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October 18, 2013

Office of Proceedings

October 18, 2013

Ms. Cynthia T. Brown

Part of

Chief, Section of Administration

Public Record

Office of Proceedings

Surface Transportation Board

395 E. Street, S. W., Room 1034

Washington, D.C. 2004

Re: STB Docket No. AB 1076X, Caddo Valley Railroad Company-Abandonment

Exemption-in Clark, Pike and Montgomery Counties, Arkansas

STB Docket No. AB 1076(Sub-No. 1X), Caddo Valley Railroad Company-Abandonment

Exemption-in Pike and Clark Counties, Arkansas

Dear Ms. Brown:

On August 28th, I asked for consideration of several facts and I wish to restate some of these facts and ask for your consideration of additional facts:

1. Caddo Valley Railroad Company (CVRR) has removed itself from the National Transportation System. They have salvaged the line; all tracks and rails have been removed. Abandonments have been consummated (Becker v. STB, 132 F. 3d 60, 63 (D. C. Cir. 1997) and Fritsch v. ICC, 59 F. 3d 248, 253 (D. C. Cir. 1995).
2. CVRR cannot sell the Right of Way as they did not own the land. It was taken by Condemnation for "Railway Use only" as demonstrated by my filing on 02/11/2013 which contained an Abstract recorded in Circuit Court Book "D"(Montgomery County Arkansas) page 171 dated April 4, 1906.
3. Caddo Valley Railroad Company is listed as "Not Current" with the Secretary of State (Arkansas). At this point, I am unsure if Mr. Smith is representing CVRR or Mr. Tim Bean personally (officer of CVRR) or both.

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4. The NITU has expired.
5. The time for filing for NITU has expired.
6. The one year time period for filing the "Notice of Consummation" has expired.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Betty Pennington", with a long horizontal flourish extending to the right.

Betty Pennington, member of Organization of Adjoining Landowners of Caddo Valley Railroad

PO Box 1348

Glenwood, AR 71943

Cc by email

Mr. James Smith, Esq