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The Union Pacific Railway Company

Sept 10 1857

Union Division Utah

Deed No. 15578

Know all men by these presents, that the Union Pacific Railway Company which is a corporation formed and existing by the consolidation of the Kansas Pacific Railway Company, the Denver Pacific Railway and Telegraph Company and the Union Pacific Railroad Company under the corporate name and style of the Union Pacific Railway Company by authority of an act of Congress entitled an act to aid in the construction of a railroad and telegraphic line from the Missouri river to the Pacific ocean and to secure to the government the use of the same for postal military and other purposes, approved July 1, 1852 and acts amendatory thereof, which said Company has succeeded to and become seized and possessed of all the real estate and property of the said constituent companies whether real personal or mixed and among other things of all the land granted to said Union Pacific Railroad Company by the aforesaid acts of Congress in aid of the construction of its road not conveyed away by said Company at the date of such consolidation (to wit January 24, 1850) in consideration of the sum of three hundred and fifty seven and 20/100 (357 <sup>20</sup>/<sub>100</sub>) dollars to it paid the receipt of which is hereby acknowledged, doth hereby grant, bargain, sell and convey unto Andrew Hunter of the County of Weber in the Territory of Utah the following described real estate, situate lying and being in the County of Weber and in the Territory of Utah and described as follows to wit:

The north half of the north east quarter (A<sup>2</sup> & B<sup>2</sup>), the northwest quarter of the south east quarter (A<sup>2</sup> & B<sup>2</sup>), the east half of the south west quarter (C<sup>2</sup> & D<sup>2</sup>) and the southwest quarter of the southwest quarter (D<sup>2</sup> & E<sup>2</sup>) of section No three (3) in township No five (5) north of range No two (2) west of the Salt Lake Meridian containing according to the United States Survey thereof Two hundred and thirty nine (239) and 93/100 acres more or less being the same premises contracted to be sold to Andrew Hunter by contract No. 88305 dated July 3, 1857.

Reserving however to the said Union Pacific Railway Company the exclusive right to prospect for coal and other minerals within and underlying said lands and to mine for and remove the same if found, and for this purpose it shall have right of way over and across said lands and space necessary for the conduct of said business thereon without charge or liability for damage therefor.

To have and to hold the said premises with all the rights and appurtenances thereto belonging unto the said grantee his heirs and assigns forever and the said grantor 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 however all taxes and assessments levied upon said premises.

since July 2, 1887 and except against any claims or incumbrances created or permitted by, through or under, said Andrew Hunter or his successors, heirs or assigns or any of them.

And it beens said Union Pacific Railroad Company did on the sixteen day of April A.D. 1867 execute and deliver to Cyrus R. McCormick of the City of New York and John Buff of the City of Boston, a certain Mortgage Deed of that date wherein said company conveyed to the said Cyrus R. McCormick and John Buff as Trustees for the use and purposes therein mentioned, among others the land hereinbefore described. And whereas the said Cyrus R. McCormick did on the twenty eighth day of June A.D. 1875 by a proper instrument of writing to that effect resign his place as Trustee under said Mortgage Deed, which resignation was on the fifteenth day of October A.D. 1875 accepted by the Union Pacific Railroad Company by its Board of Directors at a meeting thereof held on that day in the City of Boston and State of Massachusetts, and whereas on the fifteenth day of October A.D. 1875 Frederick S. Ames of Boston in the State of Massachusetts, was duly nominated by the remaining Trustee John Buff as successor to said Cyrus R. McCormick, which nomination was on the same day approved by the Board of Directors of the said Union Pacific Railroad Company, and whereas by such nomination and approval said Frederick S. Ames did upon his acceptance thereof thereafter become vested with the same estate, powers, <sup>and</sup> interests, and charged with the same duties and responsibilities as if he had been one of the original trustees named in and executing said mortgage deed. And whereas said remaining trustee did by a conveyance proper and effectual for that purpose dated on the twentieth day of October, A.D. 1875 at the City of Boston vest the same in such new trustee jointly with him the said John Buff. And whereas the said John Buff did on the fourteenth day of February A.D. 1877 by a proper instrument of writing to that effect resign his place as trustee under said mortgage deed, which resignation was on the fourteenth day of February A.D. 1877 accepted by the Union Pacific Railroad Company by its Executive Committee of its Board of Directors at a meeting thereof held on that day in the City of Boston and State of Massachusetts, and whereas on the second day of July 1887 the Union Trust Company of New York was duly nominated by the remaining Trustee Frederick S. Ames as successor to said John Buff, which nomination was on the thirtieth day of July 1887 approved by the Executive Committee of the Board of Directors of the said Union Pacific Railway Company, and the said Frederick S. Ames executed a deed on the thirtieth day of July, 1887 vesting in the said Union Trust Company of New York the estates, powers, rights, and interests created by said Mortgage Deed jointly with the said Frederick S. Ames.

And whereas the said Union Trust Company of New York signified its acceptance of said trust by signing said deed. And whereas the said Frederick S. Ames did on the fifteenth day of July 1887 by a proper instrument of writing to that

effect resign his place as Trustee under said Mortgage Deed, which resignation was on the sixteenth day of July 1873 accepted by the Union Pacific Railroad Company by the Executive Committee of its Board of Directors at a meeting thereof held on that day in the City of Boston and State of Massachusetts. And whereas no nomination of a successor to fill the vacancy caused by the resignation of said Frederick L. Ames, having been made, the said Union Trust Company of New York became and now is sole Trustee under said Mortgage Deed dated the sixteenth day of April A. D. 1867.

And whereas the said Union Pacific Railroad Company did on the eighteenth day of December A. D. 1873 execute and deliver to the Union Trust Company of New York a certain Mortgage Deed wherein said Company conveyed to the said Union Trust Company of New York as Trustee for the use and purposes therein mentioned among others the lands hereinbefore described. And whereas the said Union Pacific Railroad Company with the consent of the Union Trust Company of New York, sole Trustee under the Mortgage Deed of the sixteenth day of April A. D. 1867 and Trustee under the mortgage deed of the eighteenth day of December A. D. 1873 has sold and conveyed, as above set forth the real estate hereinbefore described unto the said grantee for and in consideration of the sum aforesaid to the Union Pacific Railroad Company in hand paid by the said grantee which said sum of money has been paid by the said Union Trust Company of New York in its capacity as Trustee for the use and purposes mentioned in said Mortgage Deeds of the sixteenth day of April 1867, and of the eighteenth day of December 1873.

Now therefore know all men by these presents, That the said Union Trust Company of New York Trustee in the aforesaid Mortgage Deeds in consideration of the aforesaid premises and the payment as aforesaid of said sum so paid by said Railroad Company to said Trust Company and for the use and purposes aforesaid does hereby remise, release and forever quit claims unto the said Andrew Hunter the real estate described aforesaid to be held by the said grantee free and exempt from all liens, incumbrances and charges of said Mortgage Deeds of the sixteenth day of April 1867 and of the eighteenth day of December 1873 but subject however to all the reservations and conditions hereinbefore contained.

In Witness Whereof the said grantor the Union Pacific Railroad Company hath caused these presents to be sealed with its corporate seal and to be signed by its President attested by its Secretary and countersigned by its Land Commissioner and its Auditor and the said Union Trust Company of New York Trustee under the said Mortgage Deeds of the sixteenth day of April, 1867 and of the eighteenth day of December, 1873 hath caused these presents to be sealed with its corporate seal and to be signed by its President this tenth day of October A. D. 1879.

U. P. R. M. Co.  
Seal  
In presence of  
W. H. Sparshott  
Geo. W. Birds

The Union Pacific Railway Company  
By C. F. Adams President

Attest: Alex. Miller Secretary

Trust Company  
Seal  
In presence of  
A. C. Webb  
G. M. Banks Jr.

Union Trust Company of New York, Trustee.  
By Edw. King President

Countersigned

B. W. McAllister Land Commissioner  
Erastus Young Auditor

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State of Massachusetts }  
County of Suffolk }<sup>ss.</sup> Be it remembered, That on this twenty first day of  
November A. D. 1889, before me a Commissioner for Utah in the State of Massachu-  
setts appeared the Union Pacific Railway Company by C. F. Adams its President  
who is personally known to me to be the identical person whose name is subscribed  
to the foregoing instrument as said 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. And I hereby certify that the foregoing  
deed is executed and acknowledged in accordance with the laws of the State of  
Massachusetts.

In Witness Whereof I have hereunto set my hand and official seal this  
Commissioners twenty first day of November A. D. 1889 at the City of Boston in said County and  
Seal State.

Frank D. Buttrick  
Commissioner for Utah

State of New York }  
County of New York }<sup>ss.</sup> Be it remembered, That on this twenty seventh day of  
March A. D. 1890 before me a Commissioner for Utah in the State of New York appea-  
red the Union Trust Company of New York by Edward King its President who is  
personally known to me to be the identical person whose name is subscribed to the fore-  
going instrument as said 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. And I hereby certify that the foregoing deed is exe-  
cuted and acknowledged in accordance with the laws of the State of New York.

In Witness Whereof I have hereunto set my hand and official seal this  
Commissioners twenty seventh day of March A. D. 1890, at the City of New York in said County  
Seal and State.

Charles Kuttleton, Commissioner for Utah

Filed for record April 8. 1890 at 11:40 P.M. Recorded Apr. 8. 1890 in New York

John Stauffer  
County Recorder