

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE) AGREEMENT

THIS AGREEMENT, made between SOUTHERN RAILWAY COMPANY, a Virginia corporation, hereinafter sometimes styled COMPANY, and J. E. HARMON, an individual, and ICE MACHINE DISTRIBUTORS, INC., a South Carolina corporation, hereinafter sometimes styled LICENSEES;

W I T N E S S E T H:

WHEREAS, J. E. Harmon is the owner of a tract of land in Greenville County on the western side of the Piedmont Highway (Old U.S. Highway 29) adjacent to the main line tracks of Southern Railway Company, which tract of land is more fully described below;

WHEREAS, Southern Railway Company is the owner of a right-of-way easement for railroad purposes running through Greenville County and more particularly along its main line tracks where the same are adjacent to the property owned by J. E. Harmon;

WHEREAS, Ice Machine Distributors, Inc., is a corporation engaged in the business of distributing and servicing ice making equipment which, under lease or other agreement with J. E. Harmon, constructed two buildings on the below described tract of land for use in connection with its business operations;

WHEREAS, a bona fide dispute has arisen between Southern Railway Company and J. E. Harmon and Ice Machine Distributors, Inc. as to the extent of Southern's right-of-way along the property owned by J. E. Harmon: Southern Railway Company claims that its right-of-way easement along and adjacent to the property of J. E. Harmon is two hundred (200) feet, one hundred (100) feet on each side of the center line of its tracks and that all of the property of J. E. Harmon within one hundred (100) feet of the center line of the tracks is subject to Southern's easement for railroad purposes; J. E. Harmon and Ice Machine Distributors, Inc. claim that Southern's right-of-way easement along and adjacent to the aforesaid property is one hundred (100) feet, fifty (50) feet on each side of the center line of the tracks and that no part of the property of J. E. Harmon lies within fifty (50) feet of the said center line or is subject to Southern's easement for railroad purposes;

WHEREAS, an action has been commenced by Southern Railway Company under the caption, "Southern Railway Company, Plaintiff, vs. Ice Machine Distributors, Inc., a corporation; J. E. Harmon; C. C. Davis; First Federal Savings and Loan Association; and Transport Clearings of the Carolinas, Defendants," for the pur-

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