

Property of a rock quarry, rock crushing plant, asphalt plant and related activities, vibration(s), noise(s), dust, particulate(s) and other material(s) and odor(s) to descend upon, go across and be in the air above the Grantor's Property and in general to subject the Grantor's Property to all damages and consequences arising from the location and operation of said rock quarry, rock crushing plant, asphalt plant and related activities. Without limiting the foregoing provisions of this Section 1 the Grantor hereby acknowledges that the easement hereby granted extends to and includes vibration(s), noise(s), dust, particulate(s) and other materials or odor(s) which may descend upon, go across and be in the air above the Grantor's Property and which result from vehicles, including trucks, travelling to and from the Sloan Property.

TO HAVE AND TO HOLD all and singular the full enjoyment of said Easement before mentioned and described on the Grantor's Property unto Grantees, their successors and assigns, forever.

2. Covenant Not to Sue. Except as provided in Section 3 hereinafter, Grantor shall neither institute nor maintain any action at law or in equity, either for damages or injunctive relief, under any theory of recovery, including, but not limited to, negligence, nuisance, trespass or conversion, against the Grantees, their successors and assigns, for any damage or injury sustained prior or subsequent hereto, and caused, occasioned,