

"The Grantor hereby expressly saves, reserves and excepts out of the grant hereby made, unto itself, its successors and assigns, forever, all ores and minerals including but not limited to oil, gas, coal, distillates, and condensates, in and under said land. Top soil, sand, fill dirt, ground water, and other commonly occurring substances are expressly excluded. Notwithstanding the foregoing and notwithstanding any other legal or equitable right or remedy now existing or hereafter enacted or created, Grantor hereby agrees, for itself, its successors and assigns, that the rights hereby reserved and excepted shall not be exercised in a manner adversely affecting use of the surface at any time unless and until the Grantor or its successors or assigns, as the case may be, shall first make satisfactory written arrangements with the then owner of the property affected, and with the mortgagee or mortgagees of such property, as their respective interests may appear, to compensate said owner and mortgagee or mortgagees for damages incurred to the surface and any improvements thereon in exercising such rights."

There is attached to this Deed and Transfer the Certificate of Title for Registered Estate No. 320 which is to be canceled and a new Certificate of Title issued to the party of the second part for the property herein conveyed.

TO HAVE AND TO HOLD the aforsaid tract or parcel of land together with all the rights, privileges and appurtenances thereunto belonging unto it, the said party of the second part, its successors and assigns, to their only use and behoof forever, subject to the terms and conditions as set out hereinabove.

And the said party of the first part, for itself, its successors and assigns, covenants to and with the said party of the second part, its successors and assigns, that it is seized of said premises in fee and has a lawful right to convey the same in fee simple; that the same is free and clear of all encumbrances.