



200010300161

, Skagit County Auditor

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Return Address

Feco Properties, LLC
P.O. Box 393
Lynden, WA 98264

Please print or type information

Space Above This Line for Recorder's Use Only

Document Title(s) (or transactions contained therein):

ISLAND TITLE CO.
B15816

- 1. INDEMNIFICATION
- 2.
- 3.
- 4.

Reference Number(s) of Documents assigned or released:
(on page of document(s))

Grantor(s) (Last name first, then first name and middle initial)

- 1. THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
- 2.
- 3.
- 4.
- 5. Additional names on page of document.

Grantee(s) (Last name first, then first name and middle initial)

- 1. ISLAND TITLE COMPANY
- 2. CHICAGO TITLE INSURANCE COMPANY
- 3. PUBLIC
- 4.
- 5. Additional names on page of document.

Legal Description (abbreviated: ie; lot, block, plat or section, township, range)

A PTN OF THE SE1/4 NE1/4 OF S1, T34N, R3E OF W.M.

Full legal on page 3 of document

Assessor's Property Tax Parcel/Account Number

#9801-000-065-0004 / *P85173*

Full legal on page 3 of document

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

INDEMNIFICATION

For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY**, a Delaware corporation, ("Indemnitor") does hereby agree, until such time as the monetary liens described in **Schedule 2**, attached hereto are removed as a lien of record, to indemnify, defend and hold harmless **ISLAND TITLE COMPANY AND CHICAGO TITLE INSURANCE COMPANY** ("Indemnitee") or any assignee of, or subsequent purchaser from Indemnitee and any title company issuing title insurance with respect to the real property described in **Schedule 1**, attached hereto ("Parcel") from and against any and all actual damages, losses, claims, costs, expenses and liabilities that Indemnitee may occur or be subject to as a result of the existence of the monetary lien(s) described in **Schedule 2**, attached hereto and/or the Indemnitor's failure to release the monetary liens described in **Schedule 2**, attached hereto and cause a reconveyance of record of such liens, as of 29th day of JUNE, 2000.

This indemnity shall be binding upon the undersigned and its successors and assigns and shall inure to the benefit of the successors and assigns of the Indemnitees. In the event of any claim dispute, or controversy arising out of this indemnity, the prevailing party in any such claim, dispute or controversy shall be entitled to reimbursement of its attorney's fees, costs and expenses in connection with pursuing such claim from the non-prevailing party. This Indemnification shall be construed and enforced in accordance with the laws of the State of Texas. Indemnitor agrees to execute, acknowledge, verify and/or deliver, as applicable such further documents as may be reasonably necessary to implement the objectives of this Indemnification.

DATED October 12, 2000

**THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY**
a Delaware corporation

By: D. P. Schneider
D. P. Schneider
General Director Real Estate



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SCHEDULE 1

Parcel # 02852

All that portion of The Burlington Northern and Santa Fe Railway Company's (formerly Great Northern Railway Company) 100.0 foot wide Burlington to Anacortes, Washington Branch Line right of way, being 50.0 feet wide on each side of said Railway Company's Main Track centerline, as originally located and constructed upon, over and across the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 34 North, Range 3 East, W. M., Skagit County, Washington, bounded between two lines drawn at right angles to said Main Track centerline distant, respectively, 589.0 feet and 889.0 feet Southwesterly of the East line of said Section 1, as measured along said Main Track centerline, **EXCEPTING THEREFROM**, a 30.0 foot wide corridor, being 15.0 feet wide on each side of said Main Track centerline



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SCHEDULE 2

General Lien Mortgage of Northern Pacific Railway Company dated November 10, 1896, of which mortgage Citibank, N.A., formerly First National City Bank, successor by merger of the First National Bank of the City of New York, is trustee.

The General Gold Bond Mortgage of the Great Northern Railway Company dated January 1, 1921 of which mortgage Citibank, N.A., formerly named First National City Bank, successor by merger of the First National Bank of the City of New York, is trustee.

Consolidated Mortgage of Burlington Northern Inc. dated March 2, 1970 of which mortgage First Trust of New York, National Association (successor to Morgan Guaranty Trust Company of New York) and W.A. Johnson are trustees.



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