

14563-E

DEC 29 1993 2:00 PM

INTERSTATE COMMERCE COMMISSION

0100077005

DONELAN, CLEARY, WOOD & MASER, P. C.  
ATTORNEYS AND COUNSELORS AT LAW  
SUITE 850  
1275 K STREET, N. W.  
WASHINGTON, D. C. 20005-4078

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December 29, 1993

Recordation No. 14563-D

RECEIVED  
OFFICE OF THE  
SECRETARY  
DEC 29 2 00 PM '93  
LICENSING BRANCH

\$18.00 filing fee

Dear Mr. Strickland:

On behalf of The Mutual Life Insurance Company of New York ("MONY"), successor by assignment of First City Leasing Corporation, which entity was successor by assignment to Meritor Savings Bank,, I submit for filing and recording under 49 U.S.C. § 11303 and the regulations promulgated thereunder, counterparts of a secondary document, not previously recorded, entitled Termination of Security Agreement ("Release"), dated as of December 29, 1993.

This  
is  
14563-E

Counterparts - 4 documents

The party to the enclosed Release is:

The Mutual Life Insurance Company of New York  
1740 Broadway  
New York, New York 10019

RELEASING PARTY

The said Release is a full release of all right, title and interest of MONY in, to and under that certain Security Agreement dated January 29, 1985, filed and recorded with the Interstate Commerce Commission ("ICC") under Recordation No. 14563 and the related Amended and Restated Security Agreement dated as of December 27, 1988, filed and recorded with the ICC under Recordation No. 14563-C, and the Release should be recorded under the next available letter under Recordation No. 14563, which we believe is ~~D~~ E.

The equipment covered by the enclosed Release is all equipment covered by the aforesaid Security Agreement and Amended and Restated Security Agreement.

A short summary of the Release to appear in the ICC Index is as follows:

"Full Release"

Enclosed is a check in the amount of eighteen dollars (\$18.00) in payment of the filing fee.

Once the filing has been made, please return to bearer the stamped counterpart(s) of the document not required for filing purposes, together with the fee receipt, the letter from the ICC acknowledging the filing, and the two extra copies of this letter of transmittal.

Very truly yours,  
*Allen H. Harrison, Jr.*  
Allen H. Harrison, Jr.  
Attorney for The Mutual Life Insurance Company  
of New York for the purpose of this filing.

Honorable Sidney L. Strickland, Jr.  
Secretary  
Interstate Commerce Commission  
Washington, D.C. 20423  
Enclosures  
BY HAND

**Interstate Commerce Commission**

Washington, D.C. 20423

12/29/93

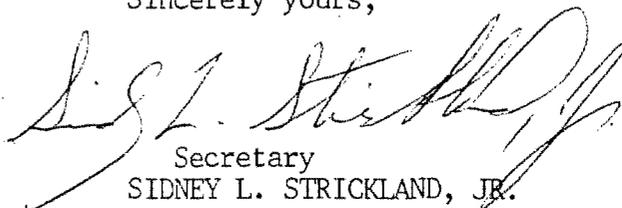
OFFICE OF THE SECRETARY

Allen H. Harrison, Jr.  
Donelan, Cleary, Wood & Maser, PC  
Suite 850  
1275 K Street, NW  
Washington, DC. 20005-4078

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 **12/29/93** at **2:10PM**, and assigned recordation number(s). **14563-E**

Sincerely yours,



Secretary  
SIDNEY L. STRICKLAND, JR.

Enclosure(s)

*Handwritten mark*

14563-~~D~~ E  
DEC 29 1993 12 12 PM  
INTERSTATE COMMERCE COMMISSION

**TERMINATION OF  
SECURITY AGREEMENT**

**THIS TERMINATION OF SECURITY AGREEMENT**  
(Termination") dated as of December 29, 1993 by The Mutual Life Insurance Company of New York ("MONY"), a New York corporation, for the benefit of Platte River Associates ("Platte"), a Delaware general partnership.

**Whereas** Meritor Savings Bank filed with the Interstate Commerce Commission ("ICC") a Security Agreement dated January 29, 1985 under Recordation No. 14563, and

**Whereas** Meritor Savings Bank filed with the ICC a partial release of Security Interest on seven (7) U23B locomotives dated as of December 27, 1988 under Recordation No. 14563A, and

**Whereas** Meritor Savings Bank as Assignor filed with the ICC a document titled Assignment of Note, Security Agreement, Liens and EPA dated as of December 27, 1988 under Recordation No. 14563B, and

**Whereas** First City Leasing Corporation was the assignee of such Assignment of Note, Security Agreement, Liens and EPA dated as of December 27, 1988, and

**Whereas** First City Leasing Corporation filed with the ICC a document titled Amended and Restated Security Agreement, dated as of December 27, 1988 under Recordation No. 14563C, and

**Whereas** First City Leasing Corporation, assigned all its rights and interest in the Assignment of Note, Security Agreement, Liens and EPA, and in the Amended and Restated Security Agreement, both dated as of December 27, 1988 to The Mutual Life Insurance Company of New York its Assignee, by that certain unrecorded Assignment and Agreement dated as of December 31, 1989, and

**Whereas** Platte, the Debtor, has paid in full the outstanding cash balance of its Note to The Mutual Life Insurance Company of New York,

**Now Therefore**, in consideration of good and valuable considerations, the receipt and sufficiency of which is acknowledged, intending to be legally bound, the undersigned verifies the full, complete release, termination and cancellation of the foresaid Security Agreement and Amended and Restated Security Agreement with the intent to release and discharge therefrom and thereunder the equipment covered thereby.

IN WITNESS WHEREOF, The Mutual Life Insurance Company of New York, pursuant to due authority, has executed this Termination of Security Agreement as of the date first above written.

THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK

By: Frank G. Simunek

Title: Managing Director

Date: 12/27/93

STATE OF NEW YORK )  
COUNTY OF New York )

On this 27<sup>th</sup> day of December, 1993 before me, personally appeared Frank G. Simunek to me personally known, who being by me duly sworn, says that he is a Managing Director of THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK, that said instrument was signed on behalf of said corporation by authority of its Board of Trustees; and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

Mark L. Newfeld

MARK L. NEWFELD  
NOTARY PUBLIC OF NEW YORK  
MY COMMISSION EXPIRES DEC. 31, 1995  
Reg. No. 4782011