

20405-8

~~204900~~ C. J.

THIS INDENTURE, bearing date the 14th day of June, 1922, made and entered into by Constantin Refining Company, a corporation organized and existing under and by virtue of the laws of the State of Oklahoma, hereinafter called the "Company," party of the first part, and The Spitzer-Rorick Trust and Savings Bank Trustee, a corporation organized and existing under and by virtue of the laws of the State of Ohio,

WITNESSETH:

WHEREAS, The Company, under date of May 1, 1921 executed and delivered to The Spitzer-Rorick Trust And Savings Bank, Trustee a certain indenture, to which Constantin Oil and Gas Company was also a party, by which indenture the Company mortgaged to the Trustee certain property therein described, and "also all other property of the Company, real, personal and mixed, which it now owns or may hereafter acquire; " and

WHEREAS, among the properties therein specifically described were the following:

100 Tank cars marked " Constantin Refining Co.,

"Tulsa, Okla.", lettered " E.C. X. " and numbered consecutively from 589 to 688, both inclusive;

100 tank cars marked " Constantin Refining Co., Devol, Okla.", lettered "E.C.X." and numbered consecutively from 689 to 788, both inclusive;

207 tank cars marked " Constantin Refining Co., Tulsa, Okla.", lettered "E.C.X." and numbered consecutively from 1001 to 1207, both inclusive,

193 tank cars marked " Constantin Refining Co., Devol., Okla.", lettered E.C.X. and numbered consecutively from 1208 to 1400, both inclusive; and

WHEREAS, said six hundred (600) tank cars above described were leased by Constantin Refining Company from The Union Trust Company of Pittsburgh, Trustee under a lease and trust agreement dated September 15, 1919; and

WHEREAS, by reason of a default by Constantin Refining Company in the payment of rentals accruing under said lease, said The Union Trust Company of Pittsburgh, Trustee, has taken possession of said cars and has sold the same under and in pursuance of the provisions of said lease and trust agreement, effective upon default; and

WHEREAS, The Spitzer-Rorick Trust and Savings Bank, as Trustee under a lease and trust agreement dated April 1, 1922, ^{has} become the owner of said six hundred (600) cars hereinbefore described and has leased the same to Constantin Refining Company under said lease and trust agreement dated April 1, 1922, and in pursuance of said lease said cars have been or are to be plated with plates as follows: " Constantin Refining Co. Equipment Trust, The Spitzer-Rorick Trust and Savings Bank of Toledo, Ohio, Trustee, Owner and Lessor Constantin Refining Co., Lessee: "

NOW THEREFORE, This Indenture Witnesseth, That Constantin Refining Company, in consideration of the premises and of other good and valuable considerations, the receipt whereof is hereby acknowledged, and the further sum of one Dollar (\$1.00) duly paid by said The Spitzer-Rorick Trust and Savings Bank, Trustee under said mortgage dated May 1, 1921 to the Company, and for the purpose of securing the due and punctual payment of the principal of and interest on all of the bonds of the Company which have been or shall be issued under said mortgage dated May 1, 1921 and which shall be at any time outstanding, according to their respective tenor, purport, intent and effect, and the performance and observance of each and every of the covenants and conditions contained in said mortgage, has granted, bargained, sold, assigned, conveyed, mortgaged, transferred, set over and confirmed, and by these presents does grant, bargain, sell, assign, convey, mortgage, transfer, set over and confirm, unto The Spitzer-Rorick Trust and Savings Bank, trustee under said mortgage