

December 9, 1964

Sentry Royalty Company
301 North Memorial Drive
St. Louis, Missouri

037-144

Re: Property of Daniel Ragland
10-1/2 acres, more or less
"Kentucky Midland Field"
Muhlenberg County, Kentucky.

Gentlemen:

Pursuant to your request we have examined the title to the following property, situated and located in the "Kentucky Midland Field" of Muhlenberg County, Kentucky, and described as follows, to-wit:

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 North 154 poles to a beech, thence west 84 poles to a sweet gum and white oak, thence North 71 poles to an ironwood and elm, thence east 54 poles to a sycamore, W. C. Eades corner (now Wm. Stewarts) 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 East 8 poles to 2 hickories and elm in Stewart's line, corner to C.M. Sparks survey, thence with his line 142 poles to a dogwood, ash and hickory, Hunts' corner (now Thomas Stovall) thence with Balls line south about 100 poles to 2 hickories, John Miller's line (now Hayes') thence west 100 poles to the beginning.

There is excepted out of the above described tract or parcel of land the following:

EXCEPTION A: That certain tract or parcel of land conveyed unto the W. G. Duncan Coal Company by Rame Wilkins, widower, and Daniel Ragland and his wife, Lee Dona Ragland, by deed dated September 20, 1948, and now of record in the office of the Muhlenberg County Court Clerk in Deed Book 167, page 389, and described as follows:

Beginning at a stake in the right-of-way of the Graham-Earles road, corner to Martin and Duncan; thence N. 04-56 E. 1478.5 feet to a stake in the right-of-way of the Central City-Madisonville road; thence along the said right-of-way S. 84-19 E. 26 feet to a stake in said right-of-way thence S. 05-41 W. 10 feet to another stake in said right-of-way; thence S. 84-19 E. 100 feet to another stake in said right-of-way line; thence N. 05-41 E. 10 feet to another stake in said right-of-way line; thence N. 05-41 E. 10 feet to another stake in said right-of-way line; thence S. 84-19 E. 600 feet to another stake in said right-of-way line; thence S. 05-41 W. 10 feet to another stake in said right-of-way line; thence S. 84-19 E. 920 feet to another stake in said right-of-way line; thence N. 05-41 E. 10 feet to another stake in said right-of-way line; thence S. 84-19 E. 402 feet to another stake in said right-of-way line; thence S. 04-40 W. 712.4 feet to an ash tree; thence S. 06-07 W. 1535.2 feet to a rock; thence N. 84-26 W. 1486.0 feet to a stake in right-of-way line of the Graham-Earles road passing a rock in this line at 1289.0 feet, Altha Noffsinger's corner; thence along said right-of-way line on a 2-15 curve, right N. 951.2 feet to the beginning stake, containing 99.2 acres.

EXCEPTION B: That certain tract or parcel of land conveyed unto Rame Wilkins and his wife, Lutie Wilkins, by J. S. Lewis, widower, by deed dated March 11, 1932, and now of record in the office of the said Clerk in Deed book 134, page 17, and described as follows:

Beginning at a beech in the property line between said Party of the First Party and said Parties of the Second Part thence running due south 54 poles to a stake in the right-of-way line of the State Highway between Central City and Madisonville; thence along said right-of-way S. 86-30 E. 98 poles to a stake in said right-of-way; thence due north 60 poles to a rock, C. M. Sparks, Thomas Stovall, and Parties of the Second Part's corner; thence with the property line between Party of the First Part and Party of the Second Part due West 97 poles to point of beginning and containing 35 acres, more or less.

EXCEPTION C: That certain tract or parcel of land conveyed unto Rame Wilkins and his wife, Lutie Wilkins, by deed from J. S. Lewis, widower, dated October 15, 1931, and now of record in the office of the said Clerk in deed book 133, page 338, and described as follows:

Beginning at a beech, thence running due west 84 poles to a sweet gum and white oak; thence North 71 poles to an ironwood and elm; thence east 34 poles to a sycamore in W. C. Eades' corner (now William Stewart's heirs), thence with his line S. 80 E. 68 poles to a sycamore; thence with another line 70 degrees east 76 poles to a white oak; his corner; thence east 8 poles to two hickories and elm in Stewart's line, a corner C. M. Sparks' survey; thence with his line South 36-1/3 poles to a rock, C. M. Sparks and Thomas Stovall's corner; thence due west 122 poles to the beginning corner, and being 70 acres, more or less.

The period of our examination is from the date hereof, in retrospect, unto April 16, 1888; the appended 22 pages of typewritten matter is an abstract, prepared by the Firm, and presents a true and correct tracing of the chain of title during the period aforesaid.

COMMENT #1: Your attention is first directed to pages 14 and 15 to the conveyance from James S. Lewis, a widower, unto Charles E. Martin, and Charles E. Martin, executor and trustee of the Last Will and Testament of Rufus Martin, deceased, partners doing business under the firm name of R. Martin & Brother, which said deed conveys all of the coal in and underlying 180-1/2 acres, out of which the subject acreage under examination here was originally a part thereof. Excepted out of this conveyance of all coal was the #11 vein or seam of coal in and underlying a 15 acre parcel and a 5 acre parcel, the descriptions of which appear on page 15 of the abstract. This exception of the #11 coal under these 2 parcels was made by James S. Lewis, widower, unto himself.

The coal, under the 180-1/2 acres, less the 15 acre and 5 acre exceptions of the #11 coal, was traced forward, and it was found that by various and mesne conveyances, Sentry Royalty Company acquired an undivided 1/2 interest in this coal from the W. G. Duncan Coal Company by deed dated February 28, 1958, and appearing of record in the office of the said Clerk in deed book 210, page 1, and being TRACT #11: DESIGNATED AS TWENTY-FIFTH TRACT OF AREA I PROPERTIES on Exhibit I in the said conveyance.

In an examination of the 15 acres and 5 acres of #11 coal forward, in the original exception of this #11 coal, it is recited, that the 15 acres is located on the north side of the 180-1/2 acre coal tract and the 5 acres is on the east side of the said acreage. The acreage now owned by Daniel Ragland is located on the south end of the old original 180-1/2 acre parcel and it would appear that he does not own any interest in this #11 coal. In determining the ownership of the #11 coal under these two tracts, it was found that the 70 acre exception, the 35 acre exception, and the 99.2 acre exception all were acquired by Sentry Royalty Company from the W. G. Duncan Coal Company, as to an undivided 1/2 interest only. Thus, Sentry Royalty Company is the owner of an undivided 1/2 interest in all of the coal in and underlying the 180-1/2 acre parcel, and the remaining undivided 1/2 interest is included in the coal mining lease agreement which is unrecorded from the C. E. Martin Estate.

COMMENT #2: Evidently, the 180-1/2 acre tract actually contained more than 180-1/2 acres in that J. S. Lewis sold 70 acres, more or less, and 35 acres, more or less, out of this acreage and Lewis' successors in title conveyed 99.2 acres unto W. G. Duncan Coal Company and Daniel Ragland still owned some 10-1/2 acres. In addition to these exceptions, there appears two highway right-of-way conveyances abstracted on page 8 and page 12 of the appended materials.

COMMENT #3: Appearing on page 4 is the abstracted portion of the will of Ludy Wilkins, which said Will devises the acreage under examination here to Rame Wilkins, husband of Ludy Wilkins, for and during his natural life, and at the death of Rame Wilkins, the property then goes to Daniel Ragland. The said Rame Wilkins, has since died and appended to these materials is an affidavit to this effect and Daniel Ragland is the owner of all the right, title and interest in and to this real estate.

COMMENT #4: Your attention is next directed to page 18 and page 20 of the appended materials to the oil and gas lease and the assignment of an interest in the oil and gas lease on this property. This instrument recites that the acreage under lease contains 10-1/2 acres, more or less, and this instrument is a valid and subsisting oil and gas lease on these premises.

COMMENT #5: Also, appended to these materials is a copy of the current deed of conveyance from Daniel Ragland and his wife, Lee Dona Ragland, unto Sentry Royalty Company, which said deed conveys the surface, and all minerals except coal, which said coal was previously conveyed as aforesaid, and except the oil and gas, which said oil and gas is now owned by Daniel Ragland and which said oil and gas is excepted and reserved in the deed unto Sentry Royalty Company.

C E R T I F I C A T E

Subject to the comments set out above, it is our opinion and we hereby certify that upon the execution and delivery of the deed of conveyance commented on above, Sentry Royalty Company will acquire a good and marketable title, in fee simple, to the SURFACE AND ALL MINERALS, EXCEPT COAL AND EXCEPT OIL AND GAS, of the hereinabove described premises.

There are no adverse conveyance, liens or encumbrances, created of record, which impair the title of this property.

This the 30th day of APRIL, 1965.

JARVIS, CORNETTE, PAYTON & PAXTON
Attorneys at Law
Old First State Bank Building
Greenville, Kentucky

By: William E. Payton
William E. Payton