

R E L E A S E

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THIS INDENTURE, made this 29th day of NOVEMBER, ¹⁹⁶⁶~~1964~~, by and between FIRST NATIONAL CITY BANK, a corporation organized and existing under the laws of the United States of America, (sometimes hereinafter called "Trustee") to TULANA FARMS, a corporation,

, (hereinafter called "Grantee"):

WHEREAS, Central Pacific Railway Company, a corporation, (to which Southern Pacific Company, a corporation of the State of Delaware, is successor by reason of merger, said Southern Pacific Company hereinafter sometimes called the "Railway Company") has executed and delivered to The First National Bank of the City of New York, a corporation organized and existing under the laws of The United States of America (to which First National City Bank is successor Trustee) its First and Refunding Mortgage, dated as of August 1, 1944, mortgaging its lines of railroad, and certain of its premises, properties, real and personal, rights, franchises, estates and appurtenances, of which the property hereinafter described is a part, to secure the payment of the principal of and interest on the First and Refunding Bonds to be issued from time to time thereunder in accordance with the provisions thereof; and

WHEREAS, Section 2 of Article Ten of said First and Refunding Mortgage provides, among other things, that the Railway Company, subject to the conditions and limitations in said Article Ten prescribed, may sell or exchange for other property or otherwise dispose of, and the Trustee, upon the delivery to it of the resolutions, opinion and certificates, as in Section 9 of said Article Ten provided, shall release from the lien and operation of said First and Refunding Mortgage any real property or personal property and any rights or interests in property, the

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sale or release of which are not otherwise in said Article Ten specifically provided, for, which it shall no longer be necessary or expedient to retain for the operation, maintenance or use of the lines of railroad then subject to said First and Refunding Mortgage, or for use in the business of the Railway Company; and

WHEREAS, the Railway Company has notified the Trustee that it has sold and conveyed the property hereinafter described and has requested the Trustee to release said property from the lien of said First and Refunding Mortgage, pursuant to Section 2 of Article Ten thereof, and has furnished the Trustee with the papers required by Sections 2 and 9 of Article Ten thereof to support the release of said property and has duly complied with all applicable provisions of said Article Ten.

NOW, THEREFORE, in consideration of the sum of One (1) Dollar and other good and valuable considerations, the receipt whereof is hereby acknowledged, First National City Bank, as Trustee as aforesaid, does hereby remise, release and forever quitclaim unto Grantee all the right, title and interest it as said Trustee may have acquired in, through or by virtue of said mortgage in and to the property described in Exhibit "A" attached hereto and made a part hereof, situate in the County of Klamath, State of Oregon, to the end that the same may be discharged from the lien of said First and Refunding Mortgage.

TO HAVE AND TO HOLD the property hereby released and conveyed to Grantee, and its assigns, to its and their own proper use, benefit and behoof forever, free and clear and discharged of and from all lien and claim under and by virtue of the aforesaid First and Refunding Mortgage.

This release is made, executed and delivered without any representation, covenant or warranty whatsoever, express or implied, on the part

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of the Trustee and without recourse to it in any event.

IN WITNESS WHEREOF, First National City Bank, as Trustee as aforesaid, has caused these presents to be executed by its officers thereunto duly authorized, under its corporate seal, the day and year first above written.

FIRST NATIONAL CITY BANK,
as Trustee as aforesaid,

By B. A. Powell
Trust Officer
B. A. Powell

Attest T. J. Brett
Assistant Cashier
T. J. Brett

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EXHIBIT "A"

Parcel 1:

That portion of the southwest quarter of Section 33, Township 40 South, Range 8 East, Willamette Base and Meridian, included within the land of the Southern Pacific Company described in deed dated August 31, 1908, from H. F. Chapman, et al to California Northeastern Railway Company, recorded January 1, 1909, in Deed Book 25 at Page 399, and in deed dated August 30, 1907 from H. F. Chapman, et al to California Northeastern Railway Company, recorded October 5, 1907 in Deed Book 23 at Page 205, Records of said County.

Parcel 2:

That portion of the north half of Section 4, Township 41 South, Range 8 East, Willamette Base and Meridian, included within the land of the Southern Pacific Company described in deed dated May 10, 1907, from F. H. Downing, et al to California Northeastern Railway Company, recorded June 7, 1907 in Deed Book 22 at Page 549 and in deed dated December 19, 1907 from D. L. Gordon, et ux to California Northeastern Railway Company, recorded January 20, 1908, in Deed Book 23 at Page 497, records of said County.

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STATE OF NEW YORK,)
COUNTY OF NEW YORK.) SS.

On this 29th day of NOVEMBER, 19 66, before me,
JOHN L. GRIMMELBEIN, a Notary Public in and for the County of
New York, State of New York, personally appeared and came B. A. Powell
to me personally known and known to me
to be and who acknowledged himself to be a TRUST OFFICER
of The First National City Bank of New York, the corporation that
executed the foregoing instrument, and also known to me to be the
person who executed it on behalf of said corporation, who being by me
duly sworn, did, on oath, depose and say that he resides at _____;

18 Rose Terrace, Chatham, New Jersey 07024
that he is a TRUST OFFICER of The First National City Bank of
New York, the corporation described in and which executed the fore-
going instrument; that, being authorized to do so, he executed the
foregoing instrument on behalf of said corporation for the purposes
therein contained by signing the name of the corporation by himself
as TRUST OFFICER; that said instrument was signed
and sealed on behalf of said corporation by authority of a resolution
of its Board of Directors, and said B. A. Powell acknowledged to
me that said corporation executed the same; that he knows the seal of
said corporation and that the seal affixed to said instrument is the
corporate seal of said corporation and was so affixed by order of the
Board of Directors of said corporation and that he signed his name thereto
by like order; that the signatures to said instrument were made upon
like order by officers of said corporation as indicated after their
signatures and that the said corporation executed said instrument
freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal in said County of New York, State of New York, on this
29th day of NOVEMBER, 19 66.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Proctor & Puckett
this 21 day of Dec., 19 66 at 1:20 o'clock P.M., and
duly recorded in Vol. M-66, of 26248 on Page 12578

Fee \$7.50

By John L. Grimmelbein
Notary Public for the State of
New York.

JOHN L. GRIMMELBEIN
Notary Public, State of New York
No. 30-6675350
Qualified in Nassau County
Certificate filed in New York County
Term Expires March 30, 1968

