

FILED
GREENVILLE CO. S. C.

SEP 3 4 33 PM '76

STATE OF SOUTH CAROLINA)
) DONNIE S. TANKERSLEY
COUNTY OF GREENVILLE) R.M.C.)

AGREEMENT

WHEREAS, by Summons and Complaint, dated November 21, 1975, W. T. Walker and Elizabeth Walker, plaintiffs, ("Walkers") commenced suit in the Court of Common Pleas for Greenville County, South Carolina against Metromont Materials, Inc., ("Metromont"), Southern Railway Company ("Southern") and Ice Machine Distributors, Inc., ("Ice Machine"), defendants, alleging damages as a result of water drainage, and each of the defendants has filed an Answer denying liability and a Cross-Complaint against the various other defendants, copies of which Complaint, Answers and Cross-Complaints are hereby referred to and incorporated herein by reference; and

WHEREAS, agreement has been reached among all of the parties to terms and conditions which would permit the settlement by way of compromise and the dismissal with prejudice of the Complaint and all Cross-Complaints; and

WHEREAS, J. E. Harmon is one of the principal shareholders of Ice Machine Distributors, Inc., is the owner of the tract of land occupied by Ice Machine Distributors, Inc., as its place of business, and is fully familiar with the matters involved in the aforementioned lawsuit and the terms and conditions of the settlement agreement reached by the parties thereto as set forth in this Agreement,

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, the undersigned do hereby agree as follows:

1. Southern and Metromont jointly will pay Walkers the sum of Three Thousand and 00/100 (\$3,000.00) Dollars; of this sum Southern will pay One Thousand Five Hundred and 00/100 (\$1,500.00) Dollars and Metromont will pay One Thousand Five Hundred and 00/100 (\$1,500.00) Dollars.

2. Southern and Metromont will cause to be installed, a closed drainage pipe along the westerly side of Southern's

Exhibit 1

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