



LOUISVILLE & NASHVILLE RAILROAD COMPANY

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

LAW DEPARTMENT

September 11, 1978

DAVID M. YEARWOOD
GENERAL ATTORNEY

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

RECORDATION NO. *6661-1* Filed & Recorded

8-261A040

SEP 18 1978 - 10 10 AM

Date SEP 18 1978

Fee \$ 10.00

INTERSTATE COMMERCE COMMISSION

ICC Washington, D. C.

Dear Mr. Secretary:

There is transmitted to you herewith for filing and recordation, pursuant to Section 20c of the Interstate Commerce Act, four duly executed counterparts of an Agreement of Partial Release dated as of July 15, 1978 between Florida National Bank and Trust Company at Miami, as Agent, whose address is P. O. Box 470, Miami, Florida 33101 and Trust Company Bank, whose address is P. O. Drawer 4413, Atlanta, Georgia 30302.

This Agreement of Partial Release relates to that Reconstruction and Conditional Sale Agreement dated as of June 1, 1972 among Florida National Bank and Trust Company at Miami, as Agent, Louisville and Nashville Railroad Company, L&N Investment Corporation and Trust Company Bank (successor to Trust Company of Georgia), and that Lease of Railroad Equipment dated as of June 1, 1972 between Trust Company Bank (successor to Trust Company of Georgia) and Louisville and Nashville Railroad Company, which were filed and recorded with the Interstate Commerce Commission on July 25, 1972 and assigned Recordation Nos. 6661 and 6661-B, respectively.

By this Agreement of Partial Release, Florida National Bank and Trust Company at Miami, as Agent, released from the terms and conditions of said Conditional Sale Agreement, and Trust Company Bank released from the terms and conditions of said Lease of Railroad Equipment, the following equipment:

Thirty-one (31) 50-ton 40' 6" box cars bearing the Louisville and Nashville Railroad Company's road numbers 10914, 10923, 10941, 10952, 10965, 10966, 10968, 10969, 10978, 10979, 10980, 10985, 10987, 11004, 11085, 11110, 11143, 11161, 90039, 90054, 90080, 90098, 90123, 90190, 90211, 90239, 90243, 90253, 90259, 90265, 90266,

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Four (4) 50-ton 50' 6" box cars bearing the Louisville and Nashville Railroad Company's road numbers 109560, 109571, 109602 and 109626, and

Two (2) 70-ton open top hopper cars bearing the Louisville and Nashville Railroad Company's road numbers 75066 and 75188,

which have suffered Casualty Occurrences and for which payment of the Casualty Value has been made.

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 Partial 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 to:

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

Attachments

SEP 18 1978 10 40 AM

INTERSTATE COMMERCE COMMISSION

AGREEMENT OF PARTIAL RELEASE dated as of July 15, 1978,

among FLORIDA NATIONAL BANK AND TRUST COMPANY AT MIAMI, as Agent, and TRUST COMPANY BANK.

WITNESSETH:

WHEREAS, by a Reconstruction and Conditional Sale Agreement dated as of June 1, 1972 (hereinafter called the Conditional Sale Agreement) among Florida National Bank and Trust Company at Miami, as Agent (therein and hereinafter called the Vendor), Louisville and Nashville Railroad Company (hereinafter called the Lessee), L&N Investment Corporation (therein and hereinafter called the Builder) and Trust Company Bank, the Vendor agreed to sell to Trust Company Bank its interest in the railroad equipment described in Schedule A thereto (hereinafter called the Equipment) after it has been reconstructed by the Builder;

WHEREAS, by a Lease of Railroad Equipment dated as of June 1, 1972 (hereinafter called the Lease) between Trust Company Bank (therein and hereinafter called the Lessor) and the Lessee, the Lessor leased the Equipment to the Lessee subject to the rights of the Vendor under the Conditional Sale Agreement;

WHEREAS, the Conditional Sale Agreement was filed and recorded with the Interstate Commerce Commission, pursuant to Section 20c of the Interstate Commerce Act, on July 25, 1972 and assigned Recordation No. 6661;

WHEREAS, the Lease was filed and recorded with the Interstate Commerce Commission, pursuant to Section 20c of the Interstate Commerce Act, on July 25, 1972 and assigned Recordation No. 6661-B;

WHEREAS, thirty-one (31) 50-ton 40' 6" box cars bearing the Lessee's road numbers 10914, 10923, 10941, 10952, 10965, 10966, 10968, 10969, 10978, 10979, 10980, 10985, 10987, 11004, 11085, 11110, 11143, 11161, 90039, 90054, 90080, 90098, 90123, 90190, 90211, 90239, 90243, 90253, 90259, 90265, 90266, four (4) 50-ton 50' 6" box cars bearing the Lessee's road numbers 109560, 109571, 109602, and 109626, and two (2) 70-ton open top hopper cars bearing the Lessee's road numbers 75066 and 75188 (hereinafter called the Casualty Units), subject to the Conditional Sale Agreement and Lease, have suffered Casualty Occurrences;

WHEREAS, the Lessee has paid to the Lessor, pursuant to Section 6 of the Lease, the Casualty Value of the Casualty Units;

WHEREAS, the Lessor, as Vendee under the Conditional Sale Agreement, has paid to the Vendor, pursuant to Article 6 of the Conditional Sale Agreement, the Casualty Value of the Casualty Units;

WHEREAS, the Lessor, as Vendee under the Conditional Sale Agreement, is entitled to receive from the Vendor this instrument confirming passage to the Lessor of the Vendor's right, title and interest in the Casualty Units and the release of the Casualty Units from the terms and conditions of the Conditional Sale Agreement; and

WHEREAS, the Lessee is entitled to receive from the Lessor this instrument confirming passage to the Lessee of the Lessor's right, title and interest in the Casualty Units and the release of the Casualty Units from the terms and conditions of the Lease;

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements hereinafter set forth, the parties hereto do hereby agree as follows:

The Vendor does hereby bargain, sell, assign, transfer and set over to the Lessor its right, title and interest in the Casualty Units and does hereby release the Casualty Units from the terms and conditions of the Conditional Sale Agreement.

The Lessor does hereby bargain, sell, assign, transfer and set over to the Lessee its right, title and interest in the Casualty Units and does hereby release the Casualty Units from the terms and conditions of the Lease.

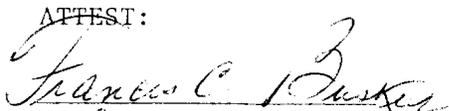
This instrument may be executed in two or more counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute but one and the same instrument, which shall be sufficiently evidenced by any such original counterpart.

IN WITNESS WHEREOF, the parties hereto have executed or caused this instrument to be executed as of the date first above written.

FLORIDA NATIONAL BANK OF MIAMI
F/N/A
FLORIDA NATIONAL BANK AND TRUST COMPANY AT MIAMI,
as Agent

By  J.P.

(Corporate Seal)

ATTEST:

Assistant Cashier

TRUST COMPANY BANK

By

Richard H. Smith

(Corporate Seal)

ATTEST:

Virginia A. Jones

STATE OF FLORIDA)

) SS:

COUNTY OF DADE)

On this 31 day of ~~July~~ ^{AUG}, 1978, before me personally appeared V.P. QUINLAN, to me personally known, who, being by me duly sworn, says that he is VICE PRESIDENT of Florida National Bank and Trust Company at Miami, 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.

Maubard Parpia
Notary Public

My Commission expires NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES MAR 15 1982
BONDED THRU GENERAL INS. UNDERWRITERS

(Notarial Seal)

