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249912 C.J.

IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE EASTERN DISTRICT OF OKLAHOMA.

CONTINENTAL AND COMMERCIAL TRUST
AND SAVINGS BANK AND WILLIAM P.
KOPF, TRUSTEES,

Plaintiffs,

v.

MIDCO TRANSPORTATION COMPANY
Defendant.

IN EQUITY
No .2819

COMPARED

SPECIAL MASTER'S DEED
UNDER DECREE FORECLOSING MORTGAGE OF
MIDCO TRANSPORTATION COMPANY.

THIS INDENTURE made this 25th day of January, 1924, between F. B. DILLARD, as Special Master appointed by the District Court of the United States in and for the Eastern District of Oklahoma in its decree entered on the 6th day of December, 1922, in a certain cause in said court pending in which Continental and Commercial Trust and Savings Bank and William P. Kopf, as Trustees, are plaintiffs and Midco Transportation Company is defendant, party of the first part, and Morris Stern, party of the second part, WITNESSETH:

WHEREAS, Midco Transportation Company, a corporation created under and by virtue of the laws of Oklahoma, did execute and deliver a certain mortgage or deed of trust bearing date June 15, 1919, conveying unto Continental and Commercial Trust and Savings Bank, a corporation organized and existing under and by virtue of the laws of the State of Illinois and William P. Kopf, of Chicago, as Trustees, and to their successors and assigns forever all and singular the property, rights and franchises of said Midco Transportation Company, hereinafter more specifically described, to secure certain bonds of said Midco Transportation Company of which there were issued and outstanding on the 6th day of December, 1922, bonds of the aggregate principal amount of Four Hundred Forty Thousand Dollars (\$440,000), besides interest thereon; and

WHEREAS, the said Midco Transportation Company made default in the payment of certain of the principal and interest due and payable on September 15, 1921, on the bonds outstanding and secured under said deed of trust of date June 15, 1919, being principal of the aggregate amount of Fifty-five Thousand Dollars (\$55,000) and being interest due and payable on said date in the sum of Seven Thousand Seven Hundred Dollars (\$7,700); and made default under the terms of said deed of trust in making the payment of Twenty Thousand Nine Hundred Dollars (\$20,900) on each of the 15th days of July, August and September, 1921, and in making the payment of Twenty Thousand Five Hundred Seventy-nine Dollars and Seventeen Cents (\$20,579.17) on each of the 15th days of October and November, 1921, required by said trust indenture to be made; and because of said defaults the owners and holders of more than twenty per cent of the bonds issued and outstanding under said deed of trust requested said Continental and Commercial Trust and Savings Bank and William P. Kopf, as Trustees, to declare all the bonds outstanding under said deed of trust due and payable; and

WHEREAS, said Midco Transportation Company did execute and deliver a certain other mortgage or deed of trust bearing date November 1st, 1920, conveying unto said Continental and Commercial Trust and Savings Bank and William P. Kopf, as Trustees, and to their successors and assigns forever, all and singular the property, rights and franchises of said Midco Transportation Company, herein more specifically described, to secure certain serial gold notes of said Midco Transportation Company, of which there were issued and outstanding on the 6th day of December, 1922, notes of the aggregate principal amount of One Million Dollars (\$1,000,000), besides interest thereon, which said latter mentioned mortgage or deed of trust of date November 1st, 1920, was by its terms expressly subject to the prior lien of the said trust indenture of the Midco Transportation Company of date June 15, 1919; and

WHEREAS, by reason of defaults suffered by said Midco Transportation Company