

FILED POND AGREEMENT
GREENVILLE, S.C.

WHEREAS, by instrument dated April 4, 1968, and recorded at Book 842, Page 31, in the official records of Greenville County, State of South Carolina, J. R. Martin and Helen H. Martin predecessors in title to Teachey Mechanical, Inc. hereinafter referred to as "Owner", granted unto Plantation Pipe Line Company, hereinafter referred to as "Plantation", a right of way and easement for, among other things, the purposes of constructing, maintaining, and operating a pipe-line or lines across certain lands in Greenville County, State of South Carolina, said instrument being by reference made a part of this agreement; and,

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 pipelines, 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 pipelines, 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 four (4) acres and will inundate Plantation's pipelines and right of way for a lineal distance of approximately 125 feet and to a depth of 5 feet, as shown on copy of plat titled T. G. Teachey, dated 1-6-84, attached hereto and made a part hereof.
- (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 pipelines and right of way.
- (4) Owner agrees that he will construct the dam to include facilities which will enable the pond level to be drawn down promptly, and that such draw-down will be instituted immediately upon notice by Plantation of any leak or other malfunction of its facilities or the construction of additional lines and all purposes authorized in said easement aforesaid requiring its having prompt access to

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