

WHEREAS, by instrument dated July 11, 1941, and recorded at Book 237, Page 59 in the official records of Greenville County, State of South Carolina,
Mrs. J. M. Sims et al.

predecessors in title to J. C. Sims hereinafter referred to as "Owner", granted unto Plantation Pipe Line Company, hereinafter referred to as "Plantation", a right of way and easement for the purposes of constructing, maintaining, operating, etc., a pipe line or lines across certain lands in Oakland Township
Greenville County, State of South Carolina,

said instrument being by reference made a part of this agreement;

WHEREAS, Owner proposes to make and/or has made certain improvements on the property aforesaid, including a dam and pond, and controversy has arisen between Owner and Plantation in connection therewith; and,

WHEREAS, the said proposal or improvements have been inspected by Plantation and in its opinion they will not seriously interfere with the operation and maintenance of its pipe lines, provided the terms and conditions set forth in this agreement are fully complied with; and,

WHEREAS, it is the desire of both parties hereto to amicably adjust these differences in such a manner so as not to unduly burden the rights of either party;

Now, therefore, in consideration of the premises and covenants hereinafter expressed, the parties hereto agree as follows:

- (1) Plantation will permit the pond to remain as constructed by Owner, or as proposed to be constructed by Owner, and will not take any action seeking its removal provided the necessary cover, in Plantation's opinion, is maintained for its pipe lines, and further provided that all terms and conditions incorporated herein are fully complied with by Owner.
- (2) It is further understood and agreed that the pond herein contemplated will encompass approximately 1 acres, and will inundate Plantation's pipe lines and right of way for a lineal distance of approximately 80 feet and to a depth of 12 feet, as shown on the attached drawing A-E-DIV.-62-4.
- (3) Owner agrees that he will not, at any future time, increase, enlarge or do any act which will enlarge the pond or otherwise further affect Plantation's pipe lines and right-of-way.

(CONTINUED ON NEXT PAGE)

For Plat See Plat Book WW, page 328