

The Mercantile Trust Co. to Northern Pacific Ry.Co.

This Indenture Made this second day of January A.D.1908 between The Mercantile Trust Company a corporation under the laws of the State of New York, 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 the lands and rights granted by Congress to the Northern Pacific Railroad Company, a corporation created and existing by and under 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 said party of the first part, 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, the said The Mercantile 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 the 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 incumbrances 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 from the lien of said mortgage the following described pieces and parcels of land, situated in the County of Skamania and State of Washington and herein described according to the United States Survey: Southwest quarter of Northwest quarter of section seventeen (17) and Southeast quarter of Northeast quarter of section eighteen (18) all in Township two (2) North of Range seven (7) east of the Willamette Principal Meridian.

And the said party of the first part hereby covenants and agrees with the said party of the second part that the said several grantees of the said party of the second part shall hold the respective pieces and parcels of land so conveyed to them by the said party of the second part, free and clear and discharged from the lien and incumbrance of said mortgage and the payment of the sum or sums therein expressed, and every part thereof.

In Witness Whereof, the said party of the first part has caused this release to be signed by one of its Vice Presidents and attested by its Secretary or Assistant Secretary the day and year first above written.

Witness: I. Michaels

The Mercantile Trust Company, Trustee

W.C. Bett

by W.C. Poillon, Vice-President

Attest: Sy Richards, Secretary

Seal of }
(N.P. Ry. Co.)

State of New York

County of New York, ss. On this 21st day of January A.D. 1908, before me personally appeared