

ELIAS C. ALVORD (1942)
ELLSWORTH C. ALVORD (1964)

ROBERT W. ALVORD*
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January 24, 1991

RECORDATION FID 11632-Ref 15 FILED 1423 1-025A032

Mr. Sidney L. Strickland, Jr. JAN 25 1991 2:00 PM
Secretary INTERSTATE COMMERCE COMMISSION
Interstate Commerce Commission
Washington, D.C. 20423

11632-R

Dear Mr. Strickland:

Enclosed for recordation pursuant to the provisions of 49 U.S.C. Section 11303(a) are two (2) fully executed and acknowledged copies of a Release of Security Agreement and Assignment of Contract Rights and Rents dated January 16, 1991, a secondary document as defined in the Commission's Rules for the Recordation of Documents, 49 C.F.R. Section 1177.

The enclosed document relates to the Security Agreement dated as of May 5, 1980 and the Assignment of Contract Rights and Rents dated May 5, 1980, which were filed and recorded on May 8, 1980 under Recordation Numbers 11632-C and 16632-D, respectively.

The name and address of the party executing the enclosed document are:

The Provident Bank
One East Fourth Street
Cincinnati, Ohio 45202

Also enclosed is a check in the amount of \$15 payable to the order of the Interstate Commerce Commission covering the required recordation fee.

Kindly return a stamped copy of the enclosed document to Charles T. Kappler, Esq., Alvord and Alvord, 918 Sixteenth Street, N.W., Washington, D.C. 20006.

A short summary of the enclosed secondary document to appear in the Commission's Index:

Full Release

Sincerely,

Charles T. Kappler
Charles T. Kappler

JAN 25 1 55 PM '91
RECORDATION UNIT

C. Kappler

11632-R

RECORDED & INDEXED

JAN 25 1991 4:00 PM

INTERSTATE COMMERCE COMMISSION

RELEASE
OF
SECURITY AGREEMENT
AND
ASSIGNMENT OF CONTRACT RIGHTS AND RENTS

WHEREAS, by the Security Agreement ("Agreement") dated as of May 5, 1980, between Allen L. Davis ("Borrower") and The Provident Bank ("Lender"), Borrower secured the payment of a promissory note ("Note"), together with interest thereon, and all other obligations of Borrower to Lender, by granting to Lender a security interest in and to two (2) 52' 6" 100-ton gondola cars with the Manager's Road Numbers 13047 and 13048; and

WHEREAS, Borrower further secured its obligations by assigning all its rights, title and interest in and to all management agreements and operation and maintenance agreements to Lender in the Assignment of Contract Rights and Rents ("Assignment") dated May 5, 1980; and

WHEREAS, the Agreement was recorded with the Interstate Commerce Commission on May 8, 1980 and assigned ICC recordation number 11632-C; and

WHEREAS, the Assignment was recorded with the Interstate Commerce Commission on May 8, 1980 and assigned ICC recordation number 11632-D; and

WHEREAS, the debt, both principal and interest, under the Note has been paid in full and all other requirements of Borrower under the Agreement and the Assignment have been fulfilled.

NOW, THEREFORE, Lender hereby acknowledges:

That Borrower has fulfilled the terms and conditions of the Agreement and the Assignment to be kept by Borrower and further Lender hereby releases Borrower from any further obligations under the Agreement and the Assignment.

IN WITNESS WHEREOF, Lender has executed this instrument on January 16, 1991.

ATTEST:

THE PROVIDENT BANK

By: *Leslie D. Howland*
Its: *Sr. Counsel & Asst Secy*

By: *H. Rochester*
Its: *v.p.*

STATE OF OHIO)
)
COUNTY OF HAMILTON)

On this 16th day of January, 1991, before me, a notary public, personally appeared K. Rodger Davis
_____ personally known to me, who being duly sworn said that he/she is the V.P. of The Provident 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/she acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

Brenda L. Jones (Oswald)
Notary Public

BRENDA L. OSWALD
Notary Public, State of Ohio

My Commission Expires: My Commission Expires Oct. 15, 1991