

Mortgage Record, No. 99, Madison County, Iowa

For Release of Annexed Mortgage 361  
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\_\_\_\_\_ Esther Cochran Notary Public  
in and for Madison County, Iowa  
Pennsylvania-Dixie Cement Corp. #6507 Filed for record the 29 day of Sept-  
To ember A. D. 1950 at 9:15 o'clock A. M.  
City Bank Farmers Trust Company and Fee \$ 3.45 Wilma M. Wade, Recorder  
Nelson Stuart as Trustees EXECUTED IN 12 COUNTERPARTS OF  
WHICH THIS IS COUNTERPART NO. 9

SUPPLEMENTAL INDENTURE  
Dated as of September 25, 1950  
Accepting the resignation of Nelson Stuart, as Co-Trustee, and  
appointing Ralph E. Morton as successor Co-Trustee.

SUPPLEMENTAL INDENTURE, dated as of September 25, 1950, between PENNSYLVANIA-DIXIE CEMENT CORPORATION, a corporation organized and existing under the laws of the State of Delaware (hereinafter sometimes referred to as the "Corporation"), party of the first part, CITY BANK FARMERS TRUST COMPANY, a corporation organized and existing under the laws of the State of New York, as Trustee under the Indenture hereinafter described, party of the second part, NELSON STUART, residing at 75 Gates Avenue, Montclair, New Jersey, party of the third part, and RALPH E. MORTON, whose post office address is 22 William Street, New York, N.Y., party of the fourth part.

WHEREAS, the Corporation duly executed and delivered to City Bank Farmers Trust Company and Nelson Stuart (the City Bank Farmers Trust Company being hereinafter sometimes called the "Trustee", and the said Nelson Stuart being hereinafter sometimes called the "Co-Trustee", and the two being hereinafter sometimes collectively called the "Trustee"), a certain Indenture of Mortgage and Deed of Trust, dated as of August 1, 1940; and the said Indenture of Mortgage and Deed of Trust was supplemented, modified or amended by Supplemental Indentures, dated as of November 1, 1943, October 1, 1945, February 1, 1947, and January 1, 1949, respectively, each duly executed and delivered by the Corporation to the said Trustees (the said Indenture of Mortgage and Deed of Trust being hereinafter referred to as the "Original Indenture" and the Original Indenture, as so supplemented, modified and amended, being hereinafter referred to as the "Indenture"); and

WHEREAS, pursuant to the provisions of Section 19 of Article XIII of the Original Indenture the said Nelson Stuart has given written notice to the Corporation of his resignation as Co-Trustee under the Indenture, such resignation to take effect on September 25, 1950; and

WHEREAS, the Corporation and the Trustee wish to accept the resignation of Nelson Stuart, as Co-Trustee under the indenture, and to appoint a successor Co-Trustee; and

WHEREAS, Nelson Stuart is willing to join in the execution and delivery of this instrument and to do such acts and to execute such other documents as may be necessary or appropriate in order to confirm his resignation as Co-Trustee under the Indenture, to surrender all of the authority, rights, powers, estates and property vested in him as Co-Trustee under the Indenture, and to vest the successor Co-Trustee with the authority, rights, powers, estates and property heretofore vested in him as Co-Trustee under the Indenture; and Ralph E. Morton is willing to accept the appointment as successor Co-Trustee under the Indenture;

Now, Therefore, This Supplemental Indenture Witnesseth:

That, for and in consideration of the premises and the sum of One Dollar, lawful money of the United States of America, by the Corporation to the other parties hereto duly paid at or before the execution and delivery of this Supplemental Indenture, and for other good

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MATT PARROTT & SONS CO., WATERLOO, IOWA #10883

and valuable considerations, receipt whereof is hereby acknowledged, the Parties Hereto Mutually Agree as follows:

(1) Said Nelson Stuart does hereby confirm his resignation as Co-Trustee under the Indenture, effective on September 25, 1950, and surrenders all of the authority, rights, powers, estates and property vested in him as Co-Trustee under the Indenture which was executed by the Corporation to said City Bank Farmers Trust Company and Nelson Stuart, Trustees, for the purpose of securing the payment of the First Mortgage Bonds of the Corporation and which was duly recorded in the Counties of Armstrong, Butler and Northampton, Commonwealth of Pennsylvania; in the County of Tompkins, State of New York; in the County of Houston, State of Georgia; in the Counties of Marion and Sullivan, State of Tennessee; and in the Counties of Polk and Madison, State of Iowa.

(2) The Corporation and the Trustee, pursuant to the provisions of Section 22 of Article XIII of the Original Indenture, hereby accept the resignation of said Nelson Stuart, as Co-Trustee, and the surrender of all of the authority, rights, powers, estates and property vested in him as Co-Trustee under the Indenture.

(3) The Corporation and the Trustee, acting under and pursuant to authority conferred upon them by Section 22 of Article XIII of the Indenture (to which Indenture and the conditions in said Section expressed, reference is hereby made) and having ascertained that said Ralph E. Morton is duly qualified for appointment as Co-Trustee under the Indenture, do hereby appoint said Ralph E. Morton as successor to said Nelson Stuart as Co-Trustee under the Indenture. The said Ralph E. Morton is hereby vested with all of the authority, rights, powers, estates and property which were vested in said Nelson Stuart as Co-Trustee under the Indenture at the time of his resignation

(4) Ralph E. Morton hereby accepts his appointment by the Corporation and the Trustee as successor to said Nelson Stuart as Co-Trustee under the Indenture and the authority, rights, powers, estates and property hereby vested in him and promises to execute, in collaboration with the Trustee, the trusts created by and defined in the Indenture all in accordance with the terms, conditions and provisions of the Indenture.

IN WITNESS WHEREOF, Pennsylvania-Dixie<sup>Cement</sup> Corporation has caused its corporate name and seal to be hereunto affixed and this Supplemental Indenture to be executed on its behalf by its President and its Secretary, and City Bank Farmers Trust Company has caused its corporate name and seal to be hereunto affixed and this Supplemental Indenture to be executed on its behalf as Trustee under the Indenture by one of its Vice-Presidents under its corporate seal attested by one of its Assistant Secretaries, and Nelson Stuart and Ralph E. Morton have respectively hereunto set their hands and seals, all as of the day and year first above written.

(CORPORATE SEAL)

PENNSYLVANIA-DIXIE CEMENT CORPORATION  
By Barton W Druckenmiller  
BARTON W. DRUCKENMILLER, President  
and George Kilian  
GEORGE KILIAN, Secretary

Executed by PENNSYLVANIA-DIXIE CEMENT CORPORATION  
in presence of:  
N. C. Parrington                      N. C. PARRINGTON  
Pauline A. Lauman                      PAULINE A. LAUMAN              Witnesses

(CORPORATE SEAL)  
ATTEST: Bunnel T. Falconer  
Assistant Secretary

CITY BANK FARMERS TRUST COMPANY, as  
Trustee as aforesaid,  
By Stewart C. Pratt  
STEWART C. PRATT, Vice-President

Executed by CITY BANK FARMERS TRUST COMPANY  
in presence of:  
Edward F. Mitchell                      EDWARD F. MITCHELL  
Sanford L. Smith                      SANFORD L. SMITH              Witnesses

Executed by NELSON STUART in presence of:  
Edward F. Mitchell                      EDWARD F. MITCHELL  
Sanford L. Smith                      SANFORD L. SMITH              Witnesses

Nelson Stuart (L.S.)  
NELSON STUART

Executed by RALPH E. MORTON in presence of:  
Edward F. Mitchell                      EDWARD F. MITCHELL  
Sanford L. Smith                      SANFORD L. SMITH              Witnesses

Ralph E. Morton (L.S.)  
RALPH E. MORTON

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STATE OF NEW YORK, COUNTY OF NEW YORK -

On this 25th day of September, A. D. 1950, before me, a Notary Public in and for said County, personally came and personally appeared BARTON W. DRUCKENMILLER to me personally known, who being by me duly sworn, did depose and say: that he resides at 7 South New Street, Nazareth, Pennsylvania; that he is the President of Pennsylvania-Dixie Cement Corporation, which is one of the corporations described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is the corporate seal of said corporation; that it was so affixed by order of the Board of Directors of said corporation; that he signed his name thereto by like order; that said instrument was signed and sealed in and on behalf of the said corporation by authority of its Board of Directors; and the said Barton W. Druckenmiller acknowledged and acknowledges both the said instrument and the execution thereof to be the free and voluntary act and deed of said corporation by it voluntarily executed.

(Notarial Seal)

James F. Casey Notary Public  
 JAMES F. CASEY Notary Public, State of New York No. 24-5641500  
 Qualified in Kings County Certificates Filed With: Kings & New York County  
 Clerks Kings & New York Register's Offices Term Expires March 30, 1952

State of New York County of New York ) ss:

No. 65646

I, ARCHIBALD R. WATSON, County Clerk and Clerk of the Supreme Court, New York County, a Court of Record having by law a seal, DO HEREBY CERTIFY that James F. Casey whose name is subscribed to the annexed affidavit, deposition, certificate of acknowledgment or proof, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York, duly commissioned and sworn and qualified to act as such throughout the State of New York; that pursuant to law a commission, or a certificate of his official character, and his autograph signature, have been filed in my office; that as such Notary Public he was duly authorized by the laws of the State of New York to administer oaths and affirmations, to receive and certify the acknowledgments or proof of deeds, mortgages, powers of attorney and other written instruments for lands, tenements and hereditaments to be read in evidence or recorded in this State, to protest notes and to take and certify affidavits and depositions; and that I am well acquainted with the handwriting of such Notary Public, or have compared the signature on the annexed instrument with his autograph signature deposited in my office and believe that the signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 26 day of Sept, 1950  
 (DISTRICT COURT SEAL) FEE PAID 25¢ Archibald R. Watson County Clerk and  
 Clerk of the Supreme Court, New York County

STATE OF NEW YORK COUNTY OF NEW YORK -

On this 25th day of September, A. D. 1950, before me, a Notary Public in and for said County, personally came and personally appeared GEORGE KILIAN to me personally known, who being by me duly sworn, did depose and say: that he resides at 37-14, 86th Street, Jackson Heights, New York, N.Y.; that he is the Secretary of Pennsylvania-Dixie Cement Corporation, which is one of the corporations described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is the corporate seal of said corporation; that it was so affixed by order of the Board of Directors of said corporation; that he signed his name thereto by like order; that said instrument was signed and sealed in and on behalf of the said corporation by authority of its Board of Directors; and the said George Kilian acknowledged and acknowledges both the said instrument and the execution thereof to be the free and voluntary act and deed of said corporation by it voluntarily executed.

(Notarial Seal)

James F. Casey Notary Public  
 JAMES F. CASEY Notary Public, State of New York No. 24-5641500  
 Qualified in Kings County Certificates Filed With: Kings & New York County  
 Clerks Kings & New York Register's Offices Term Expires March 30, 1952

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MATT PARROTT &amp; SONS CO., WATERLOO, IOWA #10883

STATE OF NEW YORK COUNTY OF NEW YORK ) ss:

No. 65658

I, ARCHIBALD R. WATSON, County Clerk and Clerk of the Supreme Court, New York County, a Court of Record having by law a seal, DO HEREBY CERTIFY that Francis M Pitt whose name is subscribed to the annexed affidavit, deposition, certificate of acknowledgment or proof, was at the time of taking the same a NOTARY PUBLIC in and for the State of New York, duly commissioned and sworn and qualified to act as such throughout the State of New York; that pursuant to law a commission, or a certificate of his official character, and his autograph signature, have been filed in my office; that as such Notary Public he was duly authorized by the laws of the State of New York to administer oaths and affirmations, to receive and certify the acknowledgment or proof of deeds, mortgages, powers of attorney and other written instruments for lands, tenements and hereditaments to be read in evidence or recorded in this State, to protest notes and to take and certify affidavits and depositions; and that I am well acquainted with the handwriting of such Notary Public, or have compared the signature on the annexed instrument with his autograph signature deposited in my office, and believe that the signature is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 26 day of Sept 1950. FEE PAID 25¢ Archibald R. Watson County Clerk  
(DISTRICT COURT SEAL) and Clerk of the Supreme Court, New York County

STATE OF NEW YORK, COUNTY OF NEW YORK -

On this 25th day of September, A. D. 1950, before me, a Notary Public in and for said County, personally came and personally appeared STEWART C. PRATT to me personally known, who being by me duly sworn, did depose and say: that he resides at 770 Park Avenue, New York, N.Y.; that he is one of the Vice-Presidents of said corporation, City Bank Farmers Trust Company, which is one of the corporations described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is the corporate seal of said corporation, that it was so affixed by order of the Board of Directors of said corporation; that he signed his name thereto by like order; that said instrument was signed and sealed in and on behalf of the said corporation by authority of its Board of Directors; and the said Stewart C. Pratt acknowledged and acknowledges both the said instrument and the execution thereof to be the free and voluntary act and deed of said corporation by it voluntarily executed.  
(Notarial Seal)

Francis M. Pitt Notary Public  
FRANCIS M. PITT Notary Public, State of New York No. 30-3111800  
Qualified in Nassau County Cert. filed with Bronx, Queens and New York County Clerks and Registers;  
Kings County Clerk (No.24) and Register, also Westchester County Term Expires March 30, 1951

STATE OF NEW YORK, COUNTY OF NEW YORK -

On this 25th day of September, A. D. 1950, before me, the subscriber, a Notary Public in and for said County and State, personally came and appeared NELSON STUART, personally known to me, to me known to be the identical person named in and the individual described in and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.  
(Notarial Seal)

Francis M. Pitt Notary Public  
FRANCIS M. PITT Notary Public, State of New York No. 30-3111800 Qualified  
in Nassau County Cert. filed with Bronx, Queens and New York County Clerks and Registers;  
Kings County Clerk (No.24) and Register, also Westchester County Term Expires March 30, 1951

STATE OF NEW YORK, COUNTY OF NEW YORK -

On this 25th day of September, A. D. 1950, before me, the subscriber, a Notary Public in and for said County and State, personally came and appeared RALPH E. MORTON, personally known to me, to me known to be the identical person named in and the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

(Notarial Seal) Francis M. Pitt Notary Public  
FRANCIS M. PITT Notary Public, State of New York No. 30-3111800 Qualified  
in Nassau County Cert. filed with Bronx, Queens and New York County Clerks and Registers;  
Kings County Clerk (No.24) and Register, also Westchester County Term Expires March 30, 1951

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STATE OF NEW YORK COUNTY OF NEW YORK -

Before me, JAMES F. CASEY, a Notary Public in and for said County personally came N. C. PARRINGTON to me known to be the individual whose signature is affixed to the foregoing instrument as one of the witnesses thereto, who, being sworn, says that he was present at the time when said instrument was executed; that he saw the same signed, sealed and delivered by BARTON W. DRUCKENMILLER, President, and GEORGE KILIAN, Secretary of PENNSYLVANIA-DIXIE CEMENT CORPORATION, as the duly authorized act and deed of said Corporation, as one of the parties thereto; that PAULINE A. LAUMAN, the other subscribing witness thereto, was likewise present at said time and witnessed said execution of said instrument, and that he, the said N. C. Parrington, and the said Pauline A. Lauman, then and there signed the same as attesting witnesses.

N. C. Parrington

N. C. PARRINGTON

Sworn to and subscribed before me this 25th day of September, 1950.

(Notarial Seal)

James F. Casey Notary Public

JAMES F. CASEY Notary Public, State of New York No. 24-5641500  
Qualified in Kings County Certificates Filed With: Kings & New York County Clerks  
Kings & New York Register's Offices Term Expires March 30, 1952

STATE OF NEW YORK, COUNTY OF NEW YORK -

Before me, FRANCIS\_PITT, a Notary Public in and for said County, personally came EDWARD F. MITCHELL, to me known to be the individual whose signature is affixed to the foregoing instrument as one of the witnesses thereto, who, being sworn, says that he was present at the time when said instrument was executed; that he saw the same signed, sealed and delivered by STEWART C. PRATT, a Vice-President, and BUNNEL T. FALCONER, an Assistant Secretary of CITY BANK FARMERS TRUST COMPANY, as the duly authorized act and deed of said TRUST COMPANY, as one of the parties thereto; and that SANFORD L. SMITH, the other subscribing witness thereto, was likewise present at said time and witnessed said execution of said instrument, and that he, the said Edward F. Mitchell, and the said Sanford L. Smith, then and there signed the same as attesting witnesses.

Edward F. Mitchell

EDWARD F. MITCHELL

Sworn to and subscribed before me this 25th day of September, 1950.

(Notarial Seal)

Francis M. Pitt Notary Public

FRANCIS M. PITT Notary Public, State of New York No. 30-3111800 Qualified in Nassau County Cert. filed with Bronx, Queens and New York County Clerks and Registers; Kings County Clerk (No.24) and Register, also Westchester County Term Expires March 30, 1951

STATE OF NEW YORK, COUNTY OF NEW YORK. -

Before me, FRANCIS\_PITT, a Notary Public in and for said County, personally came EDWARD F. MITCHELL, to me known to be the individual whose signature is affixed to the foregoing instrument as one of the witnesses thereto, who, being sworn, says that he was present at the time when the said instrument was executed; that he saw the same signed, sealed and delivered by NELSON STUART, whose signature is affixed as a part thereto; that SANFORD L. SMITH, the other subscribing witness thereto, was likewise present at said time and witnessed the execution of said instrument, and that he, the said Edward F. Mitchell, and said Sanford L. Smith, then and there signed the same as attesting witnesses.

Edward F. Mitchell

EDWARD F. MITCHELL

Sworn to and subscribed before me this 25th day of September, 1950.  
(Notarial Seal)

Francis M. Pitt Notary Public

FRANCIS M. PITT Notary Public, State of New York No. 30-3111800 Qualified in Nassau County Cert. filed with Bronx, Queens and New York County Clerks and Registers; Kings County Clerk (No.24) and Register, also Westchester County Term Expires March 30, 1951

STATE OF NEW YORK, COUNTY OF NEW YORK -

Before me, FRANCIS\_PITT, a Notary Public in and for said County, personally came EDWARD F. MITCHELL, to me known to be the individual whose signature is affixed to the foregoing instrument as one of the witnesses thereto, who, being sworn, says that he was present at the time when the said instrument was executed; that he saw the same signed, sealed and delivered by RALPH E. MORTON, whose signature is affixed as a party thereto; that SANFORD

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L. SMITH, the other subscribing witness thereto, was likewise present at said time and witnessed the execution of said instrument, and that he, the said Edward F. Mitchell, and said Sanford L. Smith, then and there signed the same as attesting witnesses.

Edward F. Mitchell EDWARD F. MITCHELL

Sworn to and subscribed before me this 25th day of September, 1950.  
(Notarial Seal)

Francis M. Pitt Notary Public  
FRANCIS M. PITT Notary Public, State of New York No. 30-3111800 Qualified  
in Nassau County Cert. filed with Bronx, Queens and New York County Clerks and Registers;  
Kings County Clerk (No.24) and Register, also Westchester County Term Expires March 30, 1951

COMPARED

Filed for record the 5 day of October