



LOUISVILLE & NASHVILLE RAILROAD COMPANY

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

LAW DEPARTMENT

RECORDATION NO. 8651-C Filed 1425

December 29, 1978

9-005A033

DAVID M. YEARWOOD
GENERAL ATTORNEY

JAN 5 1979 -1 55 PM

INTERSTATE COMMERCE COMMISSION
Mr. H. G. Homme, Jr.
Secretary

RECORDATION NO. 8650-C Filed 1425

No. 8650-C
Date JAN 5 1979

Interstate Commerce Commission
Washington, D. C. 20423

JAN 5 1979 -1 55 PM

Fee \$ 20.00

ICC Washington, D. C.
INTERSTATE COMMERCE COMMISSION

Dear Mr. Secretary:

There is transmitted to you herewith for filing and recordation, pursuant to 49 USC, Section 11303(a) (formerly Section 20c of the Interstate Commerce Act), duly executed counterparts of an Agreement of Partial Release dated as of November 1, 1978 by First Security Bank of Utah, National Association, as Agent and as Trustee, whose address is 79 South Main Street, Salt Lake City, Utah 84111.

This Agreement of Partial Release relates to that Conditional Sale Agreement dated as of November 1, 1976 between First Security Bank of Utah, National Association, as Trustee, and Whitehead & Kales Company which was filed and recorded with the Interstate Commerce Commission on January 7, 1977 and assigned Recordation No. 8650, and that Lease of Equipment dated as of November 1, 1976 between First Security Bank of Utah, National Association, as Trustee, and Louisville and Nashville Railroad Company, which was filed and recorded with the Interstate Commerce Commission on January 7, 1977 and assigned Recordation No. 8651.

By this Agreement of Partial Release, First Security Bank of Utah, National Association, as Agent, released from the terms and conditions of said Conditional Sale Agreement, and First Security Bank of Utah, National Association, as Trustee from the terms and conditions of said Lease of Equipment, an enclosed tri-level auto rack bearing serial numbers 56745 and 56746 and mounted on flat car bearing designation ETTX and road number 851355.

Attached hereto is a draft in the amount of \$20 payable to the Treasurer of the United States to cover the recordation fees for said Agreement of Partial Release.

RECEIVED
JAN 5 1 21 PM '79
T. COO
OPERATION DR.

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.

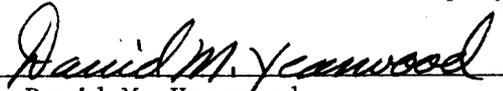
After recordation, please return the recorded counterparts of said Agreement of Partial Release to:

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
General Attorney

Interstate Commerce Commission
Washington, D.C. 20423

1/8/79

OFFICE OF THE SECRETARY

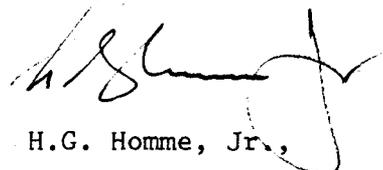
David M. Yearwood, Gen. Atty.
Louisville & Nashville R.R. Co.
908 West Broadway
Louisville, Kentucky 40203

Dear

Sir:

The enclosed document(s) was recorded pursuant to the provisions of Section 20(c) of the Interstate Commerce Act, 49 U.S.C. 20(c), on ^{1/5/79} at 1:55pm, and assigned recordation number(s) 8650-C & 8651-C

Sincerely Yours,



H.G. Homme, Jr.,
Secretary

Enclosure(s)

SE-30-T
(2/78)

RECORDATION NO. 8651-C Filed 1425

JAN 5 1979 -1 55 PM

INTERSTATE COMMERCE COMMISSION

RECORDATION NO. 8650-C Filed 1425

JAN 5 1979 -1 55 PM

INTERSTATE COMMERCE COMMISSION

AGREEMENT OF PARTIAL RELEASE dated as of November 1, 1978

by FIRST SECURITY BANK OF UTAH, NATIONAL ASSOCIATION, as Agent and as Trustee.

WITNESSETH:

WHEREAS, by a Conditional Sale Agreement dated as of November 1, 1976 (hereinafter called the Conditional Sale Agreement) between First Security Bank of Utah, National Association, as Trustee and Whitehead & Kales Company (therein and hereinafter called the Vendor), the Vendor agreed to sell to said Trustee the railroad equipment described in Annex B thereto (hereinafter called the Equipment);

WHEREAS, by Agreement and Assignment dated as of November 1, 1976 (hereinafter called the Assignment), the Vendor assigned its rights under the Conditional Sale Agreement to First Security Bank of Utah, National Association, as Agent (hereinafter called the Agent);

WHEREAS, by a Lease of Equipment dated as of November 1, 1976 (hereinafter called the Lease) between First Security Bank of Utah, National Association, as Trustee (therein and hereinafter called the Lessor) and Louisville and Nashville Railroad Company, as Lessee (hereinafter called the Lessee), the Lessor leased the Equipment to the Lessee;

WHEREAS, the Conditional Sale Agreement was filed and recorded with the Interstate Commerce Commission, pursuant to Section 20c of the Interstate Commerce Act, on January 7, 1977, and assigned Recordation No. 8650;

WHEREAS, the Assignment was filed and recorded with the Interstate Commerce Commission, pursuant to Section 20c of the Interstate Commerce Act, on January 7, 1977, and assigned Recordation No. 8650-A;

WHEREAS, the Lease was filed and recorded with the Interstate Commerce Commission, pursuant to Section 20c of the Interstate Commerce Act, on January 7, 1977, and assigned Recordation No. 8651;

WHEREAS, an enclosed tri-level auto rack bearing serial numbers 56745 and 56746 (hereinafter called the Casualty Unit) and mounted on a flat car bearing car designation ETTX and road number 851355, subject to the Conditional Sale Agreement and Lease, has suffered a Casualty Occurrence;

WHEREAS, the Lessee has paid to the Lessor, pursuant to Section 7 of the Lease, the Casualty Value of the Casualty Unit;

WHEREAS, the Lessor, as Vendee under the Conditional Sale Agreement, has paid to the Agent, pursuant to Article 7 of the Conditional Sale Agreement, the Casualty Value of the Casualty Unit;

WHEREAS, the Lessor is entitled to receive from the Agent this instrument confirming passage to the Lessor of the Agent's right, title and interest in the Casualty Unit and the release of the Casualty Unit 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 Unit and the release of the Casualty

Unit 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 Agent does hereby bargain, sell, assign, transfer and set over to the Lessor its right, title and interest in the Casualty Unit and does hereby release the Casualty Unit 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 Unit and does hereby release the Casualty Unit 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.

FIRST SECURITY BANK OF UTAH, NATIONAL ASSOCIATION
as Agent and as Trustee

By J. Tracy Walker

(Corporate Seal)

ATTEST:

M. C. [Signature]

STATE OF UTAH)
) SS:
COUNTY OF SALT LAKE)

On this 28 day of November, 1978, before me personally appeared J. TRACY WALKER, to me personally known, who, being by me duly sworn, says that he is an authorized officer of First Security Bank of Utah, National Association, that one of the seals affixed to the foregoing instrument is the corporate seal of said association, that said instrument was signed and sealed on behalf of said association 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 association.

Tenna L. DeCora
Notary Public

My Commission expires My Commission Expires November 15, 1981

(Notarial Seal)