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# BANKS FAMILY TRUST

168 - N. Walnut, Parkside, PA 18944  
Telephone: (215) 872- 3317, email: banksfamilytrust@aol.com

**Kevin M. Banks**  
**[ Managing Partner ]**

**VIA - USPS and Emergency Fax Filing**

(Wednesday), December 3, 2008

The Honorable Charles D. Nottingham, Chairman - STB.  
The Honorable Ann K. Quinlan, Acting Secretary  
Office of the Chairman and Secretary  
Surface Transportation Board  
395 - E Street, SW.  
Washington, DC 20024

**EMERGENCY FAX FILING: 202-245- 0458 / - 0461 / - 0464**

**RE: Docket No. AB-33 (SUB-NO. 230X)**

## **EVIDENCE**

ENTERED  
Office of Proceedings

DEC 3 - 2008

Part of  
Public Record

**Union Pacific Railroad Company**  
**-- ABANDONMENT EXEMPTION --**

Dear Secretary Quinlan:

Please find, the instant filing: **[ Evidence ]**, referring to the Union Pacific Railroad Company Abandonment Exemption: Docket No. AB-33 (SUB-NO. 230X), on behalf of: Mr. Robert Alan Kemp, D/B/A: NEVADA CENTRAL RAILROAD, as Additional Admissible Evidence and Incontrovertible Proof of Mr. Kemp's Financial Capacity, as Previously Lawfully Certified to the Board by (the): Banks Family Trust on: September 15<sup>th</sup>, 2008. As Previously Lawfully Certified to the Board, (the): Banks Family Trust remains financially capable and committed to the provision of Additional Funds to Mr. Kemp necessary to Maintain the Commercial Operation of the subject 220' NCR-Railroad Main Line described in Mr. Kemp's Ofa, for the next 5-Years. Should the Board require submission of Additional Supporting Financial Information, please so state and I will affirmatively reply to that request following the granting of a Protective Order. The instant filing is being executed today, December 3<sup>rd</sup>, 2008 as part of and for reference by Mr. Kemp in his Motion To Strike the UP-Reply of November 19<sup>th</sup>, 2008, and also as part of and for reference by Mr. Kemp, in his Amended/Supplemental Filing to his previous Motion To Strike the UP-Reply of November 4<sup>th</sup>, 2008, recently filed by Mr. Kemp on November 24<sup>th</sup>, 2008.

Very truly yours,



Kevin M. Banks, (215) 872- 3317 banksfamilytrust@aol.com  
Managing Partner: (The): **BANKS FAMILY TRUST**

Enclosures Evidence, Sworn Affidavit, Certification of Service

cc: Mr. John T. Digilio, Jr., Vice Chairman - Director/President, Nevada Central Railroad, Corporation  
Mr. Joseph Anthony McNulty, III -Director/Vice President, Nevada Central Railroad, Corporation

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**STB - DOCKET NO: AB-33 (SUB-NO. 230X)**

**Union Pacific Railroad Company  
-- ABANDONMENT EXEMPTION --  
IN LASSEN COUNTY, CALIFORNIA AND WASHOE COUNTY, NEVADA  
(FLANIGAN INDUSTRIAL LEAD)  
(SUSANVILLE INDUSTRIAL LEAD)**

**EVIDENCE**

**- BANKS FAMILY TRUST -  
(PROVISION OF BOND)**

**STATEMENT OF FACTS**

1. This 3<sup>rd</sup>, Day of December, 2008, I Kevin M. Banks hereby Lawfully Certify that (the) Banks Family Trust - Investment Partnership has on November 24<sup>th</sup>, 2008, and again today with the instant filing, Factually Executed The Provision of LEGALLY ADMISSIBLE EVIDENCE confirming the previous provision of the authorization for conveyance of monies constituting a ("BOND") in the Total Amount of: \$ 5,750.00, with and directly to, the Surface Transportation Board, concerning the Acquisition by Robert Alan Kemp, D/B/A: NEVADA CENTRAL RAILROAD, of: 220' of Railroad Main Line at Flanigan, Nevada, and for No Other Purpose.
2. That I Kevin M. Banks have hereto attached a Sworn Affidavit in the form of ADMISSIBLE EVIDENCE executed today, December 3<sup>rd</sup>, 2008.



Kevin M. Banks, Managing Partner: BANKS FAMILY TRUST  
(214) 872- 3317

NOTARY:

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
MARYANN BELL, Notary Public  
Plumsteadville Twp., Bucks County  
My Commission Expires July 16, 2012

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Sworn to and subscribed before me  
this 3 day of Dec. 20 08.



**SWORN AFFIDAVIT**

**KEVIN M. BANKS**

State of Pennsylvania: )

) ss.

County of Bucks: )

**Kevin M. Banks**, being duly sworn, deposes and states that he is presently acting as the Managing Partner of the **BANKS FAMILY TRUST - INVESTMENT PARTNERSHIP**, and being of sound mind and body, has personally prepared the following affirmations based on his personal knowledge that the facts asserted herein are true and accurate as stated to the best of his knowledge, information, and belief and therefore, I **Kevin M. Banks** hereby affirm;

1. That on Monday, November 24<sup>th</sup> 2008, I Kevin M. Banks, acting as the Managing Partner of (the): Banks Family Trust - Investment Partnership, lawfully executed the Filing of Admissible Certified Evidence to the Surface Transportation Board, hereafter ("STB" and or "The Board"), within Union Pacific Abandonment Docket No. AB-33 (SUB-NO. 230X), confirming said Certified Admissible Evidentiary Filing as additional incontrovertible proof of Mr. Kemp's Financial Capacity, as Previously Lawfully Certified to the Board as a result of the Original Filing by (the): Banks Family Trust - Investment Partnership, of its Genuine Lawfully Certified Financial Guarantee to the benefit of Robert Alan Kemp, D/B/A: NEVADA CENTRAL RAILROAD, on: September 16<sup>th</sup> 2008.

2. That the Certified Admissible Evidentiary Filing on November 24<sup>th</sup>, 2008, of ADDITIONAL INCONTROVERTIBLE EVIDENCE OF PROOF of Mr. Kemp's Financial Capacity based upon the Genuine Certified Financial Guarantee previously filed to The Board on September 16., 2008 by the Banks Family Trust - Investment Partnership, was submitted to The Board, for the specific expressed purpose of use FIRST by Mr. Kemp, as part of, and for direct reference within his Motion to Strike the Union Pacific Reply of: November 4<sup>th</sup>, 2008, contemporaneously filed by Mr. Kemp on November 24<sup>th</sup>, 2008, and SECOND by Mr. Kemp Only as Authority to The Board, to: Collect, Receive, and to Hold in Trust, funds in a Total Amount of: \$5,750.00 as BOND for subsequent disbursement by The Board to Union Pacific Railroad Company within the scope of the Appeal currently pending filed Mr. Kemp on: September 29<sup>th</sup>, 2008.

3. That the Banks Family Trust - Investment Partnership Certified Filing of Admissible Incontrovertible Evidence to the STB on November 24., 2008, as additional proof further confirming Mr. Kemp's Previously Confirmed and Certified Financial Capacity, as of September 15<sup>th</sup>, 2008, contained a ("Confidential") Payment Authorization Form as Page # 4., that was to be Administratively Redacted by the Board.

  
Kevin M. Banks, Managing Partner  
Banks Family Trust - Investment Partnership

APPEARED Mr. Kevin M. Banks SUBSCRIBED AND SWORN TO before me this  
3rd day of December, 2008.

Notary: Maryann Bell  
Stamp: 

COMMONWEALTH OF PENNSYLVANIA NOTARIAL SEAL MARYANN BELL, Notary Public Plumsteadville Twp., Bucks County My Commission Expires July 16, 2012
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# **BANKS FAMILY TRUST**

168 - N. Walnut, Parkside, PA 19044

Telephone: (215) 872-3317, email: banksfamilytrust@aol.com

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## **CERTIFICATE OF SERVICE**

I, Kevin M. Banks hereby certify that on this 3<sup>rd</sup> day of December, 2008, that I made service of the attached original filing of: [EVIDENCE], upon the Surface Transportation Board, (STB), and mailed a Single Copy of same to Union Pacific Railroad as Identified within Exemption: AB-33 (SUB-NO. 290X), by depositing same into the United States First Class Mail with prepaid postage, and also Directly to the STB via EMERGENCY FAX FILING, and by United States First Class Mail with prepaid postage to: Surface Transportation Board, 395 - E Street SW, Washington, DC 20024



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**Kevin M. Banks, MANAGING PARTNER: BANKS FAMILY TRUST  
(215) 872-3317**