

ity with the several acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said John W. Thornley and to his heirs, the said tract above described: TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereunto belonging, unto the said John W. Thornley, and to his heirs and assigns forever; subject to any vested rights for mining agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of Courts, and also subject to the rights of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

(seal) IN TESTIMONY WHEREOF, I Benjamin Harrison, President of the United States of America, have caused these letters to be made patent, and the seal of the general land office to be hereunto affixed. GIVEN under my hand, at the City of Washington, the Sixteenth day of May, in the year of our Lord one thousand eight hundred and Ninety two, and of the Independence of the United States the one hundred and Sixteenth,

BY THE PRESIDENT: Benjamin Harrison
D.P. Roberts, Recorder of the general land office.
By M. Mc Kean, Secretary.

Recorded, Vol. 9, Page 65.

Filed for record and recorded May 25th, A.D. 1904 at 3P.M.

(W. J. Eddington)

W. J. Eddington
County Recorder.

No. 3080. THE UNION PACIFIC RAILWAY COMPANY.

Deed No. 22977 1/2

union division.
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 telegraph 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, 1862, and acts amendatory thereof, which said company has succeeded to and become seized and possessed of all the real estate and property of 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 afore said acts of Congress, in aid of the construction of said road, not conveyed away by said company at the date of such consolidation (to wit, January 24, 1880), in consideration of the sum of Nineteen hundred and Twenty one and 80/100 (1,921. 80/100) DOLLARS, to it paid, the receipt of which is hereby acknowledged, doth hereby Grant Bargain, sell and convey, unto John W. Thornley of the County of Davis in the State of Utah, the following described real estate, situate, lying and being in the County of Morgan and in the State of Utah, and described as follows, to wit: All of Sections Nos. three (3) and Eleven (11) and all of Section Thirteen (13) in Township No. Four (4) North of Range No One (1) East of the Salt Lake Meridian, containing according to the United States survey thereof Nineteen Hundred and Twenty one (1921) and 80/100 Acres. more or less, being the same premises contracted to be sold to John W. Thornley---by contracts NOs, 88386, 88387, and 88388, and 91189 dated Dec, 2 1897 dated September 23, 1887, and contracts No, 88333, dated June 10, 1887. 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 thereof. TO HAVE AND TO HOLD the said premises with all the rights and appurtenances thereunto 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 of 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 June 10, 1887, and except against any claims or incumbrances created or permitted by, or under said John W. Thornley or his successors, heirs or assigns or any of them. AND WHEREAS, said Union Pacific Railroad Company did on the sixteenth day of April, A.D., 1867, execute and deliver to Cyrus H. McCormick of the City of New York, and John Duff of the City of Boston, a Certain Mortgage deed of that date, wherein said Company conveyed to the said Cyrus H. McCormick and John Duff as trustees, for the uses and purposes therein mentioned, among other things the lands hereinbefore described; AND WHEREAS, the said Cyrus H. McCormick did on the Twenty-eighth day of June, A.D. 1873, 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. 1873, 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. 1873, Frederick L. Ames, of Easton, in the State of Massachusetts, was duly Nominated by the remaining trustee, John Duff, as successor to said Cyrus H. 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 L. Ames did upon his acceptance thereof, thereafter become vested with the same estates, rights and 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. 1873, at the city of Boston, vest the same in such new trustee jointly with him the said John Duff, And whereas, the said

said John Duffield, on the fourteenth day of February A.D. 1877, by a proper instrument in 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 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, on the second day of July 1889 the Union Trust Company of New York, was duly nominated by the remaining trustee, Frederick L. Ames, as successor to said John Duffield, which nomination was, on the thirteenth day of July, 1889, approved by the executive committee of the board of directors of the said Union Pacific Railroad Company; and the said Frederick L. Ames executed a deed on the thirteenth day of July, 1889, vesting in the said Union Trust Company of New York, estates, Powers, Rights and interests created by said Mortgage deed jointly with the said Frederick L. 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 L. Ames did, on the fifteenth day of July, 1889, by a proper instrument in writing to that effect, resign his place as trustee under said Mortgage deed, which resignation was, on the sixteenth day of July 1889 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 Frederick L. Ames, having been made, the said Union Trust Company of New York became and now is the sole trustee under the 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 uses and purposes therein mentioned among others the lands herein before 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 herein before described, unto the said grantee, for and in consideration of the sum aforesaid, to the Union Pacific Railway Company, in hand paid by the said grantee, which said sum of money has been paid to the said Union Trust Company of New York, in its capacity as trustee, for the uses and purposes mentioned in said Mortgage deed 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 railway company to said trust Company for the uses and purposes aforesaid, does hereby Remise, Release and forever Quit Claim unto the said John W. Thornley 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, Subject however to all the reservations and conditions hereinbefore contained.

IN WITNESS WHEREOF, the said grantor, The Union Pacific Railway Company, hath caused these presents to be sealed with its corporate seal, and to be signed by its President, attested by its secretary, and counter signed by its land commissioner and its auditor, and the said Union Trust Company of New York, Trustee, under the said Mortgage deed, 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 vice President, who is thereto duly authorized and empowered by the by-laws of the company, and by resolution of its board of directors, this twenty fifth day of September A.D. 1897,
(seal)

In presence of J.R. Daly
B.C. Fowler.

Attest Alex Miller Secretary.

Counter signed: B.M. Mcallaster Land Commissioner. ---erastus Young Auditor.

(seal) THE UNION PACIFIC RAILWAY COMPANY. by S.H.H. Clark President.

UNION TRUST COMPANY OF NEW YORK, TRUSTEE,

by J.M. Ogilore Vice President.

In presence of

J.A. Shaughnessy T.P. O'neil.

STATE OF NEW YORK)
COUNTY OF NEW YORK) (ss;

On the 22nd day of April 1898, personally appeared before me, James H. Ogilive who being by me dully sworn, did say, that he is the vice-President of Union Trust Company of New York and that said instrument was signed in behalf of said Corporation, by authority of its by-laws and said James H. Ogilive, Acknowledged to Me that said Corporation executed the same. In witness Where of I have hereunto set my hand and affixed my official seal this 22nd, day of April A.D. 1898, Charles Edgar Hills Commissioner for Utah---In New York 115 117 Broadway N.W. City. (seal)

STATE OF NEW YORK)
COUNTY OF NEW YORK)

Be It Remembered, That on this 25th day of January A.D. 1898, before me, a Commissioner for Utah, in the state of New York, appeared UNION TRUST COMPANY OF NEW YORK, by James H. Ogilive its 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, and I hereby certify that the foregoing deed is executed 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 25th, day of January A.D. 1898, at the City of New York, in said county and state.
Charles Edgar Hills Commissioner for Utah.
(seal) in New Y.

STATE OF Missouri)
City of St. Louis.)

Be It Remembered, that on this 14th, day of December A.D. 1897 before me, a Notary Public in and for said City appeared the UNION PACIFIC RAILWAY COMPANY, by S.H.H. Clark its President, who is personally known to me to be the identical person whose name is subse-