

Portland Ry.L.&P.Co. to New York Trust Co.

This Indenture made the twenty first day of May in the year one thousand nine hundred and nine (1909) by and between the Portland Railway Light and Power Company, a corporation organized and existing under the laws of the State of Oregon and having its principal office at the city of Portland, Oregon, herein called the Portland Company, party of the first part, and The New York Trust Company, a corporation organized and existing under the laws of the State of New York, hereinafter called the Trustee, party of the second part:

Whereas the Portland Railway Company (hereinafter called the Railway Company), a corporation organized under the laws of the State of Oregon, executed and delivered its first and Refunding mortgage and deed of Trust to the New York Trust Company, Trustee, dated November 1st 1905 and recorded in the County of Multnomah State of Oregon in Book 259 page 388 of records of mortgages of real property of said County to secure an issue of first and refunding mortgage five per cent sinking fund Gold Bonds, not to exceed in the aggregate ten million dollars (\$10,000,000) of bonds in which said mortgage the Railway Company covenanted whenever required by the Trustee to grant convey affirm and assigns transfer and set over unto the Trustee, the estate right title and interest of the Railway Company in and to all real and personal property, corporate rights and franchises which in any way or manner it shall require and which under the provision thereof are or are to become subject to the lien thereof and to do execute acknowledge and deliver all and every such further acts, deeds transfers and assurances for the better assuring conveying and confirming unto the trustee all and singular the premises estates and property thereby conveyed or intended so to be as the Trustee shall reasonably require for better accomplishing the provisions and purposes of the said Indenture, and for the securing and the payment of the principal and interest of the first and refunding Bonds:

And Whereas the Railway Company by deed dated the 30th day of April 1908 and recorded in the office of the County Clerk of Multnomah State of Oregon on page 313 of Book 415 Records of Deeds of said County transferred and conveyed all of its property and franchises being the same property and franchises covered by its aforesaid first and refunding mortgage under and subject to said first and refunding mortgage;

And Whereas the Portland Company on the 18th day of September 1908 executed and delivered its supplemental mortgage to the New York Trust Company as additional security for the said Portland Railway Company First and Refunding Mortgage five per cent Sinking Fund Gold Bonds which supplemental mortgage is recorded in the office of the County Clerk of Multnomah County State of Oregon in Book 325 page 408 of records of Mortgages of real property of said County, and the said Portland Company thereby succeeded to and was substituted for the Portland Railway Company party of the first part in said first and refunding mortgage and deed of trust, with the same effect as if it, the Portland Company, had been named therein as such party of the first part;

And Whereas, the Portland Railway Company prior to the conveyance of its properties and franchises as aforesaid, purchased two certain lots of land located in the County of Skamania State of Washington and hereinafter more and particularly described, but title to one of the said lots was taken in the name of May E. Swigert and title to the other lots in the name of Emery Oliver but the title in both cases was held in trust for the Portland Railway Company, and after the conveyance by the Portland Railway Company of its properties and franchises as aforesaid May E. Simons (formerly May E. Swigert) and George W. Simons, her husband by deed dated October 24th 1908 conveyed title to one of said Lots and the said Emery Oliver and Annie Oliver his wife by deed dated November 2nd 1908 conveyed title to the other of said Lots to the Portland Company;