

Town Lot Deed Record, No. 26

Clerk, U.S. District Court for
Northern District of Ill.

#3681
Fee \$4.30

Filed for record the 2 day of August
A. D. 1938 at 9:35 o'clock A. M.,

To

The Public

Valda C. Bishop Farver, Recorder

CERTIFICATE OF ORDER

(ORDER NO. 1)
(ENTERED JUNE 7, 1933).

IN THE
DISTRICT COURT OF THE UNITED STATES
For the Northern District of Illinois,
Eastern Division.

IN THE MATTER OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY)No. 53209.
Debtor.

ORDER

Upon due consideration of the petition of The Chicago, Rock Island and Pacific Railway Company, the above named Debtor, verified June 7, 1933, and filed herein this day, stating that such Debtor is unable to meet its debts as they mature and that it desires to effect a plan of reorganization in accordance with Section 77 of Chapter Vlll of the Acts of Congress relating to bankruptcy, and the court being satisfied that such petition complies with said Section and has been filed in good faith, it is Ordered:

- (1) That said petition be, and hereby it is approved as properly filed under Section 77 of Chapter Vlll of the Acts of Congress relating to bankruptcy.
- (2) That the Debtor be, and hereby it is, authorized and directed, pending further order of this Court in the premises, to run, manage, maintain, operate and keep in proper condition and repair the railroads and property of the Debtor, wherever situated, whether in this state, judicial circuit, or elsewhere, and to manage and conduct its business, and to this end to exercise its authority and franchises and discharge all public duties obligatory upon it, and to employ and discharge and fix the compensation of all officers, attorneys, managers, superintendents, agents and employes; to collect and receive the income, rents, revenues, tolls, issues and profits of said property; to collect all outstanding accounts and all dividends and interest on securities belonging to it; to exercise such sale, conveyance, exchange and release rights as are reserved to or available to, the Debtor, under outstanding deeds of trust, mortgages, trust indentures, and similar instruments, and to use the proceeds of sale of released property as provided in such instruments; all in the same manner that it would be entitled and bound to do in its own right; and, to the extent necessary to protect and preserve the property of the Debtor, to make and pay for additions and betterments to the railroads and property of the Debtor, all of the foregoing powers to be exercised according to law, and subject to such supervision and control by the Court as the Court may exercise by further orders entered herein..

Madison County, Iowa

(3) That the Debtor is authorized in its discretion, from time to time until further order of this Court, out of funds now or hereafter coming into its hands, to pay:

(a) All taxes and assessments due or to become due upon the property of the Debtor;

(b) All necessary current expenses of the Debtor in operating the railroads and conducting the business of the Debtor, including among other expenses the wages, salaries and compensation of all officers, attorneys, counsel, managers, superintendents, agents or employees retained by the Debtor, ticket, traffic, car mileage and car per diem balances, interline accounts, freight and overcharge claims, and amounts for car and equipment repairs which may become due to connecting or other railroad companies or other common carriers; also all sums now due or which may hereafter become due to other persons or corporations for the occupation or use, jointly or otherwise, of buildings, depots, terminals, tracks, side tracks, yards, warehouses, shops, bridges and other railroad facilities, and such sums as may be necessary to comply with the obligations of the Debtor under contracts by virtue of which said occupation or use may now or hereafter be enjoyed (but such payments shall not constitute affirmations of said contracts, or of any of them);

(c) The following claims incurred by the Debtor within six months preceding the date of this order, in the usual and customary operation of its properties, and the conduct of its current business, to-wit: Wages, salaries, fees and other charges due and payable for services rendered to the Debtor; unpaid material and supply accounts incurred in the operation of said properties; unpaid and outstanding pay checks and wage checks representing labor actually performed for the Debtor, and unpaid ticket, traffic, car mileage and car per diem balances, interline accounts, freight and overcharge claims and amounts for car and equipment repairs, incurred by the Debtor;

(d) Pending further order of this Court in the premises, the Debtor hereby is authorized to pay pay checks, and like instruments issued to employes for services rendered to the Debtor, whenever the same are presented for payment, whether before or during said six months' period;

(e) The cost of maintaining the corporate existence of the Debtor, including the necessary expenses of the preservation of records, and the registration and transfer of its stocks and bonds and trustee's charges under indentures under which securities of the Debtor have been issued;

(f) All monthly payments due from time to time under the existing pension and group insurance system of the Debtor;

(g) The expense of printing pleadings, motions, petitions and orders now on file or hereafter filed in this case reasonably necessary to be printed, in such quantity as shall provide copies for the use of the Court, the Debtor, parties to the cause, and such others as may have a substantial interest therein; such expense to be taxed as costs in this case.

(4) That the Debtor shall be allowed until October 1, 1933 (unless the time be extended further by order of this Court), within which to disaffirm any contracts. Such disaffirmance shall be indicated by notice to that effect, in writing, served on the other party or parties to such contract, and filed of record in this proceeding, and continued operation by the Debtor under any of said contracts, within said period allowed for disaffirmances, shall not be deemed to conclude the Debtor in respect of such election, or to constitute an election.

(5) That, pending further order of the Court in the premises, the Debtor is authorized and empowered to institute, or prosecute in any Court, or before any tribunal of competent jurisdiction, all such suits and proceedings as may be necessary, in its judgment, for the recovery or proper protection of its property or rights, and to make settlement of any thereof; and likewise to defend or liquidate, by written agreement or consent judgments, any actions, claims, proceedings, or suits now pending against the Debtor, or which may hereafter

Town Lot Deed Record, No. 26

MATT PARROTT & SONS CO., WATERLOO, IOWA B39/40

be asserted, or be brought in any Court, or before any officer, department, commission or tribunal, to which the Debtor is, or shall be, a party, but no payments shall be made by the Debtor in respect of any such claims accruing prior to the date of this order, in respect of any actions, proceedings, or suits, on such claims, without further order or direction of this Court, except such as may be permitted by other general orders hereafter entered herein, and such as constitute preferred claims under the Acts of Congress relating to bankruptcy; and no action taken by the Debtor in defense or settlement of such claims, actions, proceedings, or suits, shall have the effect of establishing any claim upon, or right in, the property or funds in the possession of the Debtor, that otherwise would not exist.

(6) The Debtor shall close its present books of account as of the close of business on June 7, 1933. The Debtor shall open new books of account as of the opening of business on June 8, 1933, and cause to be kept therein due and proper accounts of the earnings, expenses, receipts and disbursements of the Debtor, and shall preserve proper vouchers for all payments made on account thereof, and shall deposit the moneys coming into its hands in such of the banks in which funds of the Debtor are presently deposited, as shall be selected by the Debtor, or in such other bank or banks as shall be selected and approved by this Court.

(7) That, not later than August 31, 1933, the Debtor shall file with the Clerk of this Court a statement of the Assets and Liabilities of the Debtor as of the close of business on June 7, 1933, and, within forty-five days after the close of each calendar month thereafter shall file with said Clerk a statement of the Assets and Liabilities of the Debtor as of the close of business on the last day of the second preceding calendar month, together with a summary statement of the revenues and expenses of the Debtor for the second preceding calendar month. All such statements shall be certified as correct by the chief accounting officer of the Debtor.

(8) That all persons, firms and corporations, whatsoever, and wheresoever situated, located or domiciled, hereby are restrained and enjoined from interfering with, attaching, garnisheeing, levying upon, and enforcing liens upon, or in any manner whatsoever disturbing any portion of the assets, goods, money, rail roads, properties, and premises belonging to, or in the possession of the Debtor, or from taking possession of, or in ^{any} way interfering with the same, or any part thereof, or from interfering in any manner to prevent the discharge by the Debtor of its duties in the operation of said property and business, under the orders of this Court, or from bringing any new suits or actions, accruing prior to this date, in or before any Court from which an appeal, or proceedings to review, can be taken only upon the filing of an appeal bond, as a jurisdictional or mandatory requirement.

(9) This Court reserves full right and jurisdiction to make from time to time such orders as the Court shall deem proper, limiting the time within which suits against the Debtor may be brought, staying any suits now pending, or hereafter brought against the Debtor, appointing a Trustee or Trustees of all of said Debtor's property and estate, with all the title and powers of such Trustee or Trustees under and subject to the provisions of the Acts of Congress relating to bankruptcy, including the power to operate the business of said Debtor, ~~fixing the power to operate the business of said Debtor~~, fixing the time within which any plan of reorganization shall be proposed, accepted and confirmed, requiring the Debtor to file such schedule and submit such information as may be necessary to disclose the conduct of the Debtor's affairs and the fairness of any proposed plan, fixing a reasonable time within which claims and interests of creditors and stockholders may be filed or evidenced and allowed, and the division of creditors and stockholders into classes according to the nature of their respective claims and interests, and in general such orders amplifying, extending, limiting or otherwise modifying this order as to the Court may at any time seem proper

Madison County, Iowa

Dated June 7, 1933.

James H. Wilkerson,
District Judge.

(ORDER No.1-A)

IN THE
DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION.IN THE MATTER OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY,) No. 53209
Debtor.ORDER.

Upon further consideration of the petition of the above-named Debtor, filed herein June 7, 1933, and of the order of this court entered thereon on June 7, 1933, it is ORDERED:

That sub-paragraph (c) of paragraph (3) of said order as amended to read as follows:

(c) The following claims incurred by the Debtor within six months preceding the date of this order, in the usual and customary operation of its properties, and the conduct of its current business to-wit: Wages, salaries, fees and other charges due and payable for services rendered to the Debtor; unpaid material and supply accounts incurred in the operation of said properties; unpaid and outstanding pay checks and wage checks representing labor actually performed for the Debtor. The Debtor is also authorized in its discretion to adjust, compromise and pay claims of shippers, consignees, or others in interest, for overcharges or reparation awards, and for loss, damage or delay to freight and baggage, also to settle and pay on behalf of itself and other carriers and private car owners, claims arising out of rate divisions, interline settlements, per diem accounts, switching reclaims, proportion of reparation awards, and freight charges or adjustments respecting shipments with transit or storage privileges and other charges or adjustments of like character between carriers in the conduct of their joint business, regardless of when accrued.

Dated June 8, 1933

James H. Wilkerson,
District Judge.

(ORDER NO. 21.)

(ENTERED NOVEMBER 22, 1933.)

IN THE
DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION.IN THE MATTER OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY) No. 53209
Debtor.

ORDER APPOINTING TRUSTEES.

It appearing to the Court that it is advisable at this time to appoint trustees of the estates of all of the debtors heretofore or hereafter made parties to this proceeding, and it appearing further that the Interstate Commerce Commission has selected and designated a panel of standing trustees, qualified for service as such, pursuant to subdivision (c) of Section 77 of Chapter VIII of the Acts of Congress relating to Bankruptcy, which panel contains the names of Frank O. Lowden of Oregon, Illinois, James E. Gorman of Chicago, Illinois, and Joseph B. Fleming of Chicago, Illinois, it is ordered:

1. That the said Frank O. Lowden, James E. Gorman and Joseph B. Fleming be and they hereby are temporarily appointed Trustees of all and singular the railroads, lands, properties, estates, rights and franchises, of whatever character and wherever situated, of The Chicago, Rock Island and Pacific Railway Company; St. Paul and Kansas City Short Line Railroad Company; Rock Island, Arkansas and Louisiana Railroad Company; The Chicago, Rock Island and Gulf Railway Company; Choctaw, Oklahoma and Gulf Railroad Company; Peoria Terminal Company; Rock Island and Dardanelle Railway Company; Rock Island, Stuttgart and Southern Railway Company; Rock Island Memphis Terminal Railway Company; and Rock Island Omaha Terminal Railway Company, Debtors; which appointment, as well as the other provisions of this order, shall be effective as of the beginning of business on December 1, 1933. Such appointment shall apply also to the estates of all debtors hereafter becoming parties to this proceeding, from and after the respective dates of approval of the petitions of such subsequent debtors. The said Trustees shall have all of the title to the several estates of said debtors, and subject to the con-

Town Lot Deed Record, No. 26

MATT PARROTT & SONS CO., WATERLOO, IOWA 530740

trol of the Court and consistently with the provisions of Section 77 of Chapter VIII of the Acts of Congress relating to Bankruptcy, and General Orders in Bankruptcy as amended, effective April 24, 1933, shall exercise all of the powers of Trustees appointed pursuant to Section 44 or any other section of the Acts of Congress relating to Bankruptcy.

2. The said Trustees shall have all of the powers, rights, privileges, duties and obligations heretofore granted to or imposed upon the respective Debtors, or any of them, pursuant to any and all of the orders heretofore entered by the Court in this proceeding, and each and all of the orders heretofore entered in this proceeding shall, with respect to the Trustees and the property in their possession, be of like force and effect as though said Trustees were therein specifically named in place of said respective Debtors, all of said orders being hereby incorporated in and made a part of this order by reference.

3. That within five (5) days from and after December 1, 1933, said Trustees shall each execute and file with the Clerk of this Court a bond or bonds with one or more sureties approved by the Clerk of this Court, for the benefit of whom it may concern, in the sum of Fifty Thousand Dollars (\$50,000.00), conditioned to the effect that they will well and truly perform the duties of their office, and duly account for all moneys and property whatsoever which may come into their hands, and abide by and perform all things which they shall be directed by the Court to do.

4. That the Debtors shall give notice to their creditors of a hearing to be held before the undersigned Judge, in the Court Room of the District Court of the United States, Northern District of Illinois, Eastern Division, United States Court House, Chicago, Illinois, on the 28th day of December, 1933, at ten o'clock in the forenoon, Central Standard Time, to determine whether such appointment of said Trustees shall be made permanent or shall be terminated, or a substitute trustee or trustees or an additional trustee or trustees shall be appointed by the Court, by publishing notice of such hearing once a week for two (2) successive weeks in one daily newspaper, published and of general circulation in each of the Cities of Chicago, Illinois, Peoria, Illinois, St. Paul, Minnesota, Des Moines, Iowa, Omaha, Nebraska, Kansas City, Missouri, Oklahoma City, Oklahoma, Little Rock, Arkansas, Memphis, Tennessee, Fort Worth, Texas, and New York City, New York.

5. That all persons, firms and corporations, whatsoever and wheresoever situated, located or domiciled, hereby are restrained and enjoined from interfering with, attaching, garnisheeing, levying upon, and enforcing liens upon, or in any manner whatsoever disturbing any portion of the assets, goods, money, railroads, properties, and premises belonging to, or in the possession of, the said Trustees, or from taking possession of, or in any manner interfering with the same, or any part thereof, or from interfering in any manner to prevent the discharge by the said Trustees of their duties in the operation of said properties and business under the orders of this Court.

6. That the Court reserves full right and jurisdiction to make from time to time such additional orders herein as to the Court shall seem proper, as well as any orders amplifying, extending, limiting or otherwise modifying this order, and in all respects to regulate and control the conduct of the said Trustees.

November 22, 1933 Enter: James H. Wilkerson,
United States District Judge.

(ORDER NO. 32.)
(ENTERED DECEMBER 28, 1933.)

In the DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION.

IN THE MATTER OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY,) No. 53209
Debtor.

ORDER MAKING PERMANENT THE APPOINTMENT OF TRUSTEES.

This cause coming on further to be heard this day pursuant to order of court entered herein on November 22, 1933, and it appearing to the Court that the Debtors have given notice to their

Madison County, Iowa

creditors and stockholders of the hearing to be held this day at ten o'clock in the forenoon to determine whether the appointment temporarily of Frank O. Lowden, James E. Gorman and Joseph B. Fleming, as Trustees of all and singular the railroads, lands, properties, estates, rights and franchises of whatever character and wherever situated, of the several Debtors herein, shall be made permanent or shall be terminated, or a substitute trustee or trustees or an additional trustee or trustees shall be appointed by the Court, by publishing notice of such hearing on December 7, 1933 and on December 14, 1933, in the following named daily newspapers: The Chicago Tribune published at Chicago, Illinois, The Chicago Journal of Commerce published at Chicago, Illinois, The Peoria Journal published at Peoria, Illinois, The St Paul Dispatch published at St. Paul, Minnesota, The Des Moines Register published at Des Moines, Iowa, The Des Moines Tribune published at Des Moines, Iowa, The Omaha Evening World-Herald published at Omaha, Nebraska, The Kansas City Star published at Kansas City, Missouri, The Oklahoma News published at Oklahoma City, Oklahoma, The Arkansas Democrat published at Little Rock, Arkansas, The Memphis Commercial Appeal published at Memphis Tennessee, The Fort Worth Star-Telegram published at Fort Worth, Texas and The Journal of Commerce published at New York City, New York.

And it appearing that each of said newspapers is published and is of general circulation in said cities, respectively; and it appearing that proof of such publication has been made by filing with the clerk of this Court identified newspaper clippings containing true copies of said notice as published in said newspapers; and the Debtors herein appearing by Messrs. Marcus L. Bell, W. F. Dickinson and W. F. Peter, their solicitors; and it appearing that no creditor or stockholder of any of the Debtors herein offers objection to the appointment of said Trustees being made permanent or has asked that such appointment be terminated or a substituted trustee or trustees, or an additional trustee or trustees should be appointed by the Court, it is ORDERED:

That the appointment of said Frank O. Lowden, James E. Gorman and Joseph B. Fleming, as Trustees of all and singular the railroads, lands, properties, estates, rights and franchises of whatever character and wherever situated of The Chicago, Rock Island and Pacific Railway Company; St Paul and Kansas City Short Line Railroad Company; Rock Island, Arkansas and Louisiana Railroad Company; The Chicago, Rock Island and Gulf Rail way Company; Choctaw, Oklahoma and Gulf Railroad Company; Peoria Terminal Company; Rock Island and Dardanelle Railway Company; Rock Island, Stuttgart and Southern Railway Company; and Rock Island Omaha Terminal Railway Company, be, and the same is hereby, made permanent.

That said Trustees shall have all of the powers, rights, privileges, duties and obligations heretofore granted to or imposed upon them pursuant to any and all orders heretofore entered by the Court in this proceeding in that behalf; and each and all of the orders heretofore entered herein with respect to the Trustees and the property in their possession, shall continue to remain in full force and effect.

That the Court reserves full right and jurisdiction from time to time to make such additional orders herein as to the Court shall seem proper, as well as any orders amplifying, extending, limiting, or otherwise modifying this order, and in all respects to regulate and control the conduct of the said Trustees.

Enter:

James H. Wilkerson, Judge.

UNITED STATES OF AMERICA NORTHERN DISTRICT OF ILLINOIS) SS:

I, Henry W. Freeman, Clerk of the United States District Court in and for the Northern District of Illinois, do hereby certify that the annexed and foregoing is a true and full copy of the original ORDER entered June 7, 1933; ORDER entered November 22, 1933; and ORDER entered December 28, 1933; In the Matter of THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY

Town Lot Deed Record, No. 26

MATT PARROTT & SONS CO., WATERLOO, IOWA B39740

COMPANY, in bankruptcy No. 53209 now remaining among the records of the said Court in my office;

I FURTHER CERTIFY that the said Trustees are still in possession of and operating the property and that the above orders are now and have been in effect since the date of each thereof.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the seal of the aforesaid Court at Chicago, Illinois this 19th day of May, A. D. 1938

(SEAL OF DISTRICT COURT U. S.
NORTHERN DISTRICT).

By Henry W. Freeman, Clerk.
Deputy Clerk.