

## UNION PACIFIC RAILROAD COMPANY.

Deed No. 3766.

KNOW ALL MEN BY THESE PRESENTS, That UNION PACIFIC RAILROAD COMPANY, a corporation existing under and by virtue of the laws of the State of Utah, in consideration of the sum of Thirty-nine hundred and seventy-three and 80/100 (\$3973.80) DOLLARS, to it paid, the receipt of which is hereby acknowledged, doth, subject however to the exceptions, reservations and conditions hereinafter written, hereby grant, bargain, sell and convey unto Simon Bamberger of the County of Salt Lake in the State of Utah the following described real estate, situate, lying and being in the County of Summit and in the State of Utah, to-wit:

All of Section No. Twenty-seven (27); and the Northeast Quarter (N.E.  $\frac{1}{4}$ ); and the East Half of the Northwest Quarter (E.  $\frac{1}{2}$  of N.W.  $\frac{1}{4}$ ); and the South Half (S.  $\frac{1}{2}$ ) of Section No. Thirty-three (33); and the West Half (W.  $\frac{1}{2}$ ); and the Southeast Quarter (S.E.  $\frac{1}{4}$ ) of Section No. Thirty-five (35), all in Township No. One (1) South of Range Four (4) East of the Salt Lake Meridian, (excepting and excluding from the said Southeast Quarter (S.E.  $\frac{1}{4}$ ) of Section No. Thirty-five (35) in Township No. One (1) South of Range No. Four (4) East of the Salt Lake Meridian, Twelve (12) and 86/100 acres of land heretofore deeded for right-of-way by The Union Pacific Railway Company, on December 5th, 1889, by Deed No. 16087, to The Echo and Park City Railway Company, now Park City Branch of Union Pacific Railroad Company); and the North Half (N.  $\frac{1}{2}$ ) of Section No. One (1) in Township No. Two (2) South of Range No. Four (4) East of the Salt Lake Meridian, containing, according to the United States Survey thereof Nineteen hundred and eighty-six (1986) and 90/100 acres, more or less, subject, however, to a right-of-way of lawful width for any and all county roads heretofore established upon, over and across the premises herein described.

EXCEPTING AND RESERVING to said Union Pacific Railroad Company, its successors and assigns,

FIRST: All coal and other minerals within or underlying said lands.

SECOND: The exclusive right to prospect in and upon said land for coal and other minerals therein, or which may be supposed to be therein, and to mine for and remove, from said land, all coal and other minerals which may be found thereon by any one.

THIRD: The right of ingress, egress and regress upon said land to prospect for, mine and remove any and all such coal or other minerals, and the right to use so much of said land as may be convenient or necessary for the right-of-way and from such prospect places or mines, and for the convenient and proper operation of such prospect places, mines, and for roads and approaches thereto or for removal therefrom of coal, mineral, machinery, or other material.

FOURTH: The right to said Union Pacific Railroad Company to maintain and operate its railroad in its present form of construction, and to make any change in the form of construction or method of operation of said railroad.

TO HAVE AND TO HOLD, subject to the said exceptions, reservations and covenant and condition, the said premises with all the rights and appurtenances thereunto belonging unto the said Simon Bamberger, grantee, his heirs and assigns forever, and the said Union Pacific Railroad Company doth hereby covenant with the said grantee that at the making of this instrument it is well seized of the said premises as of a good and indefeasible estate in fee, and hath good right to sell and convey the same, and that it will warrant and defend the title to said premises unto the said grantee, his heirs and assigns forever against the lawful claims of all persons whomsoever.

Excepting as against all taxes and assessments levied upon said premises for the year 1902 and subsequent years, and excepting against any rights, liens or incumbrances created or permitted by any other person than the said grantor, since the Seventh day of October, 1901.

AND WHEREAS, said Union Pacific Railroad Company, did, on the 1st day of July, 1897, execute and deliver to The Mercantile Trust Company, of New York, a certain mortgage deed, wherein said Railroad Company conveyed to the said The Mercantile Trust Company as Trustee, for the uses and purposes therein mentioned, amongst other things, the lands hereinbefore described; and

WHEREAS, said The Mercantile Trust Company was on the 10th day of August, 1911, merged into the Bankers Trust Company, a corporation of the State of New York, pursuant to the provisions of Chapter 10 of the Laws of 1909, of the State of New York, being Chapter 2 of the Consolidated Laws of the State of New York, known as the Banking Law, and thereby all and singular the rights, franchises and interests of said The Mercantile Trust Company in and to every species of property, real, personal and mixed, and things in action thereunto belonging, were transferred to and vested in the said Bankers Trust Company, and the Trust Company last mentioned has succeeded to all relations, obligations, trusts and liabilities of said The Mercantile Trust Company, and has assumed the performance of all trusts of said The Mercantile Trust Company; and

WHEREAS, said Union Pacific Railroad Company, with the consent of the said Bankers Trust Company, Trustee under the mortgage aforesaid, has sold and conveyed, as above set forth, the real estate, hereinbefore described, unto the said grantee for and in consideration of the sum paid as aforesaid to Union Pacific Railroad Company by said grantee, which sum of money has been paid to the said Bankers Trust Company in its capacity as Trustee, or has been otherwise properly paid or accounted for, under said mortgage, for the uses and purposes mentioned in said mortgage deed.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the said Bankers Trust Company, Trustee of the aforesaid mortgage deed, in consideration of the premises and of the payment as aforesaid of said sum so paid by said Railroad Company to said Trust Company for the uses and purposes aforesaid, doth hereby REMISE, RELEASE and forever QUIT CLAIM, subject to the exceptions, reservations and conditions above written, unto the said Simon Bamberger the real estate described aforesaid, to be held by the said grantee free and exempt from all liens, incumbrances and charges of said mortgage deed of the first day of July, 1897.

IN WITNESS WHEREOF, the said grantor, Union Pacific Railroad Company, has caused these presents to be sealed with its corporate seal, and to be signed by its Vice-President.

and attested by its Assistant Secretary, and countersigned by its Land Commissioner and its Auditor, and the said Bankers Trust Company, under said mortgage deed of July 1st, 1897. Witness these presents to be sealed with its corporate seal, and to be signed by its Vice-President, who is thereunto duly authorized and empowered by the by-laws of the Company and by resolution of its Board of Directors, this 17th day of October, A.D., 1911.

In Presence of (CORPORATE SEAL) UNION PACIFIC RAILROAD COMPANY,  
L. Elwell  
J. O. Meyer. By Wm. Mahl, - Vice-President.

ATTEST: Jos. Hellen,  
Assistant Secretary.

In Presence of (CORPORATE SEAL) BANKERS TRUST COMPANY, TRUSTEE,  
L. Michaels  
L. J. Bohr. By H. B. Thorne, - Vice-President.

ATTEST: B. M. Jones, Ass't. Secretary.

COUNTERSIGNED: J. A. Griffith, Land Commissioner. H. J. Stirling, Auditor.

STATE OF NEW YORK, )  
County of New York. ) ss.

BE IT REMEMBERED, That on this 17th day of October, A.D., 1911, before me a Notary Public, in and for said County, appeared the UNION PACIFIC RAILROAD COMPANY, by Wm. Mahl, its Vice-President, who is personally known to me to be the identical person whose name is subscribed to the foregoing instrument as said Vice-President, and then and there acknowledged the execution and sealing of said instrument to be his voluntary act and deed; and the voluntary act and deed of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 17th day of October, A.D., 1911, at the City of New York, in said County and State. My commission expires March 30th, 1913.

L. Elwell, Notary Public.

(SEALS)

STATE OF NEW YORK, )  
County of New York. ) ss.

BE IT REMEMBERED, That on this 18th day of October, A.D., 1911, before me, a Notary Public, in and for said County, appeared the BANKERS TRUST COMPANY, by H. B. Thorne, its Vice-President, who is personally known to me to be the identical person whose name is subscribed to the foregoing instrument as said Vice-President, and then and there acknowledged the execution and sealing of said instrument to be his voluntary act and deed, and the voluntary act and deed of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 18th day of October, A.D., 1911, at the City of New York, in said County and State. My commission expires March 30th, 1912.

I. Michaels, - Notary Public.

(SEAL)

Recorded at the request of W. E. Jones November 16th, A.D., 1911 at 2 o'clock P. M.

J. E. CARRUTE, -  
County Recorder.