

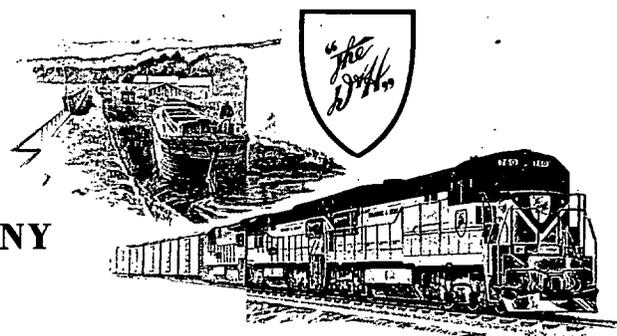
RECORDATION NO. 8241-k Filed 1425

JAN 14 1983 · 1 40 PM

INTERSTATE COMMERCE COMMISSION

# DELAWARE AND HUDSON RAILWAY COMPANY

ALBANY, NEW YORK 12207



*Dependable Transportation Since 1823*

No. 3-014A079  
JAN 14 1983

Date \_\_\_\_\_

Fee \$ 10.00

ICC Washington, D. C.

January 14, 1983

Hon. Agatha L. Mergenovich  
Secretary  
Interstate Commerce Commission  
Washington, D. C. 20423

Attention: Mildred Lee  
Recordation Clerk

RECEIVED  
JAN 14 1 33 PM '83  
I.C.C.  
FEE OPERATION BR.

Dear Secretary:

I have enclosed an original and one copy of the document described below, to be recorded pursuant to Section 11303 of Title 49 of the U.S. Code.

This document is a release of mortgage, a secondary document dated December 30, 1982.

The primary documents to which this document is connected are recorded under Recordation No. 8241, and 8241-B.

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

Mortgagee: The United States of America  
acting through the Administrator  
of the Federal Railroad  
Administration  
400 Seventh Street, S.W.  
Washington, D. C.

Mortgagor: Delaware and Hudson Railway Company  
40 Beaver Street  
Albany, New York

ICC  
Page 2  
January 14, 1983

A description of the equipment covered by the document follows:

One hundred twenty-eight (128) 100 ton open top triple door hopper cars bearing the following road numbers of Delaware and Hudson Railway Company:

1000 - 1005  
1007  
1008  
1010 - 1052  
1054  
1056 - 1075  
1077  
1078  
1080 - 1089  
1091 - 1124  
1126 - 1135

A fee of \$10.00 is enclosed. Please return the original and any extra copies not needed by the Commission for recordation to George H. Kleinberger, Esq., Corporate Counsel, Delaware and Hudson Railway Company, 40 Beaver Street, Albany, New York 12207.

A short summary of the document to appear in the index follows:

Release of Mortgage from The United States of America, acting through the Administrator of the Federal Railroad Administration (USA) to Delaware and Hudson Railway Company (D&H) dated December 30, 1982, which releases the lien of the Mortgage from D&H to United States Railway Association dated March 15, 1976, ICC Recordation No. 8241, to which USA was added as a co-mortgagee by Supplemental Indenture dated February 9, 1978, ICC Recordation No. 8241-B, on 128 100 ton open top triple door hopper cars bearing D&H railroad numbers 1000 - 1005, 1007, 1008, 1010 - 1052, 1054, 1056 - 1075, 1077, 1078, 1080 - 1089, 1091 - 1124, and 1126 - 1135.

Very truly yours,

*King H. LaChapelle*  
*Attorney for Delaware + Hudson*  
*Railway Company*

NO. 824  
JAN 14 1983 - 1 40 PM  
INTERSTATE COMMERCE COMMISSION

RELEASE OF MORTGAGE

THIS INDENTURE made this 30th day of December, 1982,

BETWEEN:

THE UNITED STATES OF AMERICA, acting through the Administrator of the FEDERAL RAILROAD ADMINISTRATION by a delegation of authority from the Secretary of Transportation published at 49 C.F.R. 1.49(u), whose offices are at 400 Seventh Street, S. W., Washington, D. C., hereinafter referred to as UNITED STATES OF AMERICA.

and

DELAWARE AND HUDSON RAILWAY COMPANY, a Delaware corporation with its address at 40 Beaver Street, Albany, State of New York.

WHEREAS, DELAWARE AND HUDSON RAILWAY COMPANY by Mortgage bearing date of the 15th day of March nineteen hundred and seventh-six, for the consideration therein mentioned, and to secure the payment of the money therein specified, did mortgage certain property unto UNITED STATES RAILWAY ASSOCIATION, which Mortgage covers, with other property, certain railroad freight cars (the Equipment); and

WHEREAS, DELAWARE AND HUDSON RAILWAY COMPANY, by Second Supplemental Indenture bearing date the 9th day of February, 1978, to secure an additional indebtedness under the above mentioned Mortgage in the amount of \$7,962,067, did mortgage certain property of which the above mentioned Equipment is a part, unto both UNITED STATES RAILWAY ASSOCIATION and UNITED STATES OF AMERICA,

WHEREAS, DELAWARE AND HUDSON RAILWAY COMPANY by bill of sale dated as of December 23, 1982 is selling the above mentioned Equipment to XTRA, Inc., and to that end and for that purpose DELAWARE AND HUDSON RAILWAY COMPANY has requested UNITED STATES OF AMERICA to execute and deliver a release of said Equipment from the lien of said Mortgage.

NOW, THEREFORE, UNITED STATES OF AMERICA, in consideration of the premises and of One Dollar (\$1.00) to it paid, does hereby release from the lien of said Mortgage the Equipment, being the same equipment described in Schedule A, attached hereto and made a part hereof, to the end that such railroad Equipment shall be free from the lien of said Mortgage and discharged from any claim thereunder, it being understood, however, that nothing herein or in anything which may be affected hereby shall disturb or be construed as disturbing or otherwise affecting the Mortgage or the lien and operation thereof upon the remaining property subject thereto, except as expressly stated herein.

The representations made herein are made by DELAWARE AND HUDSON RAILWAY COMPANY solely and not by UNITED STATES OF AMERICA, and this instrument is executed and delivered by UNITED STATES OF AMERICA without any warranty on its part and without recourse to it in any event.

IN WITNESS WHEREOF, UNITED STATES OF AMERICA has caused these presents to be signed by its duly authorized officer on the day and year first above written.

In presence of:

Barbara Betts

THE UNITED STATES OF AMERICA

By Thomas A. Hill  
Federal Railroad Administrator

DISTRICT OF COLUMBIA: SS.:

On the 30th day of December, 1982, before me personally came THOMAS A. TILL, to me known, who, being by me duly sworn, did depose and say that he resides at

6125 Long Meadow Road, McLean, Virginia 22101

\_\_\_\_\_ ; that he is Deputy Administrator of the FEDERAL RAILROAD ADMINISTRATION, an agency of the United States of America; and that acting by delegation of authority from the Secretary of Transportation (49 C.F.R. 1.49(u), he has signed his name to the above instrument.

*Harold E. Finney*  
\_\_\_\_\_  
Notary Public in and for the  
District of Columbia

My commission expires:

Feb. 14, 1985

SCHEDULE A

One hundred twenty-eight (128) 100 ton open top triple door hopper cars bearing the following road numbers of Delaware and Hudson Railway Company:

1000 - 1005

1007

1008

1010 - 1052

1054

1056 - 1075

1077

1078

1080 - 1089

1091 - 1124

1126 - 1135