

SUTHERLAND, ASBILL & BRENNAN

3100 FIRST ATLANTA TOWER

ATLANTA, GEORGIA 30383-3001

(404) 658-8700

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WASHINGTON, D. C. 20004-2404

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JAMES K. HASSON, JR.
DIRECT DIAL: (404) 658-8805

July 29, 1988

8-217A070

No.

AUG 5 1988

Date

Secretary
Interstate Commerce Commission
Washington, D.C. 20243

Fee \$

13.00

ICC Washington, D.C.

Ladies/Gentlemen:

AUG 5 1988 3-15 PM

RECORDATION NO. 10834-B Filed 1425

Enclosed for recordation are an original and two certified copies of a Release of Security Interest Agreement, dated as of July 31, 1987, executed by The Citizens and Southern National Bank.

This Release pertains to the Conditional Sale Agreement and Assignment, Recordation Number 10834, filed September 19, 1979. A partial release previously filed bears Recordation Number 10834-A, filed March 27, 1986.

The names and addresses of the parties to the Release are as follows:

Grantor/Debtor:

Secured Party/Grantee:

Mr. Hugh M. Tarbutton
260 Linton Road
Sandersville, GA 31082

The Citizens and Southern
National Bank
35 Broad Street, N.W.
Atlanta, GA 30303

The description of the equipment covered by the Release is contained in paragraph 1 of the Release.

Enclosed is our check in the amount of \$13.00, which we understand to be the appropriate filing fee for the enclosed Release.

Please return the original of the Release to:

James K. Hasson, Jr.
Sutherland, Asbill & Brennan
3100 First Atlanta Tower
Atlanta, GA 30383-8700

Sincerely,

James K. Hasson, Jr.
James K. Hasson, Jr.

MOTOR OPERATING UNIT
AUG 5 3 42 PM '88
ICC OFFICE OF THE SECRETARY

JKH:lhs
Enclosure

Interstate Commerce Commission

Washington, D.C. 20423

OFFICE OF THE SECRETARY

8/8/88

James K. Hasson, Jr.
Sutherland, Asbill & Brennan
3100 First Atlanta Tower
Atlanta, GA 30383-8700

Dear Sir

The enclosed document(s) was recorded pursuant to the provisions of Section 11303 of the Interstate Commerce Act, 49 U.S.C. 11303, on 8/5/88 at 3:45PM, and assigned recordation number(s). 10834-B

Sincerely yours,

Narita L. McEue

Secretary

Enclosure(s)

INTERSTATE COMMERCE COMMISSION

AUG 5 1988 3-45 PM

RECORDATION NO. 10834-B FILED 1425

THIS RELEASE OF SECURITY INTEREST, dated as of July 31, 1987 between HUGH M. TARBUTTON, a resident of Sandersville, Georgia, hereinafter called the "Debtor," and THE CITIZENS AND SOUTHERN NATIONAL BANK, having a usual place of business in Atlanta, Georgia, hereinafter called the "Creditor;"

WITNESSETH:

WHEREAS, Debor and Pullman Incorporated (hereinafter called the "Manufacturer"), entered into a Conditional Sale Agreement dated as of September 17, 1979 (hereinafter called the "Conditional Sale Agreement") for the sale by Manufacturer to Debtor of One Hundred (100) XM Boxcards, PS Lot 1043-B, bearing reporting marks SAN 13000 to 13099, both inclusive, all hereinafter referred to as the "boxcars";

WHEREAS, Manufacturer entered into an Agreement and Assignment (hereinafter called the "Assignment") with the Creditor to sell, assign, and transfer all its right, title, and interest in the Conditional Sale Agreement to Creditor, dated September 17, 1979; and

WHEREAS, on March 26, 1986, Creditor released all right, title, and interest of Creditor in and to twenty-five (25) XM Boxcars, PS Lot 1043-B, bearing reporting marks SAN 13002, 13005, 13006, 13009, 13010, 13015, 13026, 13028, 13034, 13035, 13037, 13042, 13043, 13045, 13050, 13055, 13067, 13069, 13071, 13084, 13085, 13086, 13092, 13093, and 13099, as covered by the

Conditional Sale Agreement and Assignment, Recordation Number 10834, filed on September 19, 1979, with the Interstate Commerce Commission, Washington, D.C., together with all its powers, privileges, and remedies in respect to said twenty-five (25) boxcars, Release Recordation Number 10834-A, filed on March 27, 1986, with the Interstate Commerce Commission, Washington, D.C.

NOW, THEREFORE, this Release witnesseth that in consideration of Debtor's reduction of debt owed to Creditor, the receipt of which is hereby acknowledged:

1. Creditor hereby releases all right, title, and interest of Creditor in and to the remaining seventy-five (75) XM Boxcars, PS Lot 1043-B, subject to the Conditional Sale Agreement and Assignment, being those bearing reporting marks SAN 13000, 13001, 13003, 13004, 13007, 13008, 13011, 13012, 13013, 13014, 13016, 13017, 13018, 13019, 13020, 13021, 13022, 13023, 13024, 13025, 13027, 13029, 13030, 13031, 13032, 13033, 13036, 13038, 13039, 13040, 13041, 13044, 13046, 13047, 13048, 13049, 13051, 13052, 13053, 13054, 13056, 13057, 13058, 13059, 13060, 13061, 13062, 13063, 13064, 13065, 13066, 13068, 13070, 13072, 13073, 13074, 13075, 13076, 13077, 13078, 13079, 13080, 13081, 13082, 13083, 13087, 13088, 13089, 13090, 13091, 13094, 13095, 13096, 13097, and 13098, as covered by the Conditional Sale Agreement and Assignment, Recordation Number 10834, filed on September 19, 1979, with the Interstate Commerce Commission, Washington, D.C., together with all its powers, privileges, and remedies in respect to said seventy-five (75) boxcars. In

furtherance of the foregoing Release, Creditor hereby authorizes and empowers Debtor, in Debtor's own name or the name of Debtor's nominee, to take any action with respect to the boxcars for the sole benefit of Debtor.

2. This release will not in any way affect or modify Manufacturer's obligations to Debtor in accordance with the Conditional Sale Agreement.

3. Name and address of Debtor:

Hugh M. Tarbutton
P.O. Box 269
Sandersville, Georgia 31082

Name and Address of Creditor:

The Citizens and Southern National Bank
35 Broad Street
Atlanta, Georgia 30303

4. The terms of this Release and all rights and obligations hereunder shall be governed by the laws of the State of Georgia.

5. This Release may be simultaneously executed in any number of 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. Creditor agrees to deliver to Debtor one of such counterparts, or a certified copy thereof, in addition to the number required for recording or filing.

IN WITNESS WHEREOF, Creditor has caused this instrument to be executed in the name of Creditor by its officers, thereunto duly authorized, and its corporate seal to be hereto affixed, duly attested, effective as of the day and year first above written.

THE CITIZENS AND SOUTHERN NATIONAL BANK

[SEAL]

By:

David S. B...
EXE Vice President

ATTEST:

W. H. Galloway Jr.
Assistant Vice President

ACKNOWLEDGEMENT OF EXECUTION OF RELEASE
THE CITIZENS AND SOUTHERN NATIONAL BANK

STATE OF GEORGIA

COUNTY OF FULTON

On this 22 day of July, 1988 before me personally appeared David S. Bair, to me personally known, who being by me duly sworn, says that he is the Executive Vice President of THE CITIZENS AND SOUTHERN NATIONAL BANK, that the seal 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.

[SEAL]

Angela W. Burrell
Notary Public

My Commission Expires:

Notary Public, Georgia State at Large
My Commission Expires Feb. 25, 1989

CERTIFICATE

The undersigned Notary Public hereby certifies that she has compared the attached photocopy to the original of that certain Release of Security Interest, dated as of July 31, 1987 between Hugh M. Tarbutton and The Citizens and Southern National Bank, and that the attached photocopy is a true and correct copy of said Release.

Dated this 29th day of July, 1988.

[Seal]

Linda Galsky
Notary Public
Notary Public, Dekalb County, Georgia
My Commission Expires Aug. 8, 1989

