

## Mortgage Record No. 92, Madison County, Iowa

CITY BANK FARMERS TRUST CO, et al TRUSTEES #2161

To

Fee \$ 1.30

Filed for record the 29 day of  
March A.D. 1941 at 10:25 o'clock  
A.M.

PENNSYLVANIA-DIXIE CEMENT CORPORATION

Pearl E. Shetterly, Recorder

(Partial) Release from Lien of Indenture

INDENTURE, dated as of March, 24th, 1941, between PENNSYLVANIA-DIXIE CEMENT CORPORATION, a corporation of the State of Delaware (hereinafter referred to as the "Corporation"), party of the first part, and CITY BANK FARMERS TRUST COMPANY, a corporation of the State of New York, and NELSON STUART, as Trustees under Mortgage and Deed of Trust from Pennsylvania-Dixie Cement Corporation dated as of August 1, 1940 (hereinafter referred to as <sup>the</sup> "Trustees"), parties of the second part.

WHEREAS, the Corporation heretofore executed and delivered to the Trustees a certain Mortgage and Deed of Trust, dated as of August 1, 1940, to secure an issue of Bonds of the Corporation, therein designated as "First Mortgage Bonds", issued and to be issued thereunder, subject to the terms and provisions therein set forth; and

WHEREAS, the Corporation has contracted to sell and convey certain of the real property subject to the lien of the said Mortgage and Deed of Trust situated in the County of Madison, State of Iowa, for the sum of Three Thousand Dollars (\$3,000), and has requested the Trustees to release such real property from the lien and operation of the said Mortgage and Deed of Trust; and

WHEREAS, the recitals herein contained are made only on behalf of the Corporation;

NOW, THEREFORE, THIS INDENTURE WITNESSETH:

That the Trustees, in consideration of the premises and of the sum of One Dollar (\$1.00) lawful money of the United States of America, to be paid at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hereby releases from the lien and operation of the said Mortgage and Deed of Trust, the following described premises, situated in the County of Madison, State of Iowa, to wit:

That portion of the East Half ( $\frac{1}{2}$ ) of the Northeast Quarter ( $\frac{1}{4}$ ) of Section Thirty-Three (33), (containing 16.81 acres, more or less), and that portion of the West Half ( $\frac{1}{2}$ ) of the Northwest Quarter ( $\frac{1}{4}$ ) of Section Thirty-Four (34), (containing 17.31 acres, more or less), lying North of the right of way of the Chicago, Rock Island and Pacific Railway Company; all in Township Seventy-six (76) North, of Range Twenty-seven (27) West of the 5th P.M..

The Pennsylvania-Dixie Cement Corporation, its grantees and assigns reserve the right to use a certain lane about twenty-eight (28) feet wide and about six hundred twenty-five (625) feet east of the West line of said tract for all purposes, in passing to and from stone quarries to the south of said railroad track.

The premises hereby conveyed are, and always shall be, subject, subordinate and subservient to the rights of Pennsylvania-Dixie Cement Corporation, its successors, grantees and assigns, to quarry, blast and do all other work incidental to the operation of the stone quarries lying south of the above-mentioned railroad right of way, and also subject, subordinate and subservient to any and all damage which may be sustained by the land hereby conveyed and by the buildings now or hereafter erected thereon, which may be caused by or result from said quarrying, blasting and the doing of all such other incidental work. This covenant is intended to be and shall be construed as a covenant running with the land, and as an easement imposed upon the property hereby conveyed in favor of the balance of the property lying south of said railroad right of way; and said Wilbur Clair Hill, Sadie Hill his wife, and their respective heirs, legal representatives, successors, assigns and all grantees from them, or either of them, shall hold the property hereby conveyed, or any portion thereof, subject to the covenant or easement herein set forth; and said Wilbur Clair Hill, Sadie Hill, his wife, for themselves and for their respective heirs, legal representa-

## Mortgage Record No. 92, Madison County, Iowa

LE FEBURE CORPORATION, CEDAR RAPIDS, IOWA 177618-A

tives, successors, assigns and all grantees from them, or either of them, shall and do hereby release and relieve said Pennsylvania-Dixie Cement Corporation, and its successors, grantees and assigns, from any and all claims for injury or damage arising out of the aforesaid quarrying, blasting and the doing of such other incidental work. This covenant or easement shall be inserted and included in all future conveyances of the property, hereby conveyed, or of any parts or portions thereof.

PROVIDED, HOWEVER, that nothing herein contained shall in any way affect, alter or diminish the lien or encumbrance of the said Mortgage and Deed of Trust on the remaining parts of the properties, premises and franchises covered thereby or the remedies given by it against the Corporation, its successors and assigns, as security for the Bonds and the performance of the acts secured thereby.

IN WITNESS WHEREOF, CITY BANK FARMERS TRUST COMPANY has caused this Indenture to be executed by its proper officer, thereunto duly authorized, and its corporate seal to be hereto duly affixed, and NELSON STUART has hereunto set his hand and seal, the day and year first above written.

(City Bk Farmers Trust Co. Seal)

City Bank Farmers Trust Company,  
as Trustee under Mortgage and Deed of Trust,  
dated as of August 1, 1940 from Pennsylvania-  
Dixie Cement Corporation.

By: Walter Brown Vice-President

Attest:

W L MARCH Assistant Secretary  
Executed by..... City Bank Farmers Trust Company  
In presence of: F.J. Adam  
C. Hanson Witnesses.

Nelson Stuart  
Nelson Stuart,  
as Trustee under Mortgage and Deed of Trust,  
dated as of August 1, 1940 from Pennsylvania-  
Dixie Cement Corporation.

Executed by: Nelson Stuart  
In presence of:  
W L Marsh  
F.J. Adam Witnesses.

STATE OF NEW YORK COUNTY OF NEW YORK) On this 24th day of March, 1941, before me, a Notary Public in and for said County and State, personally appeared Walter Brown, to me personally known to be the identical person who signed the foregoing instrument and who, being by me first duly sworn, did say that he is a Vice-President of City Bank Farmers Trust Company, New York County, New York, a corporation, and that the seal affixed to said instrument is the corporate seal of said Corporation; that said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and the said Walter Brown acknowledged the execution of said instrument to be the voluntary act and deed of said Corporation.

IN WITNESS WHEREOF, I have affixed my hand and seal the day and year last above written.

(Notarial Seal)

Stanley A. Nelson Notary Public  
Stanley A. Nelson Notary Public, Queens County  
No. 2616, Reg. No. 6481 Cert filed in N.Y.C. No. 131,  
Reg. No. 1-N-84 Commission expires March 30, 1941

STATE OF NEW YORK COUNTY OF NEW YORK )

On this 24th day of March, 1941, before me, a Notary Public in and for said County and State, personally appeared NELSON STUART, to me personally known to be the identical person who signed the foregoing instrument and who, by me first duly sworn, did say that he is the Nelson Stuart mentioned in the foregoing instrument, and the said Nelson Stuart acknowledged the execution of said instrument to be his voluntary act and deed.

IN WITNESS WHEREOF, I have affixed my hand and seal the day and year last above written.

Stanley A. Nelson Notary Public.  
Stanley A. Nelson Notary Public, Queens County  
No. 2616, Reg. No. 6481 Cert filed in N.Y.C. No. 131,  
Reg. No. 1-N-84 Commission expires March 30, 1941

