

current before occupancy by the said Big Jim Coal Company. This is no way to be construed as an obligation on the part of Big Jim Coal Company to take possession and comply under the Lease but once Big Jim Coal Company does accept the substitution of itself for the Lessee herein, Big Jim Coal Company shall be bound by all the terms of this Lease agreement. It is agreed that the Lessor will keep all taxes paid on the premises hereby leased but the Lessee will pay all taxes on fixtures and equipment.

In the event one months rent is in arrears and unpaid for a period of ten (10) days or in the event the Lessee is adjudicated bankrupt, placed in the hands of a receiver or makes an assignment for the benefit of his creditors or violates any of the terms and conditions of this Lease, upon the happening of such event, this Lease shall thereupon terminate at the option of the Lessor, provided, however, that the Big Jim Coal Company as noted hereinabove is given the option to be substituted for the Lessee.

It is further understood and agreed by and between the parties hereto that the Lessee will not assign this Lease or sublet any portion of the premises hereby leased, without the written consent of the Lessor, which consent the Lessor agrees not to unreasonably withhold.

It is known and agreed upon by and between the parties hereto that Big Jim Coal Company has entered into a sale of the coal business operated on the above described premises to the Lessee herein and by the signature of the representative of Big Jim Coal Company herein affixed acknowledges, consents and agrees for the Lessor to enter into this Lease agreement with the Lessee and thereby waives any right to renew the lease entered into between the Lessor's predecessor and title and the said Big Jim Coal Company which lease was dated June, 1948.

IN WITNESS WHEREOF, we have hereunto placed our hands and seals this 10th day of December, 1970.

IN THE PRESENCE OF:

Marion W. Fore, Jr.
Margo S. Green

LESSOR

BY: J. L. Fodder

LESSEE

BY: George W. Sparks, Jr.

BIG JIM COAL COMPANY

BY: _____
Partner