River, and all issues involved in the suit of the said Miles Senn against Southern Public Utilities Company;

And we, Miles Senn and Sallie T. Senn, do further bargain, grant, sell and release unto Duke Power Company, its successors and assigns, an easement in perpetuity over the land described herein, and all other land owned by us adjacent to or near Little Horse Creek, its tributaries and Reedy River, for backwater and all things incident thereto, arising out of the construction and maintenance of said dam, and we do hereby consent to the construction, operation and maintenance of the dam and the granting of the easement herein, this easement and release also to be binding upon the parties to this agreement in the event that the dam is elevated to a level of three feet above the top of the present concrete dam; and we do hereby bind ourselves, our heirs, executors, administrators and assigns to warrant and forever defend all and singular the said premises unto the said Duke Power Company, its successors and assigns, against us and our heirs and against every person whomsoever lawfully claiming or to claim same or any part thereof.

In Witness whereof we have hereunto set our hands and seals this 25th day of September, 1935.

In the presence of:

Marion Brawley, Jr.

C. S. Bowen

Miles P. Senn (L. S.)

Sallie T. Senn (L. S.)

State of South Carolina,
County of Greenville.

Personally appeared before me C. S. Bowen, who, being duly sworn, says that he saw Miles Senn and his wife, Sallie T. Senn, sign, seal and as their act and deed execute the foregoing Release and Easement, and that he with Marion Brawley, Jr., witnessed the execution thereof.

Sworn to and subscribed before
me this 25th day of September, A.D. 1935

C. S. Bowen

Marion Brawley, Jr. (L. S.)

Notary Public for South.

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