

THIS AGREEMENT, made and entered into this 13th day of September, 1938, by and between SOUTHERN RAILWAY COMPANY, a corporation of the State of Virginia, hereinafter for convenience styled the Railway Company, party of the first part, and R. P. McAbee, of the County of Greenville and State of South Carolina, party of the second part;

W I T N E S S E T H :

1. That the said McAbee has heretofore constructed and is now maintaining a one (1) story frame cottage or structure, with porches appurtenant thereto, upon the easterly side of the right of way of the Railway Company for its main track running between Columbia and Greenville, at or near PIEDMONT, in the County of Greenville and State of South Carolina, at a point (measured to the southwest corner of said structure) 4,380 feet north of Milepost V-132; the locations and dimensions of said cottage and appurtenant porches being substantially as shown in solid red color upon the blue-print of Drawing A-7137, dated August 9, 1938, hereunto annexed and made a part of this agreement.

2. That the said McAbee occupies and uses the said right of way of the Railway Company for the purposes aforesaid at his own risk, and the Railway Company agrees hereby that the said McAbee may so occupy the same until his right so to do shall be revoked as hereinafter provided.

3. It is further agreed between the parties hereto that in the event that the Railway Company shall at any time hereafter require for its railroad purposes the whole or any part of its right of way so occupied and used by the said McAbee, as aforesaid, then and in such event, the said McAbee will vacate said right of way, remove his said frame cottage and appurtenant porches therefrom and quietly and peaceably surrender to the Railway Company possession of the premises so occupied by him, within ninety (90) days from the date when the Railway Company shall have served upon him notice, in writing, so to do.

4. That this agreement shall inure to the benefit of and be binding upon the respective successors, heirs and assigns of the parties hereto, as well as upon the parties themselves.

IN WITNESS WHEREOF, the parties hereto have executed these presents, in duplicate, each part being an original.

Signed, sealed and delivered,
in presence of:

J. W. Martin

G. B. LeFoe

Subscribing witnesses.



SOUTHERN RAILWAY COMPANY,

BY: John B. Hyde

Vice-President.

(L. S.)

Attest: Guy E. Mauldin

Assistant Secretary.

Signed, sealed and delivered,
in presence of:

Clarence Smith

W. C. Cheers

Subscribing witnesses.

R. P. McAbee (L. S.)

District of Columbia,
City of Washington. ss

On this 19th day of September, 1938, at my office in said City aforesaid, personally appeared before me, Pearce Horne, a Notary Public for said District of Columbia, G. B. LeFoe, to me known and known to me to be one of the subscribing witnesses to the foregoing instrument, and made oath that he saw the within named John B. Hyde and Guy E. Mauldin, sign, seal and deliver the foregoing writing and instrument, as Vice-President and Assistant Secretary, respectively, of said Southern Railway Company, a corporation, as and for their act and deed, and as and for the act and deed of said Southern Railway Company, and that he, with J. W. Martin, witnessed the due execution thereof on the day of the date thereof.

Sworn to and subscribed before me, this 19th day of September, 1938.

Pearce Horne,

G. B. LeFoe.

Notary Public in and for the District of Columbia.

My commission expires January 2, 1941.

State of South Carolina,

Greenville County. ss:



On this 13th day of Sept. 1938, at my office in said County aforesaid, personally appeared before me, R. D. Nesbitt a Notary Public for said County, W. C. Cheers, to me known and known to me to be one of the subscribing witnesses to the foregoing instrument, and made oath that he saw the within named R. P. McAbee, sign, seal and deliver the foregoing instrument, as and for his act and deed, and that he, with Clarence Smith, witnessed the due execution thereof on the day of the date thereof.

Sworn to and subscribed before me, this 13th day of Sept. 1938.

R. D. Nesbitt

W. C. Cheers.

Notary Public.



Recorded this the 12th day of October, 1938 at 9:35 A.M. #11622 BY: E.G.