

An agreement, made and entered into this 24 day of December, 1921, by and between,

Southern Railway Company, a corporation organized and existing under and by virtue of the laws of the State of Virginia, hereinafter for convenience styled the Railway Company, party of the first part; and

Peerless Folding Ladder Company, a corporation organized and existing under and by virtue of the laws of the State of South Carolina, hereinafter for convenience styled the Ladder Company, party of the second part;

Witnesseth: That

Whereas, the Ladder Company owns a certain tract, piece or parcel of land on the south side of and abutting upon the right of way of the Railway Company for its main track running between Columbia and Greenville, at Greenville in the County of Greenville and State of South Carolina; and

Whereas, a controversy exists between the Railway Company and the Ladder Company as to the width of the right of way of the Railway Company adjacent to the Ladder Company's property; the railway Company claiming that the south boundary line of its right of way is defined by a line running parallel with and one hundred (100) feet distant southwardly from the center line of its main track, and the Ladder Company contending that the south boundary line of said right of way runs parallel with and twenty-five (25) feet distant southwardly from the center line of said main track; and

Whereas, the Ladder Company is occupying and using, or proposes to occupy and use, ^{to facilitate} and promote the convenient conduct of its business, a strip of land within the limits of a line running parallel with and one hundred (100) feet south of the center line of said main track of the Railway Company at said Greenville, in the County of Greenville and State of South Carolina, shown colored red on the blue-print of survey, dated December 16, 1920, hereto annexed and made

a part of this agreement, more particularly described as follows, to-wit:

Beginning at a point 20 feet south east of the center line of the main track of the Railway Company running between Columbia and Greenville, measured from a point in said center line 1265 feet south west of milepost V-142, and running thence

- (1) South westwardly, parallel with and at all points 20 feet south east of the center line of said main track, for a distance of 819 feet; thence
- (2) South eastwardly, at a right angle, for a distance of 80 feet; thence
- (3) North eastwardly, along a line parallel with and at all points 100 feet south east of the center line of said main track, for a distance of 755 feet, to the easterly side of Piedmont Road, thence
- (4) Northwardly, along said easterly side of Piedmont Road, a distance of 117 feet, to the point or place of beginning,

and

Whereas, the title to that portion of the said above described strip of land which lies on the south side of a line running parallel with and twenty-five (25) feet south of the center line of said main track of the Railway Company is in controversy between the parties hereto, as aforesaid, and they cannot agree as to their respective rights in and to the same; and

Whereas, the Ladder Company proposes to continue the occupation and use of said strip of land, but is willing to agree that its occupation and use of that portion of same the title to which is in controversy shall be without prejudice to any rights which the Railway Company may have therein, and is also willing to contract for the privilege of using that portion of said strip, which lies between the main track of the Railway Company and said line running parallel therewith and twenty-five (25) feet southwardly therefrom, the title to which is conceded to be in the Railway Company, upon the terms