

## DEED OF RELEASE—PRIOR LIEN MORTGAGE

10-51 1M E

**This Indenture,** Made this sixth day of December

A. D. sixty between **BANKERS TRUST COMPANY**, a corporation under the laws of the state of New York, Trustee, hereinafter called "The Trustee," party of the first part, and the **NORTHERN PACIFIC RAILWAY COMPANY**, party of the second part,

**Witnesseth,** Whereas, the Northern Pacific Railway Company, a corporation under the laws of the State of Wisconsin (which has succeeded to lands and rights to lands granted by Congress to the Northern Pacific Railroad Company, a corporation created and existing by and under an act of Congress of the United States of America, entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound on the Pacific coast by the Northern Route," approved July 2, 1864) in and by a certain mortgage bearing date the tenth day of November, A. D. 1896, did mortgage unto The Mercantile Trust Company, as Trustee, certain railways and other property including the lands hereinafter described, which mortgage was given to secure the payment of the prior lien railway and land grant gold bonds of said Northern Pacific Railway Company to be issued to an amount not exceeding \$130,000,000; and

**Whereas,** Said The Mercantile Trust Company has been merged into and with Bankers Trust Company, party of the first part, which has thereby become the corporate successor of said The Mercantile Trust Company, and the Northern Pacific Railway Company, the mortgagor in said mortgage, did on the eleventh day of October, 1911, duly appoint Bankers Trust Company trustee of said mortgage above described in the place of and as successor to The Mercantile Trust Company, which it was authorized to do by the terms of said mortgage, and

**Whereas,** The said Bankers Trust Company, as Trustee, is authorized in and by said mortgage by itself, or by its authorized attorney, to release from the lien of said mortgage any lands which may be sold upon payment to said trustee of the net sum received from such sales, so that the purchaser, or purchasers thereof, shall take and hold the same free from any encumbrance existing by reason of said mortgage, and

**Whereas,** All the lands hereinafter described have been sold and conveyed by the Northern Pacific Railway Company (which has succeeded to the right, title and interest in said lands of the Northern Pacific Railroad Company) by several deeds in various parcels; and

**Whereas,** The said mortgage has not been satisfied and the moneys required for the payment of all the bonds secured thereby have not been deposited by means of operation of the sinking fund of said mortgage or otherwise, and

**Whereas,** The said Trustee has received the net proceeds arising from the sale of the said lands hereinafter described, as provided in said mortgage;

**Now Therefore,** This Indenture Witnesseth that the party of the first part, as Trustee, as aforesaid, in consideration of the premises and the payment to it of the net proceeds arising from the sale of said lands, the receipt whereof is hereby acknowledged, does hereby release all its right, title and interest, as trustee, to said land from the lien of said mortgage the following described pieces and parcels of land, situate in the County of Skamania and State of Washington and herein described according to the United States Survey.

That part of Lot nine (9) in Section twenty-nine (29), in Township seven (7) North of Range five (5) East of the Willamette Meridian described by metes and bounds as follows: Beginning at the east quarter corner of said Section 29; thence S.  $0^{\circ}32'30''$  W., along the east line of said Section 29, 569.66 feet to the meander corner on the north side of the Lewis River; thence S.  $0^{\circ}37'35''$  W., along the said east line of said Section 29, 726.62 feet to the true point of beginning; thence N.  $87^{\circ}58'40''$  W. 350.33 feet, more or less to a point on the southeasterly boundary line of the tract of land heretofore conveyed by the grantor to the grantee by deed dated May 9th, 1958, and recorded in Skamania County on June 17, 1958, in Book 45 of Deeds, Page 77; thence N.  $63^{\circ}44'10''$  E., along said southeasterly boundary line, 392.65 feet, more or less, to a point on the east line of said Section 29; thence S.  $0^{\circ}37'35''$  W. along said east line 179.14 feet, more or less, to the true point of beginning; Excepting and reserving unto