

HAR 11 31 6647

Form 2058 Standard

(Approved by General Reliance)

50225 BOOK 130

## RELEASE OF MORTGAGE TRUSTEE

Indenture of Release, dated March 21 1961, made by MANUFACTURERS HANOVER TRUST COMPANY, a corporation of the State of New York (hereinafter referred to as the "Trustee"), party of the first part, Forest L. Hulett, Elsie M. Hulett, his wife, and Frank Mathena, father of Elsie M. Hulett

(hereinafter, whether one or more persons or corporations referred to as "Grantee"), party of the second part;

WHEREAS, The Atchafalaya, Tonawanda and Santa Fe Railway Company (hereinafter called "Santa Fe"), by deed dated December 18 1961, conveyed to said Grantee certain property hereinafter described;

and

WHEREAS, the Union Trust Company of New York was heretofore and up to the 15th day of June, 1918, Trustee under a certain mortgage or deed of trust, hereinafter called the General Mortgage, dated December 12th, 1898, executed by the Santa Fe to said Union Trust Company of New York, as Trustee, and duly recorded; and

WHEREAS, the Central Trust Company of New York was heretofore and up to the 15th day of June, 1918, Trustee under a certain mortgage or deed of trust, hereinafter called the Adjustment Mortgage, dated December 18th, 1898, executed by the Santa Fe to said Central Trust Company of New York, as Trustee, and duly recorded; and

WHEREAS, on or about the 15th day of June, 1918, said Central Trust Company of New York, in accordance with the laws of the State of New York, duly merged into itself The Hanover Bank of the City of New York, and simultaneously changed its name to Central Union Trust Company of New York and under the name of Central Union Trust Company of New York succeeded said Union Trust Company of New York as Trustee under said General Mortgage; and

WHEREAS, on or about the 15th day of May, 1929, said Central Union Trust Company of New York, in accordance with the laws of the State of New York, duly merged into itself The Hanover Bank of the City of New York, and simultaneously changed its name to Central Hanover Bank and Trust Company, and under the name of Central Hanover Bank and Trust Company continued to be Trustee under both said General Mortgage and said Adjustment Mortgage until on or about the 15th day of June, 1931, when said Central Hanover Bank and Trust Company duly changed its name to The Hanover Bank, without affecting its corporate status, title or powers as Trustee under said General Mortgage and said Adjustment Mortgage; and

WHEREAS, on September 8, 1931, in accordance with the laws of the State of New York, said The Hanover Bank was duly merged into Manufacturers Trust Company, a New York corporation, under the name Manufacturers Hanover Trust Company, and said Manufacturers Hanover Trust Company thereupon became and is now the duly constituted and acting Trustee under said General Mortgage and said Adjustment Mortgage; and

WHEREAS, a release from said mortgages or deeds of trust is necessary in order to vest in the Grantee an unincumbered title to the property described in and conveyed by said deed, and hereinafter described, and the Santa Fe has furnished to said Trustee a written request of the Santa Fe in accordance with the requirements of said mortgages or deeds of trust, together with a copy of a resolution of the Board of Directors of the Santa Fe approving of such request, in release of the said property so conveyed from the lien and operation of said mortgages or deeds of trust.

NOW, THEREFORE, for and in consideration of One Dollar (\$1.00) and other good and valuable considerations, said Manufacturers Hanover Trust Company, as Trustee under said General Mortgage dated December 12th, 1898, and as Trustee under said Adjustment Mortgage dated December 18th, 1898, does hereby release to the Grantee above named from the liens of said General Mortgage and said Adjustment Mortgage, under which it is Trustee as aforesaid, that certain tract or parcel of land situate, lying and being in the County of Douglas and State of Kansas and particularly described as follows:

Lots numbered Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35), Thirty-six (36), Thirty-seven (37), Thirty-eight (38), Thirty-nine (39), Forty (40), Forty-one (41) and Forty-two (42) in Block numbered Twelve (12) in the City of Leecompton according to the published Plat thereof; containing 1.13 acres of land more or less.

Excepting, however, from this release the mineral rights described in the reservation set forth in said deed dated December 18 1961, reading as follows:

"Grantor expressly reserves and excepts all minerals contained in the above-described land, including, without limiting the generality thereof, oil, gas and other hydro-carbon substances, as well as metallic or other solid minerals, provided that Grantor shall not have the right to go upon or use the surface of said land, or any part thereof, for the purpose of drilling for, mining, or otherwise removing, any of said minerals. Grantor may, however, and hereby reserves the right to, remove any of said minerals from said land by means of wells, shafts, tunnels, or other means of access to said minerals which may be constructed, drilled or dug from other land; provided, that the exercise of such rights by Grantor shall in no way interfere with or impair the use of the surface of the land hereby conveyed or of any improvements thereon."