

#40776

Robert D. Ferguson to Reynolds Metals Company

## RELEASE OF CLAIMS

WHEREAS, Defense Plant Corporation, a corporation created by Reconstruction Finance Corporation, pursuant to Section 5-D of the Reconstruction Finance Corporation Act, as amended, to aid the government of the United States in its national defense program, has constructed an aluminum reduction and processing plant at Troutdale, County of Multnomah, State of Oregon, which plant was operated by Aluminum Company of America under an agreement of lease from Defense Plant Corporation since on or about the 20th day of May, 1942, until on or about the 7th day of September, 1945; and

WHEREAS, pursuant to Public Law 109 approved on June 20, 1945, Defense Plant Corporation was dissolved, effective July 1, 1945, and all of its functions, powers, duties, and authorities, together with its documents, books of account, records, assets and liabilities of every kind and nature were transferred to Reconstruction Finance Corporation to be performed, exercised and administered by Reconstruction Finance Corporation in the same manner and to the same extent and effect as if originally vested in Reconstruction Finance Corporation; and

WHEREAS, Reynolds Metals Company, a corporation organized and existing under and by virtue of the laws of the State of Delaware, operated said aluminum plant at various times since September 26, 1946, the bulk of which operation was under an agreement of lease from Reconstruction Finance Corporation to Reynolds Metals Company dated November 3, 1946, and

WHEREAS, by quitclaim deed dated August 8, 1949, Reconstruction Finance Corporation conveyed said aluminum plant to the United States of America, and

WHEREAS, as of July 1, 1949, the United States of America agreed to sell said aluminum plant to Reynolds Metals Company, and

WHEREAS, Reynolds Metals Company has operated said aluminum plant at various times subsequent to said agreement to sell to the day and date of these presents, and

WHEREAS, ROBERT D. FERGUSON, a single man, (hereinafter designated "Releasors"), have occupied the following described real property:

The South half of the Northwest quarter of Section 8, Township 1 North, Range 5 East of the Willamette Meridian, in Skamania County, Washington.

known as the - farm and consisting of approximately 80 acres and have conducted thereon a general farming or dairying business, or livestock breeding and raising business, and

WHEREAS, it is claimed by Releasors that the operation of said aluminum plant by Reynolds Metals Company, as lessee and later as owner, generated certain fumes, gases, and particulates and caused the same to be deposited upon the lands above mentioned and owned or operated by Releasors, causing damage or injury to the grasses and crops and to cattle and other livestock upon said lands and to the milk and butterfat production of Releasors' dairy herd and to their business of breeding and selling dairy cattle, which claims are expressly denied by Reynolds Metals Company, and

WHEREAS, settlement and compromise of said claims, and other similar claims, has been agreed upon by and in that certain agreement of settlement contained in a letter dated December 23, 1949, and telegrams supplementary to said letter, dated January 31, 1950, and February 2, 1950, from Attorneys Schafer, Holbrook & Cronan of Portland, Oregon, to Reynolds Metals Company, which agreement has been accepted by Reynolds Metals Company and is hereinafter referred to as the "Plan," with which Plan and all of the terms, conditions, and provisions thereof, Releasors, and each of them, are thoroughly familiar, and

WHEREAS, Releasors have agreed to compromise, adjust, and settle the claims asserted by them upon the terms hereinafter and in said Plan set forth, now, therefore, this agreement