

RECORDATION NO. **5734-A** Filed 1425

JUN 28 1979 - 8 00 PM

LOUISVILLE & NASHVILLE RAILROAD COMPANY INTERSTATE COMMERCE COMMISSION



908 W. BROADWAY • LOUISVILLE, KENTUCKY 40203 TELEPHONE (502) 587-5235

LAW DEPARTMENT

DAVID M. YEARWOOD
GENERAL ATTORNEY

June 26, 1979

Mr. H. G. Homme, Jr.
Secretary
Interstate Commerce Commission
Washington, D. C. 20423

no. **9-4721-79**
Date **JUN 28 1979**
Fee **\$10.00**
ICC Washington, D. C.

Dear Mr. Secretary:

There are transmitted to you herewith for filing and recordation pursuant to 49 U.S.C. Section 11303 duly executed counterparts of an Agreement of Release dated as of June 15, 1979 between ACF Industries Incorporated, whose address is 750 Third Avenue, New York, New York 10017, and Louisville and Nashville Railroad Company, whose address is 908 West Broadway, Louisville, Kentucky 40203.

By this Agreement of Release, the parties acknowledged the complete satisfaction and full release of that Agreement dated as of May 26, 1970 between said parties which was filed and recorded with the Interstate Commerce Commission on June 1, 1970 and assigned Recordation No. 5734.

The equipment covered by said Agreement was 100 100-ton covered hopper cars bearing L&N Railroad Road Numbers 200600 through 200699.

Attached hereto is a draft in the amount of \$10 payable to the Treasurer of the United States to cover the recordation fee for said Agreement of Release.

This letter of transmittal is signed by an officer of Louisville and Nashville Railroad Company designated for the purpose hereof who has knowledge of the matters set forth herein.

After recordation, please return the recorded counterparts of said Agreement of Release to:

Counterparts of C. Homme

*A
5734-A*

*JUN 28 9 28 AM '79
FEE DEPARTMENT*

Mr. David M. Yearwood
General Attorney
Louisville and Nashville Railroad Company
908 West Broadway
Louisville, Kentucky 40203

Respectfully yours,

LOUISVILLE AND NASHVILLE RAILROAD COMPANY

By David M. Yearwood
David M. Yearwood
General Attorney

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INTERSTATE COMMERCE COMMISSION

AGREEMENT OF RELEASE dated as of June 15, 1979 between ACF INDUSTRIES, INCORPORATED ("ACF") and LOUISVILLE AND NASHVILLE RAILROAD COMPANY ("L&N").

WITNESSETH:

WHEREAS, ACF and L&N entered into an Agreement dated as of May 26, 1970 ("Agreement") covering 100 100-ton covered hopper cars bearing L&N road numbers 200600 through 200699;

WHEREAS, the Agreement was filed and recorded with the Interstate Commerce Commission on June 1, 1970 and assigned Recordation No. 5734; and

WHEREAS, the parties hereto desire to execute this instrument to acknowledge for public record the complete satisfaction and full release of the obligations arising under the Agreement.

NOW, THEREFORE, in consideration of the premises and of the promises of the parties contained herein, it is agreed as follows:

ACF and L&N acknowledge the complete satisfaction and full release of the obligations arising under the Agreement.

L&N will at its expense cause this Agreement of Release to be filed for record with the Interstate Commerce Commission.

This Agreement of Release may be simultaneously executed in two or more counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute but one and the same instrument, which shall be sufficiently evidenced by any such original counterpart.

IN WITNESS WHEREOF, ACF and L&N have caused this instrument to be signed in their respective names by their respective officers and their respective corporate seals have been hereunto affixed, duly attested, as of the date first above written.

ACF INDUSTRIES INCORPORATED

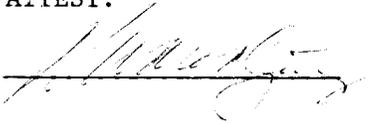
By



TREASURER

(Corporate Seal)

ATTEST:



ASSISTANT SECRETARY

LOUISVILLE AND NASHVILLE RAILROAD COMPANY

By



Assistant Vice President

(Corporate Seal)

ATTEST:



Attesting Officer
ASSISTANT SECRETARY

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

On this 26th day of June, 1979, before me personally appeared H. A. BORST, to me personally known, who being by me duly sworn, says that he is TREASURER of ACF Industries, Incorporated, that one of the seals affixed to the foregoing instrument is the corporate seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

EDWIN F. MEYER
NOTARY PUBLIC, State of New York
No. 30-7917803
Qualified in Nassau County
Certificate filed in New York County
Commission Expires March 30, 1980

Edwin F. Meyer
Notary Public

My Commission expires _____.

(Notarial Seal)

COMMONWEALTH OF KENTUCKY)
) SS:
COUNTY OF JEFFERSON)

On this 25th day of June, 1979, before me personally appeared D. J. Watkins, to me personally known, who being by me duly sworn, says that he is Asst Vice President of Louisville and Nashville Railroad Company, that one of the seals affixed to the foregoing instrument is the corporate seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation

Sharon W. Bawles
Notary Public

My Commission expires July 26, 1982.

(Notarial Seal)