



200311130030

Skagit County Auditor

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Filed for Record at Request of:

CHMELIK SITKIN & DAVIS P.S.
1500 Railroad Avenue
Bellingham, WA 98225
(360) 671-1796

DOCUMENT TITLE(S):

PARTIAL RELEASE

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

736513

Additional reference numbers found on page N/A of document.

GRANTOR(S) (Last name, First name and MI):

U.S. BANK TRUST NATIONAL ASSOCIATION

Additional grantors found on page N/A of document.

GRANTEE(S) (Last name, First name, and MI):

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

Additional grantees found on page N/A of document.

ABBREVIATED LEGAL DESCRIPTION (Lot, block, plat or section, township, range):

A PORTION OF THE NW/4 OF SECTION 5, T34N, R4E, W.M., SKAGIT COUNTY, WA

Additional legal is on Exhibit "A" of document.

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER(S):

P# 118422 – APN # 340405-0-021-0300 and
P# 118421 – APN #340405-0-021-0200

PARTIAL RELEASE

THIS PARTIAL RELEASE made on 7/11/03, by and among U.S. BANK TRUST NATIONAL ASSOCIATION a national banking association organized and existing under the laws of the United States of America, as Corporate Trustee (the "Corporate Trustee"), (successor to Morgan Guaranty Trust Company of New York), and Laura Roberson, successor to W.A. Johnson, successor individual trustee (together with the Corporate Trustee, the "Trustees"), under the Consolidated Mortgage dated March 2, 1970, as supplemented (the "Mortgage"), and THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY (formerly Burlington Northern Railroad Company), a corporation organized under the laws of the State of Delaware (the "Company") WITNESSETH:

WHEREAS, the Company's interest in the property described in Exhibit "A" hereto attached and by this reference made a part hereof (the "Property") is subject to the lien of the Mortgage; and

WHEREAS, the Mortgage was filed for record, among other places, in the office of the County Auditor, County of Skagit, State of Washington, as a real estate mortgage, on March 3, 1970, Book 43, on Page 112 as Document No. 736513; and

WHEREAS, the Company has requested release of the Property from the lien of the Mortgage pursuant to Article Five thereof and has furnished to the Corporate Trustee certificates and opinions which comply with the provisions thereof;

NOW, THEREFORE, THIS PARTIAL RELEASE WITNESSETH that the Corporate Trustee, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, does hereby forever release and discharge from the lien of the Mortgage, and all supplements thereto, all right, title and interest in and to the Property described in said Exhibit "A" hereto attached.

TO HAVE AND TO HOLD said Property unto the Company, its successors and assigns, free and clear and discharged of and from all liens and claims under said Mortgage.

The recitals made herein are recitals by the Company and not by the Trustees. The reservations and exceptions, if any, set forth in said Exhibit "A" are intended to be for the benefit of the Trustees and the lien of the Mortgage on any rights and interests so reserved and excepted, if any, are not released, quitclaimed or disclaimed. Nothing herein contained shall



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affect, alter or diminish the lien or encumbrance of the Mortgage on the Company's interest in any of the properties covered by it other than the Property. This release is executed by the Corporate Trustee without covenants or warranties, either expressed or implied, and without recourse against the Trustees.

IN WITNESS WHEREOF, the Corporate Trustee has caused this Partial Release to be signed and witnessed and its corporate seal to be hereunto affixed and attested by the signature of its Assistant Secretary, all as of the day and year first above written.

Signed, sealed and delivered on behalf of
U. S. Bank Trust National Association as
Corporate Trustee, in presence of:

U. S. BANK TRUST NATIONAL
ASSOCIATION as Corporate Trustee

Louis Dimaso
LOUIS DIMASO

By Beverly A. Freney
BEVERLY A. FRENEY Vice President

Carolyn R. Sinclair
CAROLYN R. SINCLAIR

ATTEST:
(Seal)

Patricia V. Marshall
Patricia V. Marshall
Assistant Secretary
Trust Officer

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.



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On 7/11/03, before me the undersigned, a notary public, personally appeared BEVERLY A. FRENEY, to me known to be a VICE PRESIDENT of U. S. Bank Trust National Association, the corporation which executed the foregoing instrument as Corporate Trustee, and who being duly sworn did say, that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and acknowledged said instrument to be the free act and deed of said corporation.

Given under my hand and official seal on 7/11/03.

Doris Ware
Notary Public, City, County and State of New York

My commission expires: 11/9/05

DORIS WARE
Notary Public, State Of New York
No. 01WA5017241
Qualified In Richmond County
Commission Expires November 9, 2005

Burlington, Skagit County, Washington – Former Great Northern Railway Company General Gold Bond Mortgage property in addition to being Burlington Northern Inc. Consolidated Mortgage property, now just subject to the latter Mortgage conveyed to Brent L. Walker, et al.

Exhibit "A"

BNSF 02383

That portion of the Northwest quarter of Section 5, Township 34 North, Range 4 East, W.M., Skagit County, Washington, being a portion of the property described in Warranty Deed from George D. McLean, et ux. to the Seattle & Montana Railway Company filed for record November 1, 1892 in Book 25 of Deeds, Page 149, under Auditor's File No. 10578, in and for said county, described as follows:

Beginning at the Southeast corner of Lot 3, Block 134 of the "FIRST ADDITION TO BURLINGTON, SKAGIT CO., WASH", as per plat recorded in Volume 3 of plats, Page 11, records of Skagit County, Washington; thence along the Easterly line of said Block 134 North 6°52'34" West, 175.0 feet to the Southwesterly corner of that certain parcel of land described in deed dated March 16, 2001 from The Burlington Northern and Santa Fe Railway Company to Thomas K. Studebaker, recorded in the office of the Skagit County, Washington Auditor, March 22, 2001, as auditor's number 200103220083; thence North 83°07'26" East, along the Southerly boundary of said parcel described in deed dated March 16, 2001, a distance of 133.55 feet; thence South 6°52'34" East, 175.0 feet; thence South 83°07'25" West, 133.55 feet to the point of beginning.

ALSO

BNSF 02384

That portion of the Northwest quarter of Section 5, Township 34 North, Range 4 East, W.M., Skagit County, Washington, being a portion of the property described in Warranty Deed from George D. McLean, et ux. to the Seattle & Montana Railway Company filed for record November 1, 1892 in Book 25 of Deeds, Page 149, under Auditor's File No. 10578, in and for said county, described as follows:

Beginning at the Northeast corner of Lot 1, Block 133 of "FIRST ADDITION TO BURLINGTON, SKAGIT CO., WASH", as per plat recorded in Volume 3 of plats, Page 11, records of Skagit County, Washington; thence along the Easterly line of said Block 133 South 06°52'34" East, 204.91 feet to a chain link fence; thence along said fence and its easterly extension South 88°30'10" East, 134.99 feet; thence North 6°52'34" West, 224.57 feet; thence South 83°07'25" West, 133.55 feet to the point of beginning.

Said parcels being situate in City of Burlington, Skagit County, State of Washington.



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