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NEVADA CENTRAL RAILROAD

BASE OF OPERATIONS: 2741 - Pinewood Avenue, Henderson, Nevada 89074
(702) 914-7796

ROBERT ALAN KEMP, D/B/A:

NEVADA CENTRAL RAILROAD

Office of Proceedings

VIA - IMMEDIATE FAX FILING

APR 11 2011

(Monday), April 11, 2011

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 - E. Street, S. W., Room: 100
Washington, D.C. 20423-0001

Part of
Public Record

BY EMERGENCY FAX FILING: (202) 245- 0461 / 0464

RE: Docket No. AB-33 (SUB-NO. 297X)

NOTICE OF STIPULATION TO ABANDONMENT

by: **ROBERT ALAN KEMP, D/B/A: NEVADA CENTRAL RAILROAD,**
(Monday), April 11th, 2011.

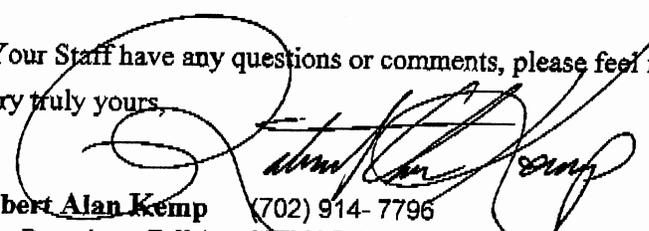
Union Pacific Railroad Company
-- ABANDONMENT EXEMPTION --

Ms. Brown:

Today, (Monday) April 11th, 2011, I have enclosed the instant original and three copies of the:
NOTICE OF STIPULATION TO ABANDONMENT hereby filed by: ROBERT ALAN KEMP,
D/B/A: NEVADA CENTRAL RAILROAD relating to: AB-33-297X.

If You or Your Staff have any questions or comments, please feel free to contact me personally.

Very truly yours,


Robert Alan Kemp (702) 914-7796
Sole Proprietor D/B/A; **NEVADA CENTRAL RAILROAD,** Henderson, NV 89074

Enclosures: Notice of Stipulation, Certification of Service

cc: Mr. John T. Digilio, Jr., Vice Chairman - Director/President, IITLS
Mr. Joseph Anthony McNulty, III - Director/Vice President, IITLS

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO: AB-33 (Sub. No: 297X)

Union Pacific Railroad Company
-- ABANDONMENT EXEMPTION --
IN LAFAYETTE COUNTY, MISSOURI
(LEXINGTON INDUSTRIAL LEAD)

NOTICE OF STIPULATION TO ABANDONMENT

by: ROBERT ALAN KEMP, D/B/A;

- NEVADA CENTRAL RAILROAD -

1. Robert Alan Kemp, D/B/A; Nevada Central Railroad, based in Henderson, Nevada, 89074, hereby files his NOTICE OF STIPULATION TO ABANDONMENT effective TODAY (Monday), April 11th, 2011 as and only as a direct and proximate result of the legal execution and filing by the UNION PACIFIC RAILROAD COMPANY, hereafter ("UP") to the BOARD on (Friday) April 1st, 2011 within the scope of AB-33-297X, wherein on Page # 1., Paragraph # 3., UP confirmed to the this Petitioner and the BOARD that UP would continue to negotiate with NCR for the acquisition of all or any portion of the subject line, track structure and right of way.

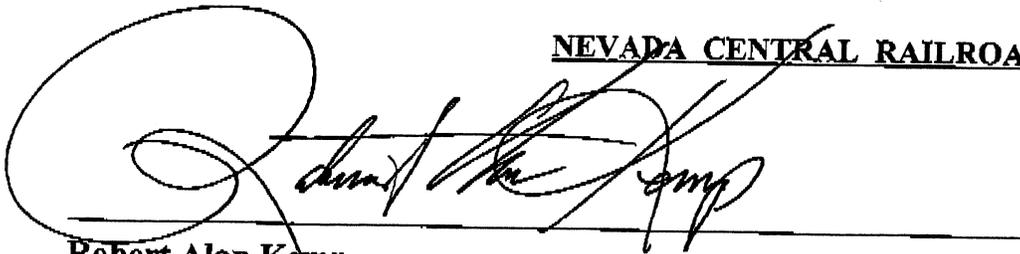
2. Further and most important, this Petitioner has confirmed that the UNION PACIFIC RAILROAD COMPANY will continue to negotiate directly with Petitioner doing business in the

name of NCR, in ("GOOD FAITH") precisely as stated by Mack H. Shumate, Jr. in person to this Petitioner by telephone while legally representing Union Pacific Railroad Company on (Friday), April 8th, 2011. Please respectfully see Petitioners Sworn Affidavit attached and identified hereto as: [NCR - EXHIBIT: A-13]. Therefore and in summary, Petitioner hereby provides his NOTICE OF STIPULATION TO ABANDONMENT to the BOARD and that Petitioner will continue also in ("GOOD FAITH") to Negotiate Directly with UNION PACIFIC RAILROAD COMPANY for the acquisition of all or any portion of the subject line, track structure and right of way in Lexington, MO., for which Petitioner in the name of NCR deems necessary to continue the execution of INTERSTATE COMMERCE BY RAIL, also as a valid Public Use. NCR further advises the BOARD that this Petitioner in the Trademark Name of: NEVADA CENTRAL RAILROAD, is the Only Legally Qualified Lawful Railroad Petitioner appearing within this docket, who has clearly confirmed his intent to lawfully acquire and thus retain relevant portions of the RAILROAD RIGHT OF WAY constituting the Lexington Industrial Lead, prior to the Consummation of Abandonment by UP of said RIGHT OF WAY, which exists almost entirely on Reversionary Property.

Respectfully submitted this: 11th. Day of April, 2011.

by: ROBERT ALAN KEMP, D/B/A:

NEVADA CENTRAL RAILROAD



Robert Alan Kemp
Individual Sole Proprietor: NEVADA CENTRAL RAILROAD
2741 - Pinewood Avenue,
Henderson, Nevada, 89074 (702) 914- 7796

SWORN AFFIDAVIT

ROBERT ALAN KEMP

State of Nevada:)
) ss.
County of Clark:)

Robert Alan Kemp, an adult of 53-Years of age, being duly sworn, deposes and being of sound mind and body, has prepared the following affirmations based on her personal knowledge that the facts asserted herein are true and accurate as stated to the best of her knowledge, information, and belief and therefore, I **Robert Alan Kemp** hereby affirm;

1. **That, on (Friday), April 8th, 2011 at approximately 11:05-AM-PST., I Robert Alan Kemp called: Union Pacific Railroad Company, C/O: Mack H. Shumate, Jr., Senior General Attorney in Chicago, IL, @ (312) 777- 2055, in order to determine if the UNION PACIFIC RAILROAD COMPANY by and thru its Senior General Counsel Mack H. Shumate Jr., had knowingly executed a Civil and or Criminal Fraud in the form of a [Deliberate Documented and Carefully Calculated Mis-Reputation to the BOARD], (“the STB, operating Constitutionally with Congressional and Judicial United States Government Procedural and Administrative Oversight”), within paragraph # 3., of UP’s Reply of April 1st, 2011 in opposition to the Motion/Petition filed the very day before by ROBERT ALAN KEMP, D/B/A: NEVADA CENTRAL RAILROAD, on March 31st, 2011.**

2. **That, during this same telephone conversation, Mr. Shumate clearly confirmed that the UNION PACIFIC RAILROAD COMPANY, hereafter (“UP”), will not only Continue to Negotiate as precisely documented by UP on April 1st, 2011 with ROBERT ALAN KEMP, D/B/A: NEVADA CENTRAL RAILROAD, concerning acquisition by NCR of in the words of UP, “all or any portion of the subject line, track structure and right of way,” but most important is the effective warrant confirmed by Mr. Shumate, that UP would continue to do so and I quote Mr. Shumate: “IN GOOD FAITH.” Moreover, Mr. Shumate absolutely confirmed to this affiant, that the UNION PACIFIC RAILROAD COMPANY did NOT LIE TO THE BOARD in writing on April 1st, 2011 in order to Fraudulently Induce the BOARD to confirm an adverse decision as and against NCR, based on NCR’s Motion and Petition filed March 31st, 2011, and would as documented to the BOARD, “Continue Negotiating with NCR for acquisition of any and all elements of the Lexington Industrial Lead,” precisely as written by UP in their own words on April 1st, 2011.**

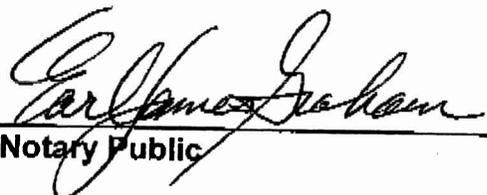
3. That, Mr. Shumate clearly understood that the documented Notice to the BOARD within Paragraph # 3., of UP's April 1^{st.}, 2011 filing did NOT in fact state nor in any way infer nor communicate to both NCR and the BOARD, that UP Would Not (For Any Reason Proceed subsequent to the provision of the written Notice to the BOARD), continue to negotiate the sale of any or all of the subject rail line, but that the Notice to the BOARD did in fact precisely state in the affirmative that UP: "is willing to continue negotiating with NCR for the sale of all or any portion of the subject line, track structure and right of way." Further that Mr. Shumate repeatedly confirmed to this Affiant, in that neither He Personally while acting legally on behalf of UP, nor that UP Management had at any time Lied to the BOARD in writing within Paragraph # 3. on April 1^{st.}, 2011 relating to the statement by UP to continue to negotiate with NCR for the sale of all or any portion of the subject line, track structure and right of way.

4. That, this Affiant confirmed at the end of his telephone conversation with Mr. Shumate on April 8^{th.}, 2011, his clear intent to file his ("Notice and Stipulation to Abandonment") to the BOARD and would legally rely upon on the confirmed written statement by UP within Paragraph # 3., filed with the BOARD on April 1^{st.}, 2011, wherein UP factually and legally confirmed that UP will continue to negotiate the acquisition by NCR of all or any portion of the subject line, track structure and right of way, IN GOOD FAITH.



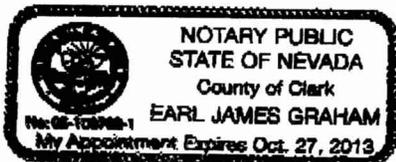
ROBERT ALAN KEMP, D/B/A,
NEVADA CENTRAL RAILROAD

APPEARED Mr. Robert Alan Kemp, SUBSCRIBED AND SWORN TO before me this
11th day of April, 2011.



Notary Public

Seal:



My Commission Expires: Oct 27, 2013

CERTIFICATE OF SERVICE

I, Robert Alan Kemp, hereby certify that (3-EA.) copies of the instant (5 -Page): NOTICE OF STIPULATION TO ABANDONMENT, along with the enclosed Proof of Service Sheet filed by Robert Alan Kemp to the SURFACE TRANSPORTATION BOARD, was personally mailed by the undersigned this 11th. day of April, 2011, via First Class US-Mail, as well as a single copy of same to:

UNION PACIFIC RAILROAD COMPANY C/O:

Mack H. Shumate, Jr., Senior General Attorney
101 - North Wacker Drive, Room: 1920
Chicago, Illinois 60606
(312): 777-2055 Voice
(312): 777-2065 Fax

CITY OF LEXINGTON, MO.

Honorable Mayor of Lexington
Col. Jerry Brown
919 - Franklin Avenue,
Lexington, MO 64067
(660) 259- 4633 Voice
(660) 259- 4093 Fax



Robert Alan Kemp, ("NCR")
(702) 914- 7796