

his heirs and assigns, owners for the time being of land adjacent to the tract hereinbefore described hereby covenants and agrees that he and they will waive any and all questions of damage which may accrue, to him the said E.M.Holliday, his heirs and assigns, by

reason of any damage occasioned by the flowage or back water from the said Saluda River, occasioned directly or indirectly, in consequence of any dam built, or to be built, or any other development made on said river by the said Ellison A. Smyth, his heirs or assigns, Beginning at a stone on east bank of Saluda river, Greenville County S.C. on line of Miles Williams, and E.H.Acker, and running along said line N.15°10' E.90 feet to a stone on said line; thence N.53°15' W.288 feet to a stone; thence N.10°25' W.445 feet to a stone; thence S. 10°20' W.381 feet to a stone; thence S. 82°20' W.263 feet to a stone; thence N. 51°15' W. 403 feet to a stone; thence N.26°00' W.241 feet to a stone; thence S. 8°00' W.249 feet to a stone; thence S.89°35' W.497 feet to a stone; thence S.76°00' W.303 feet to a stone; on line of E.H.Acker, and P.G.&E.H.Acker, thence along said line S.70°15' W.530 feet to a stone on said line on river bank, thence river bank to beginning stone, said tract containing 25.3 acres more or less, . Being land heretofore conveyed by E.H.Acker, to Ellison A.Smyth, by deed bearing date the 22nd. day of March 1904. and recorded in R.M.C.O. Greenville, County Book,LLL,page 674. Beginning at a stone on east bank of Saluda River, Greenville County, S.C. on line between E.A.Smyth, and B.M.McGee, and running thence along said line N. 80° 45' E. 140 feet to a stone on said line; thence 1°30' W. 72 feet to a stone; thence N. 31°30' W. 115 feet to a stone; thence N. 47°45' E. 111 feet to a stone; thence N.80°15' W. 193 feet to a stone; thence N.57°15' W. 199 feet to a stone; thence N. 22°45' E. 198 feet to a stone; thence N. 57°30' E.415 feet to a stone; thence N. 88°30' W. 173 feet to a stone; thence S. 72° 00' W. 225 feet to a stone; thence S. 51°50' W. 335 feet to a stone; thence N. 31°00' E. 310 feet to a stone; thence N.12°45' E. 231 feet to a stone; thence N.59°00' E. 146 feet to a stone; thence N. 27°20' W. 225 feet to a stone; thence N. 33°30' E. 68 feet to a stone; on line of B.M.McGee and Mrs Mattie McGee; thence along said line S. 80°00' W. 228 feet to a stone; on said line; thence S. 47°00' W. 206 feet to a stone; thence N. 43°45' W.135 feet to a stone on line of B.M.McGee and Mrs Mattie McGee, thence along said line S.80°00' W.130 feet to a stone on river bank on line of B.M.McGee, and Mrs. Mattie McGee, and H.B.Williams thence along river bank to beginning stone, said tract containing 14.9 acres, more or less. Also beginning at a stone on line of B.M.McGee and Mrs. Mattie McGee, and running thence along said line N.80°00' E. 243 feet to a stone on said line; thence S.47°00' W. 206 feet to a stone; thence S.43°45' W. 135 feet to beginning stone. Tract containing 0.31 acres, being land heretofore conveyed by B.M.McGee to Ellison A. Smyth, by deed bearing date the 24th day of March 1904, and recorded in R.M.C.O. for Greenville County in Book L.L.L. page 562.

All that parcel or tract of land beginning at mouth of Cedar Shoals Creek on east bank of Saluda River Greenville County S.C., it being line between E.A.Smyth and Miles Williams, and running thence up said creek to a stone on said creek; thence S.32°15' W.20 feet to a stone; thence S. 57°45' E. 193 feet to a stone; thence S. 48°10' E. 229 feet to a stone; thence S. 44° 20' W. 157 feet to a stone; thence N. 97° 30' W.195 feet to a stone; thence S. 72° 50' W 296 feet to a stone; thence N. 38°15' W. 275 feet to a stone; thence S. 9° 30' W. 176 feet to a stone thence N. 84° 55' W.136 feet to a stone; thence N.13°05' W.255 feet to a stone thence N. 67°30' W. 190 feet to a stone; thence N. 37° N. 211 feet to a stone thence N. 5° e. 103 feet to a stone thence S. 73° W.132 feet to a stone; thence N. 72° 45' W.141 feet to a stone on line of E.H.Acker and Miles Williams; thence along said line S. 15° 10' W.90 feet to a stone.

thence along said bank to beginning mouth of Cedar Shoals Creek. Said tract containing 12.9 acres more or less. Being land heretofore conveyed by D.P.Vernern Master, to Ellison A.Smyth by deed bearing date the 7th day of July 1904, and recorded in R.M.C.O. for Greenville County in Book K.K.K. page 77.

All that piece parcel or tract of land situate lying and being in the County of Greenville, State aforesaid, beginning at a stone on East bank of Saluda River Greenville County S.C., on line between Enoch Cothran and Ernest Cothran and running thence along said line N.48°00' E. 329 feet to a stone on said line; thence N.35° 00' W. 263 feet to a stone thence N. 11° 15' E. 70 feet to a stone; thence N. 27°30' W. 360 feet to a stone; thence N. 3°05' W.397 feet to a stone thence N. 33° 10' E. 159 feet to a stone on bank of creek, said creek being line between Ernest Cothran and J.W.Poore's estate; thence down said Creek to River; thence along said river bank to beginning stone. Said tract containing 7.2 acres, more or less. Being land conveyed heretofore by D.P.Verner, Master, to Ellison A. Smyth by deed bearing date the 25th day of March 1904. And recorded in R.M.C.O. for Greenville County, in Book K.K.K. page 65.

All those three (3) certain small islands lying and being in the County of Greenville, and State of South Carolina, in Saluda River near the mouth of Cedar Shoals Creek and not far from a certain tract of upland containing 46.1/2 acres, more or less, conveyed this day by Thomas A.Williams to Ellison A.Smyth, the larger of said three islands containing by estimation two and one half (10-1/2) acres, more or less. The second containing by estimation one and one half (1-1/2) acres, more or less, and the third island perhaps one tenth (1/10) of an acre. Being land heretofore conveyed by A.J.Williams, H.B.Williams, T.A.Williams and S.A.Ramsay, to Ellison A Smyth by deed bearing date the 24th day of December 1902, and recorded in R.M.C.O. for Greenville County in Book J.J.J. page 208. Beginning at a stone in line of B.M.McGee and Mrs. Mattie McGee, Greenville County S.C. and running thence N. 29°30' E.340 feet to a stone; thence N.56° 00'E. 128 feet to a stone; thence N. 77° 30' W. 189 feet to a stone; thence S.50° 55' W. 247 feet to a stone; thence S. 38°30' W. 300 feet to a stone on line of B.M.McGee and Mrs. Mattie McGee, thence along said line S.80°00' E.228 feet to beginning stone. Said tract containing 1.6 acres more or less. Also beginning at a stone on east bank of Saluda River, Greenville County S.C. on line of B.M.McGee and Mrs Mattie McGee and H.B.Williams; and running thence along line of B.M.McGee and Mrs Mattie McGee N.80°00' E. 130 feet to a stone on said line; thence north 331 feet to a stone on line of Mrs Mattie McGee and H.B.Williams; thence along said line S. 19° 50' W. 378 feet to beginning stone. Said tract containing 0.5 acres more or less.

Also beginning at a stone on line of Mrs Mattie McGee and H.B.Williams Greenville County S.C. and running thence N. 55° 40' E. 246 feet to a stone; thence N.22°00' W 215 feet to a stone on line of Mrs Mattie McGee and H.B.Williams; thence along said line S. 19° 50' W.359 feet to beginning stone. Said tract containing 0.6 acres more or less. Three above mentioned tracts together containing 2.7 acres more or less. Being land heretofore conveyed by Mrs Mattie A.McGee executrix to Ellison A. Smyth by deeds bearing date the 15 day of April 1904, and recorded in R.M.C.O. for Greenville County in Book L.L.L. page 637.

All that piece parcel or tract of land containing thirteen and 95/100 acres more or less, situate lying and being on the east side of Saluda River in Dunklin Township, County and State aforesaid abutting and bounding to the north on lands of Ellison A. Smyth, to the east on Arnold's Branch as separating it from the estate of James E. Holliday, and to the south and west on the Saluda River, and having such shape and marks as are more fully set forth and delineated in the plat and next to and made part and parcel of the conveyance. Being land heretofore conveyed by Sallie Holliday, A.W.Holliday, A.G.Holliday, James E.Holliday, Elizabeth Hiram, Margaret Hall, Caroline Cooley, Ella Cooley, J.N.Holliday, J.S.Holliday