



TETRA TECH

September 17, 2009

Mr. Roy Crossland
START Project Officer
U.S. Environmental Protection Agency, Region 7
901 North 5th Street
Kansas City, Kansas 66101

**Subject: Title Search Report, Revision 01
Pittsburg Zinc, Pittsburg, Crawford County, Kansas
U.S. EPA Region 7 START 3, Contract No. EP-S7-06-01, Task Order No. 0156
Task Monitor: Michelle Quick**

Dear Mr. Crossland:

Tetra Tech EM Inc. is submitting the enclosed Title Search report (Revision 01) for the above-referenced facility. If you have any questions or comments regarding this submittal, please contact the project manager at (816) 412-1772.

Sincerely,

Stephanie Luebbering, CHMM
START Project Manager

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START Program Manager

Enclosures

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X9004.09.0156.000

**TITLE SEARCH REPORT REVISION 01
PITTSBURG ZINC
PITTSBURG, CRAWFORD COUNTY, KANSAS**

Superfund Technical Assessment and Response Team (START) 3

Contract No. EP-S7-06-01, Task Order No. 0156

Prepared For:

U.S. Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, Kansas 66101

September 17, 2009

Prepared By:

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1.0 INTRODUCTION

The U.S. Environmental Protection Agency (EPA), Region 7, under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and the Superfund Amendments and Reauthorization Act of 1986 (SARA), tasked Tetra Tech EM, Inc., (Tetra Tech) to conduct a title search of multiple smelter sites to identify potential responsible parties in Pittsburg, Crawford County, Kansas, under Superfund Technical Assessment and Response Team (START) 3 Contract Number EP-S7-06-01, Task Order Number 0156.

The purpose of this title search is to obtain, review and develop a chain of title for at least the past 20 years including property deeds, legal description and address validation for three former smelter sites in Pittsburg, Kansas. A title search was conducted by Crawford County Abstract for all three of the former smelter sites described below. Multiple parcels of land are associated with all three smelter sites. Tables describing the chain of title, including legal descriptions, are in section 2.0. Chain of title and legal descriptions found by Crawford County Abstract are included in Appendix A.

Former Smelter Sites and Associated Parcels of Land

- Robert Lanyon Zinc Works
 - o Parcel No. 209-29-0-20-01-001.00-0
 - o Parcel No. - Unknown
 - o Parcel No. 209-29-0-20-10-001.00-0
 - o Parcel No. 209-29-0-20-10-002.00-0
- W&J Lanyon Zinc Works
 - o Parcel No. 209-29-0-10-07-001.00-0
 - o Parcel No. 209-29-0-10-06-001.00-0
- S.H. Lanyon Zinc Works
 - o Parcel No. 209-29-0-10-03-002.00-0
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 - o Parcel No. 209-29-0-10-03-003.00-0
 - o Parcel No. 209-29-0-10-04-002.00-0
 - o Parcel No. 209-29-0-10-05-001.01-0
 - o Parcel No. 209-29-0-10-05-001.00-0

2.0 CHAIN OF TITLES AND LEGAL DESCRIPTIONS

This section discusses chain of titles and legal descriptions of the three former smelter sites located in Pittsburg, Kansas.

2.1 ROBERT LANYON ZINC WORKS

2.1.1 Parcel No. 209-29-0-20-01-001.00-0

The property associated with Parcel No. 209-29-0-20-01-001.00-0 is currently owned by KAMO Grain, Inc. (KAMO), a Kansas corporation. A review of the title search results found documents detailing property ownership and transfer information dating back to 1961. Table 1 summarizes the chain of title from 1961 through the present. From 1961 through 1996, only property transfers between individuals were found (no ownership by corporations or businesses). However, search results found that in 1996, KAMO purchased lots 1, 2, 3, 4 and portions of 5 in Section 29, Township 30 and Range 25 (Appendix A). The current legal description is as follows:

- Lots One (1), Two (2), Three (3), Four (4), and the South Forty (40) feet of Lot Five (5), in Kansas and Texas Coal Company's First Addition to the City of Pittsburg, Crawford County, Kansas, according to the recorded Plat thereof; LESS railroad right of way.

AND

That tract beginning at a point Five feet (5 ft.) South of the Northeast corner of Lot Three (3) in Kansas and Texas Coal Company's First Addition to the City of Pittsburg, thence East Ninety-four and Six-Tenths feet (94.6 ft.) to the Northwesterly line of the right of way of the Atchison, Topeka and Santa Fe Railroad Company; thence in a Southwesterly direction along the Northwesterly line of said right of way One Hundred Thirty-seven and Twenty-four One Hundredths feet (137.24 ft.) to the East line of the said Addition, and thence North along the East line of said Addition Ninety-eight and Five-Tenths feet (98.5 ft.) to the point of beginning.

AND

One-half (1\2) of all abandoned railroad rights-of-way adjacent to said tracts.

TABLE 1

**PARCEL NO. 209-29-0-20-01-001.00-0
PROPERTY OWNERSHIP**

Grantor	Grantee	Property Conveyed Description	Date
Merle Miller Hill	John D. Kelso	Section 29, Township 30, Range 25; lot 26 in Kansas and Texas Coal Company's First Addition.	May 26, 1961
Camilla R. Kelso	Camilla R. Kelso, Trustee	Section 29, Township 30, Range 25; lots 1, 2, 3, 4, 5 and 26 in Kansas and Texas Coal Company's First Addition. Lots 88 and 89 in Forest Park 2 nd Addition. Parts of Section 13, Township 30 and Range 24.	November 21, 1994
Camilla R. Kelso, Trustee	KAMO Grain, Inc.	Current (described above)	April 17, 1996

2.1.2 Parcel No. - Unknown

According to the Crawford County Assessors website there is not tax identification parcel number associated with this piece of property; therefore, we do not have a legal description for this property. Based on the limited amount of data provided, the Crawford County Abstract provided the following information for this piece of property. In order to verify that the correct title documentation has been provided the property would have to be surveyed.

The Trustee of Helen Ruby Messenger Revocable Trust and Helen Messenger and A. Messenger Lumber & Millwork Construction Company are listed as the current property owners of the parcel located on the northern portion of the former Robert Lanyon Zinc Works site. A review of the title search results found documents detailing property ownership and transfer information dating back to 1990 (Appendix B). From 1990 to present, the property has been owned by an individual or trust (no ownership by corporation or businesses). The current legal description is as follows:

- Tract A – Beginning at a point Three Hundred (300) Feet West and Two Hundred Ninety and Five Tenths (290.5) Feet South of the Northeast Corner of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of said Section Twenty (29), thence North Two Hundred Sixty and Five Tenths (260.5) Feet; thence West Three Hundred (300) Feet; thence South Three Hundred Fifty (350) Feet; thence East Two Hundred Thirty Three (233) Feet to the center of the St. Louis-San Francisco Railway Company Track Number Thirteen (13); thence Northeasterly along said Track Number Thirteen (13) a distance of One Hundred Eleven and Nine Tenths (111.9) Feet to a place of beginning, subject to easements and rights of ways of record; and
- Tract B – Beginning at the Northwest corner of the Northeast Quarter (NE ¼) of said Section Twenty Nine (29), thence South along the center line of said Section Twenty Nine (29), Six hundred forty three and one half (643 ½) feet to the North line of the right of way of the St. Louis and San Francisco Railroad Company, thence East along the said right of way line Thirteen

hundred seventeen (1317) feet to the East line of said Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of said Section, thence North along said East line two hundred thirty six and one half (236 ½) feet, thence West Seven hundred seventy nine and twelve one hundredths (779.12) feet to an iron pipe, thence North and crossing the right of way of the St. Louis and San Francisco Railroad Company, formerly Kansas City, Fort Scott and Memphis Railroad Company to the North line of said Section, thence West along said Section line Five hundred thirty eight and seven tenths (538.7) feet to the point of beginning, excepting therefrom the right of way of the main line of the St. Louis and San Francisco Railroad Company, formerly Kansas City, Fort Scott and Memphis Railroad Company, and a twenty five (25) foot right of way used for depot spur of said railroad, Also except a piece of land in the Southwest corner of the tract hereby conveyed, deeded to the Pittsburg Fort Scott and Sothern Railroad Company on August 31, 1893, for a switch connecting its main line with the St. Louis and San Francisco Railroad,

Also except the right of way of a St. Louis and San Francisco Railroad switch track running in a northeasterly direction into the land formerly owned by S. H. Lanyon, also except that part of the following described tract, sold on May 4, 1937, to John Loth, August DeGasperi, Jr., George E. Raven, Partners doing business under the firm name and style of the Pittsburg Pirate Baseball Club, which lies in the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of said Section Twenty Nine (29):

“All that part of the Northeast Quarter (NE ¼) of the Northwest Quarter (NE ¼) and all that part of the Northwest Quarter (NW ¼) of the Northeast Quarter of the Northeast Quarter (NE ¼) of Section Twenty nine (29), Township Thirty (30), Range Twenty five (25), bounded and described as,

Beginning at point Ninety (90) feet South of the North Quarter (N ¼) corner of Section Twenty nine (29), and in the South line of the right of way of the St. Louis and San Francisco Railroad Company switch, and running thence Westerly along said right of way to the East line of the right of way of the Kansas City Southern Railway Company; thence Southernly and Southeasterly, along the rights of way of the Kansas City Southern Railway Company and of the connecting or transfer switch of the said Kansas City Southern Company and the St. Louis and San Francisco Railway Company respectively to the North line of the right of way of the Joplin and Girard Branch of the St. Louis and San Francisco Railway Company; thence East along said right of way to the west line of the right of way of the Arcadia and Cherryvale branch of the St. Louis and San Francisco Railway Company, and thence Northeasterly and Northwesterly along the rights of way of the Arcadia and Cherryvale branch and the switch track of the St. Louis and San Francisco Railway Company respectively to the place of beginning.”

Also except that part of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, more particularly described as follows: Beginning at a point on the West line of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty nine (29), Township Thirty (30) feet South of the Northwest corner of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence South to the intersection of the North Right of Way Line of the St. Louis-San Francisco Railway Company of Way Line of the St. Louis-San Francisco Railway Company switch track with the West line of the Northwest Quarter (NW ¼) of the Northeast (NE ¼) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence Southeast along said North Right of Way line of the switch track of the St. Louis-San Francisco Railway Company to a point where the said Right of Way line of the switch

track of the St. Louis-San Francisco Railway Company intersects the West Right of Way line of the Arcadia-Cherryvale branch of the St. Louis-San Francisco Railway Company; thence Four hundred (400) feet Northeast along the West Right of Way line of the Arcadia-Cherryvale branch of the St. Louis-San Francisco Railway Company; thence due North to a point Thirty (30) feet South of the North line of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence due West Five hundred thirty eight and seven tenths (538.7) feet to the point of beginning, subject to easements and rights of way of record.

- Part of the Northwest quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, Crawford County, Kansas, according to the United States Government Survey thereof bounded and describes as follows:

Beginning at a point Thirty (30) feet South and Six Hundred (600) feet West of the Northeast corner of the Northwest Quarter (NW ¼) of said Northeast (NE ¼); Thence South Three Hundred Fifty (350) feet; Thence West One Hundred Seventy Nine and Twelve One Hundredths (179.12) feet; Thence North Three Hundred Fifty (350) feet; Thence East One Hundred Seventy Nine and Twelve One Hundredths (179.12) feet to the point of beginning.

EXCEPT that part thereof condemned for Easements and Right-of-Way for the Construction of a Viaduct (overpass) over and across the Railroad Tracks on East Fourth Street in the City of Pittsburg, Kansas, as evidenced by Condemnation proceedings in the District Court of Crawford County, Kansas, sitting at Pittsburg, in Case No. 18883 and bounded and described in Parcel No. 16, as follows:

“A tract of Land described as beginning 538.7 feet East of the Northeast Quarter (NE ¼) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East, Crawford County, Kansas, Thence Running South 87.5 feet, Thence East to a point on the Northwesterly line of the Right of Way of the Arcadia-Cherryvale Branch of the St. Louis and San Francisco Railway Company, Thence Northwesterly along said Right of Way line to North line of said Northeast Quarter (NE ¼), Thence West to the point of beginning; EXCEPTING from said tract the North 30 feet thereof, said Exception being the South portion of the Right of Way of Fourth Street.”

2.1.3 Parcel No. 209-29-0-20-10-001.00-0

Southeast Kansas Railroad, Inc. is the current property owner of the Parcel No. 209-29-0-20-10-001.00-0 located on the central portion of the former Robert Lanyon Zinc Works site. A review of the title search results found documents detailing property ownership and transfer information dating back to 1996 (Appendix C). The current legal description is as follows:

- Parcel 1 - All that portion of Burlington Northern Railroad Company's (formerly St. Louis, San Francisco Railway Company) 100 foot wide Pittsburg to Girard, Kansas Branch Line right of way, now discontinued, being 50 feet wide on each side of said Railroad Company's Main Track centerline as originally located and constructed upon, over and across the Northwest Quarter of the Northwest Quarter of Section 29 and the Northeast Quarter of the Northeast Quarter of Section 30, Township 30 South, Range 25 East of the 6th Principal Meridian, Crawford County,

Kansas, bounded on the West by the west line of Broadway Avenue in the Town of Pittsburg, Crawford County, Kansas, as per the recorded plat thereof and bounded on the East by the East line of said Northwest Quarter; LESS AND EXCEPT that part of the hereinabove described property conveyed by said Railway Company to the National Bank of Pittsburg by deed dated October 15, 1975.

- Parcel 2 – The North 3 feet of Lot 123 in Block 38 in the original Town (now City) of Pittsburg, Crawford County, Kansas, as per the recorded plat thereof; Also,
- Parcel 3 – A rectangular strip of land, being a part of and in the Northwest corner of Lot 142, in block 38 in the original Town (now City) of Pittsburg, Crawford County, Kansas, as per the recorded plat thereof; said rectangular strip being more particularly described as follows: Beginning at the Northwest corner of said lot; Thence running Eastward along the North boundary of said lot a distance of 34 feet; Thence running South on a line parallel with the East boundary of said lot a distance of 9 feet; Thence running West on a line parallel with the North boundary of said lot a distance of 34 feet to the West boundary of said lot; Thence running North along the West boundary of said lot a distance of 9 feet to the point of beginning; Also,
- Parcel 4 - All that portion of Burlington Northern Railroad Company's (formerly St. Louis, San Francisco Railway Company) Pittsburg to Girard, Kansas Branch Line right of way and property now discontinued, located upon, over and across the Northwest Quarter of Section 29, Township 30 South, Range 25 East of the 6th Principal Meridian, Crawford County, Kansas, described as follows: Commencing at a point 753 feet South and 1288 feet East from the Northwest corner of said Northwest Quarter, said point being the intersection of the East boundary line of the Town of Pittsburg, as per the recorded plat thereof and a line parallel with and 50 feet normally distant Southerly from said Branch Line Main Track centerline, as originally located and constructed; Thence Easterly along said parallel line 1054 feet to the True Point of Beginning; Thence South 05 degrees, 20 minutes East 345 feet; Thence Southerly 268 feet to the Southeast corner of a tract of land conveyed by Southern Development Company to the Kansas City, Fort Scott and Memphis Railway Company by deed dated December 9, 1905 and recorded in Book 56, Page 587; Thence Westerly parallel with the centerline of said Main Track, along the Southerly line of said tract of land 784 feet to a property corner; Thence Northerly at right angles 25 feet to a property corner; Thence Westerly 100 feet to the Easterly line of property conveyed by the Atchinson, Topeka and Sante Fe Railway Company to A&M Rentals Inc. by deed dated September 15, 1992 and recorded in Book 171, Page 341 in and for said Crawford County, Kansas; (The next six calls are along the property lines of property described in said deed dated September 15, 1992); Thence Northerly along said Easterly line 340.72 feet, more or less, to the Southerly line of a railroad spur track right of way; Thence Northeasterly along the last said Southeasterly line 394 feet, more or less, to a line parallel with and 50 feet normally distant Southerly from said Branch Line Main Track centerline; Thence Westerly along the last said parallel line 65.10 feet, more or less, to the Northwesterly line of said spur track right of way; Thence Southwesterly along the last said Northwesterly line 258.50 feet, more or less, to a property corner; Thence Northerly along said A&M Rentals, Inc. property line 190.96 feet, more or less, to a line parallel with and 50 feet normally distant Southerly from said Branch Line Main Track centerline; Thence Westerly along the last said parallel line 55 feet, more or less, to the most Easterly line of property conveyed by Burlington Northern Railroad Company to A&M Rentals, Inc. by deed dated July 17, 1995 and recorded in Book 218, Page 000491 in and for Crawford County, Kansas; Thence Northerly at right angles 40 feet to the Northeast corner of the last said A&M Rentals, Inc. property; Thence Westerly at right angles, along the North line of the last said A&M Rentals, Inc. property 270 feet to the West line of the Northeast Quarter of the Northwest Quarter of said Section 29; Thence North along the last said West line 60 feet, more or

less, to a line parallel with and 50 feet normally distant Northerly from said Branch Line Main Track centerline; Thence Easterly along the last said parallel line 1040 feet, more or less, to a line extending North 05 degrees, 20 minutes West from the true point of beginning; Thence South 05 degrees, 20 minutes East 50 feet, more or less, to the true point of beginning; Hereinabove described Parcel No. 4 is shown in hatch marks on the Exhibit "A" plat dated April 11, 1996 attached hereto and made a part thereof; Also,

- Parcel 5 – All that portion of Burlington Northern Railroad Company's (formerly St. Louis, San Francisco Railway Company) 100 foot wide Pittsburg to Cherokee, Kansas Branch Line right of way, now discontinued, being 50 feet wide on each side of said Railroad Company's Main Track centerline as originally located and constructed upon, over and across the Southwest Quarter of Section 29, the East Half of Section 31 and the Northwest Quarter of the Northwest Quarter of Section 32 in all Township 30 South, Range 25 East and the Northwest Quarter of the Northeast Quarter and the East Half of the Northwest Quarter of Section 6, Township 31 South, Range 25 East of the 6th Principal Meridian, Crawford County, Kansas, bounded on the North by the North line of said Southwest Quarter of Section 29 and bounded on the Southerly side by a line drawn at right angles to said Main Track centerline distant 450 feet Northeasterly of the South line of said East Half of the Northwest Quarter of Section 6, as measured along said Main Track centerline; Also,
- Parcel 6 – All that portion of said Railroad Company's 66 foot wide Branch Line right of way, being 33 feet wide on each side of said Main Track centerline upon, over and across the Southeast Quarter of the Northwest Quarter of Section 29, Township 30 South, Range 25 East of the 6th Principal Meridian, Crawford County, Kansas, bounded on the South by the South line of said Southeast Quarter of the Northwest Quarter and bounded on the Northerly side by a line drawn at right angles to said Main Track centerline distant 1297 feet Northeasterly of the South line of said Southeast Quarter of the Northwest Quarter of Section 29, as measured along said Main Track centerline.

2.1.4 Parcel No. 209-29-0-20-10-002.00-0

The Norma L. Caldwell Trust is the current property owner of Parcel No. 209-29-0-20-10-002.00-0 located on the southern portion of the former Robert Lanyon Zinc Works site. A review of the title search results found documents detailing property ownership and transfer information dating back to 1980. From 1980 to present, the property has been owned by an individual or trust (no ownership by corporation or businesses). Prior to October of 1980, the property was owned by the Central Coal & Coke Corporation, a Delaware Corporation (Appendix D). The current legal description is as follows:

- A triangular tract of land lying partly in the NE ¼ of the NW ¼ and partly in the NW ¼ of the NE ¼ of Section 29, Township 30, Range 25, described as beginning on the South Line of the right of way of the Frisco railroad, at the NE corner of the tract of land owned by the Cherokee Lanyon Spelter Co., thence East along Frisco right of way boundary 426.1 feet to the West boundary of another Frisco right of way, thence Southwest along said Frisco right of way boundary 722.5 feet to the South line of the NE ¼ of the NW ¼, thence West 10 feet, more or less, to the East line of land of Cherokee Lanyon Spelter Co., thence NW along said East line 608.2 feet to point of beginning, except from the above that part covered in a right of way deed to

Pitts. F. S. & S. Railroad Company dated August 31, 1893. This tract contains 2.75 acres, more or less, and a part of it is subject to a lease outstanding to the Frisco Railroad Co.

- A tract of land in the SE ¼ of the NW ¼ of Section 29, Township 30, Range 25, described as beginning 293.4 feet East of the SW corner of the SE ¼ of the NW ¼ on the South boundary thereof, thence East 66.6 feet, more or less, to the West boundary of the right of way of the KCFS&M Railroad, thence NE along said right of way boundary to the West line of right of way of Pitts. FS&S Railroad, thence North along said right of way boundary to a point 14 feet 8 inches South of the North boundary of the SE ¼ of the NW ¼, thence West parallel to said boundary to the East boundary of the right of way of the AT&SF Railroad, thence South along said East boundary of the right of way to the point of beginning. This tract contains 10.8 acres, more or less, and it is subject to a surface lease outstanding with the rent paid until January 1, 1981.

2.2 W&J LANYON ZINC WORKS

2.2.1 Parcel No. 209-29-0-10-07-001.00-0 and Parcel No. 209-29-0-10-06-001.00-0

The property associated with W&J Lanyon Zinc Works is currently owned by MCP Industries, Inc. (MCP), a California corporation. A review of the title search results found documents detailing property ownership and transfer information dating back to 1977. Table 2 summarizes the chain of title from 1977 through the present. From 1977 through 2001, only property transfers between individuals were found (no ownership by corporations or businesses). However, search results found that in 2001, MCP purchased portions of lots 51, 52, 53, 54 and 55 in Block 3. In 2008, Doug and Rhonda Brisendine (joint) also purchased parts of lots 51, 52, 53, 54 and 55, as well as lots 34, 35, 36, and 37 in Block 2 (Appendix E). After a phone conversation between START and Crawford County Abstract it appears that Mr. Albert Jost may have sold different “portions” of lots 51, 52, 53, 54, and 55 in Block 3 at separate times (in 2001 and in 2008). The current legal description is as follows:

- That portion of Lots Fifty-one (51), Fifty-two (52), Fifty-three (53), Fifty-four. (54) and Fifty-five (55) in Block Three (3) in "Laphams Addition" to the City of Pittsburg, Crawford County, Kansas, according to the recorded Plat thereof, lying South and West of the Centerline of Taylor Branch.

TABLE 2

**PARCEL NO. 209-29-0-10-07-001.00-0 AND PARCEL NO. 209-29-0-10-06-001.00-0
PROPERTY OWNERSHIP**

Grantor	Grantee	Property Conveyed Description	Date
Helen Brown	Henry Jelochan	Lots 51, 52, 53, 54, and 55 in Block 3 in Laphams Addition.	October 17, 1977
Henry Jelochan	Albert Jost	Same as above.	November 1, 2001
Albert Jost	MCP Industries, Inc.	Portion of Lots 51, 52, 53, 54, and 55 in Block 3 in “Laphams Addition” lying south and west of	November 15, 2001

		the centerline of Taylor Branch.	
Albert Jost	Doug and Rhonda Brisendine (joint)	Lots 34, 35, 36, 37 and 38 in Block 2. All that part of Lots 51, 52, 53, 54, and 55 in Block 3 lying south and west of the centerline of Taylor Branch, all in "Laphams Addition."	September 25, 2008

2.3 S.H. LANYON ZINC WORKS

2.3.1 Parcel No. 209-29-0-10-03-002.00-0 and Parcel No. 209-29-0-10-03-001.00-0 and Parcel No. 209-29-0-10-03-005.01-0

Parcel nos. 209-29-0-10-03-002.00-0, 209-29-0-10-03-001.00-0, and 209-29-0-10-03-005.01-0 associated with the former S.H. Lanyon Zinc Works is currently owned by MCP, a California corporation. A review of the title search results found documents detailing property ownership and transfer between corporations were found (no individual ownership). Table 3 summarizes the chain of title from 1987 through the present. Search results found that Mission Clay Products Corporation purchased the property, associated with 824 East 4th Street, from W.S. Dickey Clay Manufacturing Company in 1987. Mission Clay Products Corporation later then conveyed the same property, including all parcels, to MCP, Inc., in 1990. This conveyance appears to be related to change in the company's name. According to the current tax record, the former smelter property currently covers "lots 45, 46, and 47, in block 3 and east ½ vacant alley adjacent west side of said lots" (Appendix F).

Search results also indicate title exceptions to the respective parcels; which include mineral rights. Parcel 5 showed an exception for mineral rights and reservations as recited in the Warranty Deed from E.V. Lapham and wife to B.H. Lanyon, as recorded in Book "R", at page 30, in the office of the Register of Deeds of Crawford County, Kansas. Parcel 13 showed an exception for mineral rights and reservations as recited in the Warranty Deed from William Lanyon and Annie G. Lanyon, his wife, to G. Iori, as recorded in Book 83, at page 610, in the office of the Register of Deeds of Crawford County, Kansas (Appendix C).

Table 4 summarizes the legal description and title exceptions for 824 East 4th Street, Pittsburg, Kansas by parcel.

TABLE 3

**PARCEL NO. 209-29-0-10-03-002.00-0 AND PARCEL NO. 209-29-0-10-03-001.00-0 AND
PARCEL NO. 209-29-0-10-03-005.01-0
PROPERTY OWNERSHIP**

Grantor	Grantee	Date
W.S. Dickey Clay Manufacturing Company	Mission Clay Products Corporation	September 18, 1987
Mission Clay Products Corporation	MCP Industries, Inc	September 27, 1990

TABLE 4

**PARCEL NO. 209-29-0-10-03-002.00-0 AND PARCEL NO. 209-29-0-10-03-001.00-0 AND
PARCEL NO. 209-29-0-10-03-005.01-0
LEGAL DESCRIPTION**

Legal Description by Parcel Number	
Parcel Number	Description
1	NW ¼ of NE ¼ of S29, T30S, R25E
2	All that part of the NW ¼ of NE ¼ of S29, T30S, R25E
3	Lots 45, 46 and 47 in Block 3 in Laphams Addition
4	All of the E ½ of the NE ¼ of S29, T30S, R25E Part of the W ½ of NE ¼ and E ½ of NW ¼ of S29, T30S, R25E
5	Part of the NE ¼ of NE ¼ of S29, T30S, R25E
6	Part of the NW ¼ of NE ¼ of S29, T30S, R25E
7	Part of the W ½ of S11, T30S, R25E
8	NE ¼ of SE ¼ and the N ½ of SW ¼ of SW ¼ of S28, T30S, R25E
9	E ½ of SW ¼ of S9, T30S, R25E All that part of W ½ of SW ¼ of S9, T30S, R25E
10	S ½ of SW ¼ of S15, T29S, R25E
11	Part of N ½ of SW ¼ of S15, T29S, R25E
12	All that part of SE ¼ of S11, T30S, R25E
13	NE ¼ of SE ¼ of S16, T29S, R25E SE ¼ of SE ¼ of S16, T29S, R25E
Parcel Number	Title Exceptions
4	Easements for Kansas Gas & Electric Company and City of Pittsburg, Crawford County, Kansas
5	Mineral rights and reservations as recited in warranty deed from E.V. Lapham and wife to B.H. Lanyon
7	Easements for Kansas Gas & Electric Company, Rural Water District No. 5, and Williams Brothers Pipeline Company
8	Easements for Rural Water District No. 5, Crawford County, Kansas and City of Pittsburg, Crawford County, Kansas
9	Mineral rights and reservations as recited in deed from The Cherokee and Pittsburg Coal and Mining Company to J.E. Hurley, C. Leland, Jr. and Walter Reeves, as trustees in bankruptcy of the estate of Charles J. Devlin
10	Easement for Rural Water District No. 1, Crawford County, Kansas and mineral rights and reservations and conditions as recited in special warranty deed from the Missouri Improvement Company to Joseph A. Ida and Jo Ann Ida, and George O Fauvergue Jr. and Ruby Earleen Fauvergue
11	Easement for Rural Water District No. 1, Crawford County, Kansas
12	Easement for Kansas Gas & Electric Company and Rural Water District No. 5, Crawford County, Kansas
13	Mineral rights and reservations as recited in warranty deed from William Lanyon and Annie G. Lanyon, his wife, to G. Iori

2.3.2 Parcel No. 209-29-0-10-03-003.00-0 and Parcel No. 209-29-0-10-05-001.01-0

The Trustee of Helen Ruby Messenger Revocable Trust and Helen Messenger are listed as the current property owner of the parcel nos. 209-29-0-10-03-003.00-0 and 209-29-0-10-05-001.01-0 located on the western portion of the former S.H. Lanyon Smelter site. A review of the title search results found

documents detailing property ownership and transfer information dating back to 1990. From 1990 to present, the property has been owned by an individual or trust (no ownership by corporations or businesses) (Appendix G). The current legal description is as follows:

- Tract A – Beginning at a point Three Hundred (300) Feet West and Two Hundred Ninety and Five Tenths (290.5) Feet South of the Northeast Corner of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of said Section Twenty (29), thence North Two Hundred Sixty and Five Tenths (260.5) Feet; thence West Three Hundred (300) Feet; thence South Three Hundred Fifty (350) Feet; thence East Two Hundred Thirty Three (233) Feet to the center of the St. Louis-San Francisco Railway Company Track Number Thirteen (13); thence Northeasterly along said Track Number Thirteen (13) a distance of One Hundred Eleven and Nine Tenths (111.9) Feet to a place of beginning, subject to easements and rights of ways of record; and
- Tract B – Beginning at the Northwest corner of the Northeast Quarter (NE ¼) of said Section Twenty Nine (29), thence South along the center line of said Section Twenty Nine (29), Six hundred forty three and one half (643 ½) feet to the North line of the right of way of the St. Louis and San Francisco Railroad Company, thence East along the said right of way line Thirteen hundred seventeen (1317) feet to the East line of said Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of said Section, thence North along said East line two hundred thirty six and one half (236 ½) feet, thence West Seven hundred seventy nine and twelve one hundredths (779.12) feet to an iron pipe, thence North and crossing the right of way of the St. Louis and San Francisco Railroad Company, formerly Kansas City, Fort Scott and Memphis Railroad Company to the North line of said Section, thence West along said Section line Five hundred thirty eight and seven tenths (538.7) feet to the point of beginning, excepting therefrom the right of way of the main line of the St. Louis and San Francisco Railroad Company, formerly Kansas City, Fort Scott and Memphis Railroad Company, and a twenty five (25) foot right of way used for depot spur of said railroad, Also except a piece of land in the Southwest corner of the tract hereby conveyed, deeded to the Pittsburg Fort Scott and Sothern Railroad Company on August 31, 1893, for a switch connecting its main line with the St. Louis and San Francisco Railroad,

Also except the right of way of a St. Louis and San Francisco Railroad switch track running in a northeasterly direction into the land formerly owned by S. H. Lanyon, also except that part of the following described tract, sold on May 4, 1937, to John Loth, August DeGasperi, Jr., George E. Raven, Partners doing business under the firm name and style of the Pittsburg Pirate Baseball Club, which lies in the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of said Section Twenty Nine (29):

“All that part of the Northeast Quarter (NE ¼) of the Northwest Quarter (NE ¼) and all that part of the Northwest Quarter (NW ¼) of the Northeast Quarter of the Northeast Quarter (NE ¼) of Section Twenty nine (29), Township Thirty (30), Range Twenty five (25), bounded and described as,

Beginning at point Ninety (90) feet South of the North Quarter (N ¼) corner of Section Twenty nine (29), and in the South line of the right of way of the St. Louis and San Francisco Railroad Company switch, and running thence Westerly along said right of way to the East line of the right of way of the Kansas City Southern Railway Company; thence Southernly and Southeasterly, along the rights of way of the Kansas City Southern Railway Company and of the connecting or transfer switch of the said Kansas City Southern Company and the St. Louis and San Francisco

Railway Company respectively to the North line of the right of way of the Joplin and Girard Branch of the St. Louis and San Francisco Railway Company; thence East along said right of way to the west line of the right of way of the Arcadia and Cherryvale branch of the St. Louis and San Francisco Railway Company, and thence Northeasterly and Northwesterly along the rights of way of the Arcadia and Cherryvale branch and the switch track of the St. Louis and San Francisco Railway Company respectively to the place of beginning.”

Also except that part of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, more particularly described as follows: Beginning at a point on the West line of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty nine (29), Township Thirty (30) feet South of the Northwest corner of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence South to the intersection of the North Right of Way Line of the St. Louis-San Francisco Railway Company of Way Line of the St. Louis-San Francisco Railway Company switch track with the West line of the Northwest Quarter (NW ¼) of the Northeast (NE ¼) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence Southeast along said North Right of Way line of the switch track of the St. Louis-San Francisco Railway Company to a point where the said Right of Way line of the switch track of the St. Louis-San Francisco Railway Company intersects the West Right of Way line of the Arcadia-Cherryvale branch of the St. Louis-San Francisco Railway Company; thence Four hundred (400) feet Northeast along the West Right of Way line of the Arcadia-Cherryvale branch of the St. Louis-San Francisco Railway Company; thence due North to a point Thirty (30) feet South of the North line of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence due West Five hundred thirty eight and seven tenths (538.7) feet to the point of beginning, subject to easements and rights of way of record.

2.3.3 Parcel No. 209-29-0-10-04-002.00-0

The property associated with Parcel No. 209-29-0-10-04-002.00-0 is currently owned by Skelgas, Inc. a Kansas corporation. A review of the title search results found documents detailing property ownership and transfer information dating back to 1989. In January 1989, APG Holding Corp., formerly known as Union L.P. Gas System, Inc. transferred this property via quit claim to S&J Investments, a New York partnership. In May 1991 S&J Investments transferred the property to Skelgas, Inc. (Appendix H). The current legal description is as follows:

- Tract No. 1 – Lots Forty-five (45) and Forty-six (46) Town of Ozark Divide, Crawford County, Kansas.
- Tract No. 2 – Lots number One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8) in Block Number Fourteen (14), in (East Addition) to the City of McCune, Kansas.
- Tract No. 3 – All that part of Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty Nine (29) Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, more particularly described as follows: Beginning at a point on the West line of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty Nine (29),

Township Thirty (30) South, Range Twenty Five (25) East, Thirty (30) Feet South of line Northwest corner of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence South to the intersection of the North Right of Way Line of the St. Louis-San Francisco Railway Company switch track with the West line of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty Nine (29) Township Thirty (30) South, Range Twenty Five (25) East; thence Southeast along said North Right of Way line of the switch track of the St. Louis-San Francisco Railway Company to a point where the said Right of Way line of the switch track of the St. Louis-San Francisco Railway Company intersect the West Right of Way line of the Arcadia-Cherryvale branch of the St. Louis-San Francisco Railway Company; thence Four hundred (400) feet Northeast along the West Right of Way line of the Arcadian-Cherryvale branch of the St. Louis-San Francisco Railway Company; thence due North to a point Thirty (30) feet South of the North line of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty Nine (29) Township Thirty (30) South, Range Twenty five (25) East; thence due West Five hundred thirty eight and seven tenths (538.7) feet to the point of beginning.

2.3.4 Parcel No. 209-29-0-10-05-001.00-0

Parcel No. 209-29-0-10-05-001.00-0 has been owned by Caruthers Garage and Auto Salvage, Inc. The property has been owned by the Caruthers family since 1939 (Appendix I). The current legal description is as follows:

- Lots Twenty Five (25) and Twenty Six (26), Block Eighteen (18), in New York Investment company's Chaplin Place Addition to City of Pittsburg, and

All that part of the Northeast (NE ¼) Quarter of the Northwest Quarter (NW ¼) and all that part of the Northwest (NW ¼) Quarter of the Northeast (NE ¼) of Section Twenty Nine (29), Township Thirty (30), Range Twenty Five (25) bounded and described as follows:

Beginning at a point Ninety (90) feet south of the Northeast Quarter Corner of said Section Twenty Nine (29) in the South line of the right-of-way of the St. Louis and San Francisco Railway Company switch and running thence Westerly along said right-of-way to the East line of the right-of-way of the Kansas City Southern Railway Company; thence Southerly and Southeasterly along the right-of-way of the Kansas City Southern Railway Company and the connecting or transfer switch of the said Kansas City Southern Railway Company and of the St. Louis and San Francisco Railway Company, respectively, to the North line of the right-of-way of the Joplin and Girard branch of the St. Louis and San Francisco Railway Company; thence East along said right-of-way to the West line of the right-of-way of the Arcadia and Cherryvale Branch of the St. Louis and San Francisco Railway Company and thence Northeasterly and Northwesterly along the right-of-way of the Arcadia and Cherryvale branch and the switch track of the St. Louis and San Francisco Railway Company, respectively, to the place of beginning, and containing Five (5) Acres, more or less.

APPENDIX A

PARCEL NO. 209-29-0-20-01-001.00-0

Handwritten: 4600
23-K3

Quitclaim

1914

Chas. & Co., Real Estate Office, 211 West 10th St., Topeka, Kansas

THIS INDENTURE, Made this 26th day of May, 1961, between

Merle Miller Hill, a single woman

of Crawford County, in the State of Kansas, of the first part, and

John D. Kelso

of Crawford County, in the State of Kansas, of the second part,

WITNESSETH, That said party of the first part, in consideration of the sum of

One Dollar and other valuable consideration

AND HEREBY RELEASES

the receipt of which is hereby acknowledged, do hereby REMISE, RELEASE AND QUIT-

CLAIM, unto said party of the second part, his heirs and assigns, all the following described

REAL ESTATE, situated in the County of Crawford

and State of Kansas, to wit:

In Section Twenty-Nine (29), Township Thirty (30), Range

Twenty-Five (25), commencing at the Southeast Corner of Lot

Twenty-Six (26) Kansas & Texas Coal Company's First Addition

to Pittsburg and going North Two Hundred and Twelve (212) feet

to Atchison, Topeka and Santa Fe Railway; Thence Northeast along

the Atchison, Topeka and Santa Fe Railway right of way to the

South Line of the St. Louis and San Francisco Railway; Thence

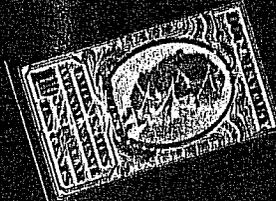
East to the Kansas City Southern Railway; Thence South to the

St. Louis & San Francisco Railway Main Line; Thence West to the

point of beginning; and Lot Twenty-Six (26), Kansas and Texas

Coal Company's First Addition to Pittsburg, Kansas.

Handwritten: file
y No. 30-25



TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances therunto belonging, or in any wise appertaining, forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand, the day and year first above written.

Executed and delivered in presence of

Handwritten signature: Merle Miller Hill

STATE OF Kansas, Crawford COUNTY, ss.

BE IT REMEMBERED, That on this 26th day of May, A. D. 19 61
before me, the undersigned, a Notary Public in and for the County and State
aforesaid, came Merle Miller Hill

who is personally known to me to be the same person who executed
the within instrument of writing, and such person duly acknowl-
edged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my
seal, the day and year last above written.

Robert M. Kelso
Notary Public.

(Term expires June - 11, 1961)



DEED

FROM

Merle Miller Hill

TO

John D. Kelso

Entered in Transfer Record in my office, this

26 day of May, A. D. 19 61

Robert M. Kelso
County Clerk.

STATE OF Kansas, ss.
Crawford COUNTY,

This instrument was filed for record on the
26 day of May, A. D. 19 61,
at 12:50 o'clock P. M., and duly recorded in
Book 284 on page

Fee, \$ 4.35

Shirley Johnson
Registered Deeds

331-242-M-1-60 Crank & Co., Inc., Topeka 70203

R.O. Brown

-460-
4-345-K-3

QUIT CLAIM DEED (Following Kansas Statutory Form)

Entered in Transfer Record in my office this
23rd day of November, A. D., 1994
Paul B. Drenth
County Clerk.

Camilla R. Kelso, a/k/a Camilla B. Kelso, a/k/a Camilla Kelso

QUIT CLAIM S TO

Camilla R. Kelso, Trustee under the Camilla R. Kelso Revocable Trust Agreement dated November 21, 1994

all the following described REAL ESTATE in the County of Crawford

and the State of Kansas, to-wit:

See attached Exhibit "A"

A real estate sales validation questionnaire is not required pursuant to K.S.A. 1993 Supp. 79-1437e(a)7.

for the sum of One and no/100 (\$1.00) Dollar and other valuable consideration.

Dated November 21, _____, 1994

STATE OF KANSAS, CRAWFORD COUNTY, ss

BE IT REMEMBERED, That on this 21 day of November

A. D. 1994, before me, the undersigned, a notary public,

in and for the County and State aforesaid, came

Camilla R. Kelso, a/k/a Camilla B. Kelso, a/k/a Camilla Kelso,

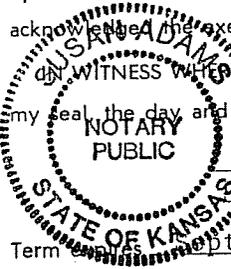
Camilla R. Kelso
Camilla R. Kelso

who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year last above written.

Susan Adams
Susan Adams - Notary Public.

Term September 24, 1995



STATE OF Kansas } ss.
Crawford County, }

This instrument was filed for record on the 23rd day of November, A. D., 1994, at 8:45 o'clock A.M., and duly recorded in book 207 of Misc at page 214.

Jeanette Nepote
Jeanette Nepote
Register of Deeds.
Deputy.

Fees, \$ 8.00

EXHIBIT "A"

Lots One (1), Two (2), Three (3), Four (4), and Five (5), in Kansas and Texas Coal Company's First Addition to the City of Pittsburg, Crawford County, Kansas, according to the recorded Plat thereof; and that tract beginning at a point Five feet (5 ft.) South of the Northeast corner of Lot Three (3) in Kansas and Texas Coal Company's First Addition to the City of Pittsburg, thence East Ninety-four and Six-Tenths feet (94.6 ft.), thence Southwesterly One Hundred Thirty-seven and Two-Tenths feet (137.2 ft.), thence North Ninety-eight and Five-Tenths feet (98.5 ft.), to the point of beginning; and One-half (1/2) of all abandoned railroad rights-of-way adjacent to said tracts.

Lot Twenty-six (26), Kansas and Texas Coal Company's First Addition to the City of Pittsburg, Kansas, according to the recorded Plat thereof; and

In Section Twenty-nine (29), Township Thirty (30), Range Twenty-five (25), commencing at the Southeast corner of Lot Twenty-six (26) of Kansas and Texas Coal Company's First Addition to the City of Pittsburg, Crawford County, Kansas, and thence going North Two Hundred Twelve (212) feet to the South right-of-way of the Atchison, Topeka and Santa Fe Railway right-of-way; thence Northeast along the Atchison, Topeka and Santa Fe Railway right-of-way to the South line of the St. Louis and San Francisco Railway right-of-way; thence East along the St. Louis and San Francisco Railway right-of-way to the Kansas City Southern Railway right-of-way; thence South along the Kansas City Southern Railway right-of-way to the St. Louis and San Francisco Railway main line right-of-way; thence West along the St. Louis and San Francisco Railway main line right-of-way to the point of beginning; and

One-half (1/2) of all abandoned railroad rights-of-way adjacent to said tracts.

The West Twelve and Five-Tenths feet (12.5 ft.) of Lot Eight-eight (88), and all of Lot Eighty-nine (89), Forest Park 2nd Addition to the City of Pittsburg, Crawford County, Kansas, according to the recorded Plat thereof.

The Southeast One-quarter (SE/4) of the Southeast One-quarter (SE/4), and all of that part of the Southwest One-quarter (SW/4) of the Southeast One-quarter (SE/4) lying North and East of the right-of-way of the St. Louis and San Francisco Railway Company, in Section Thirteen (13), Township Thirty (30) South, Range Twenty-four (24) East of the Sixth Principal Meridian; and

All of the abandoned right-of-way of the St. Louis & San Francisco Railway Company lying within the Southwest One-quarter (SW/4) of the Southeast One-quarter (SE/4), in Section Thirteen (13), Township Thirty (30) South, Range Twenty-four (24) East of the Sixth Principal Meridian.

All lying in Crawford County, Kansas.

11-460 K3 ✓
Land
29-30-25

TRUSTEE'S GENERAL WARRANTY DEED

This indenture is made this 17th day of April, 1996, by and between Camilla R. Kelso, Trustee under the Camilla R. Kelso Revocable Trust Agreement dated November 21, 1994, as Grantor, and KAMO Grain, Inc., a Kansas corporation, as Grantee.

The Grantor, by virtue of the terms and provisions of said Trust Agreement, in consideration of the sum of One and no/100 Dollar (\$1.00), the receipt of which is hereby acknowledged, does hereby grant, sell and convey to KAMO Grain, Inc., a Kansas corporation, all the following described real estate in Crawford County, Kansas, to-wit:

See attached Exhibit "A"

EXCEPT AND SUBJECT TO: easements, reservations, and restrictions of record, if any.

The Grantor covenants that the trust remains in full force and effect at this time; that the Trustee has authorization, without limitation, to sell and convey all of the above-described real estate.

Camilla R. Kelso, Trustee
Camilla R. Kelso, Trustee

STATE OF KANSAS)
) SS.
CRAWFORD COUNTY)

BE IT REMEMBERED, that on this 17th day of April, 1996, before me, the undersigned, a Notary Public, in and for the County and State aforesaid came Camilla R. Kelso, Trustee under the Camilla R. Kelso Revocable Trust Agreement dated November 21, 1994, who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year last above written.

MARK A. WERNER
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Expires

Mark A. Werner
Notary Public

My term expires: September 4, 1999

EXHIBIT "A"

Lot Twenty-six (26) in "Kansas & Texas Coal Co's 1st Addition to the City of Pittsburg, Crawford Co. Kansas", according to the recorded Plat thereof.

AND

Part of Section Twenty-nine (29), Township Thirty (30), Range Twenty-five (25) East of the Sixth Principal Meridian, Crawford County, Kansas, according to the United States Government Survey thereof, bounded and described as follows:

Beginning at the Southeast corner of Lot Twenty-six (26) of Kansas & Texas Coal Co's 1st Addition to the City of Pittsburg, Crawford County, Kansas, and thence going North Two Hundred Twelve (212) feet to the South right-of-way of the Atchison, Topeka and Santa Fe Railway right-of-way; thence Northeast along the Atchison, Topeka and Santa Fe Railway right-of-way to the South line of the St. Louis and San Francisco Railway right-of-way; thence East along the St. Louis and San Francisco Railway right-of-way to the Kansas City Southern Railway right-of-way; thence South along the Kansas City Southern Railway right-of-way to the St. Louis and San Francisco Railway main line right-of-way; thence West along the St. Louis and San Francisco Railway main line right-of-way to the point of beginning.

AND

One-half (½) of all abandoned railroad rights-of-way adjacent to said tracts.

STATE OF KANSAS
(CRAWFORD COUNTY)

Recorded at 8:40 AM

APR 24 1996

Book 232 P. 252
Jeanette Nepote, Register of Deeds

Entered in transfer record in my office
this 24th day of April 1996
Paul D. Brunetti
County Clerk

Fee 8.00
Ry
Deputy

Harvard Nat. Bank
P.O. BOX 67 Harvard

H 460
R3 ✓

750 Feet East of 201 H Joplin

Validation Questionnaire not required as per KSA 79-1437e(a)(3)

CORRECTION DEED

This Correction Deed is made this 17th day of April, 1996, by and between Camilla R. Kelso, Trustee under the Camilla R. Kelso Revocable Trust Agreement dated November 21, 1994, as Grantor, and KAMO Grain, Inc., a Kansas corporation, as Grantee.

The Grantor executed her Trustee's General Warranty Deed on the 8th day of January, 1996, to Grantee, which deed was recorded in the Office of the Register of Deeds of Crawford County, Kansas on the 11th day of January, 1996, in Book 227, at page 72, and which covered the following-described real property situated in Crawford County, Kansas, to-wit:

Lots One (1), Two (2), Three (3), Four (4) and Five (5), in Kansas and Texas Coal Company's First Addition to the City of Pittsburg, Crawford County, Kansas, according to the recorded Plat thereof; and that tract beginning at a point Five feet (5 ft.) South of the Northeast corner of Lot Three (3) in Kansas and Texas Coal Company's First Addition to the City of Pittsburg, thence East Ninety-four and Six-Tenths feet (94.6 ft.), thence Southwesterly One Hundred Thirty-seven and Two-Tenths feet (137.2 ft.), thence North Ninety-eight and Five-Tenths feet (98.5 ft.), to the point of beginning; and One-half (1/2) of all abandoned railroad rights-of-way adjacent acts.

Grantor, for herself, and for her heirs, successors and assigns, hereby retains an easement Sixteen (16) feet wide running over and on the South Sixteen (16) feet of Lot One (1) in Kansas and Texas Coal Company's First Addition to the City of Pittsburg, Crawford County, Kansas, and One-half (1/2) of the adjacent abandoned railroad right-of-way lying East of Lot One (1) of said addition, for ingress and egress purposes.

Said legal description was in error, and the corrected legal description which should be conveyed by said warranty deed to Grantee is as follows:

Lots One (1), Two (2), Three (3), Four (4), and the South Forty (40) feet of Lot Five (5), in Kansas and Texas Coal Company's First Addition to the City of Pittsburg, Crawford County, Kansas, according to the recorded Plat thereof; LESS railroad right of way.

AND

That tract beginning at a point Five feet (5 ft.) South of the Northeast corner of Lot Three (3) in Kansas and Texas Coal Company's First Addition to the City of Pittsburg, thence East Ninety-four and Six-Tenths

BOOK 222 PAGE 000254

APPENDIX B

PARCEL NO. - UNKNOWN

QUIT CLAIM DEED

This Indenture, Made this 5th day of OCTOBER, 1990,
between PAULA JANE CUTBURTH and JAMES CUTBURTH, wife and husband, of
Washington County, in the State of OREGON, of the First
Part, and THE A. MESSENGER LUMBER & MILLWORK CONSTRUCTION COMPANY, a
Kansas Corporation, of Crawford County, in the State of Kansas, of the
Second Part,

WITNESSETH, That said parties of the First Part, in consideration
of other valuable considerations and One and No/100 (\$1.00) DOLLAR,
the receipt of which is hereby acknowledged, do by these presents
REMISE, RELEASE AND QUITCLAIM, unto said party of the Second Part,
its successors and assigns, all the following described REAL ESTATE,
situated in the County of Crawford, and State of Kansas, to-wit:

The following described portions of the Northwest Quarter
(NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine
(29), Township Thirty (30) South, Range Twenty Five (25) East
of the Sixth Principal Meridian, described as follows:

TRACT A

Beginning at a point Three Hundred (300) Feet West and Two
Hundred Ninety and Five Tenths (290.5) Feet South of the
Northeast Corner of the Northwest Quarter (NW1/4) of the
Northeast Quarter (NE1/4) of said Section Twenty Nine (29),
thence North Two Hundred Sixty and Five Tenths (260.5) Feet;
thence West Three Hundred (300) Feet; thence South Three
Hundred Fifty (350) Feet; thence East Two Hundred Thirty
Three (233) Feet to the center of the St. Louis-San
Francisco Railway Company Track Number Thirteen (13); thence
Northeasterly along said Track Number Thirteen (13) a dis-
tance of One Hundred Eleven and Nine Tenths (111.9) Feet
to the place of beginning, subject to easements and rights
of way of record; and

TRACT B

Beginning at the Northwest corner of the Northeast Quarter
(NE1/4) of said Section Twenty Nine (29), thence South along
the center line of said Section Twenty Nine (29), Six hundred
forty three and one half (643 1/2) feet to the North line of
the right of way of The St. Louis and San Francisco Railroad

Company, thence East along the said right of way line Thirteen hundred seventeen (1317) feet to the East line of said Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of said Section, thence North along said East line two hundred thirty six and one half (236 1/2) feet, thence West Seven hundred seventy nine and twelve one hundredths (779.12) feet to an iron pipe, thence North and crossing the right of way of The St. Louis and San Francisco Railroad Company, formerly Kansas City, Fort Scott and Memphis Railroad Company to the North line of said Section, thence West along said Section line Five hundred thirty eight and seven tenths (538.7) feet to the point of beginning, excepting therefrom the right of way of the main line of The St. Louis and San Francisco Railroad Company, formerly Kansas City, Fort Scott and Memphis Railroad Company, and a twenty five (25) foot right of way used for depot spur of said railroad, Also except a piece of land in the Southwest corner of the tract hereby conveyed, deeded to The Pittsburg Fort Scott and Southern Railroad Company on August 31, 1893, for a switch connecting its main line with the St. Louis and San Francisco Railroad,

Also except the right of way of a St. Louis and San Francisco Railroad switch track running in a northeasterly direction into the land formerly owned by S. H. Lanyon, also except that part of the following described tract, sold on May 4, 1937, to John Loth, August DeGasperi, Jr., George E. Raven, Partners doing business under the firm name and style of the Pittsburg Pirate Baseball Club, which lies in the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of said Section Twenty Nine (29):

"All that part of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) and all that part of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty nine (29), Township Thirty (30), Range Twenty five (25), bounded and described as,

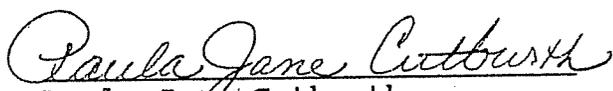
Beginning at a point Ninety (90) feet South of the North Quarter (N1/4) corner of Section Twenty nine (29), and in the South line of the right of way of the St. Louis and San Francisco Railroad Company switch, and running thence Westerly along said right of way to the East line of the right of way of The Kansas City Southern Railway Company; thence Southernly and Southeasterly, along the rights of way of The Kansas City Southern Railway Company and of the connecting or transfer switch of the said Kansas City Southern Company and of the St. Louis and San Francisco Railway Company respectively to the North line of the right of way of the Joplin and Girard Branch of the St. Louis and San Francisco Railway Company; thence East along said right of way to the west line of the right of way of the Arcadia and Cherryvale branch of the St. Louis and San Francisco Railway Company, and thence Northeasterly and Northwesterly along the rights of way of the Arcadia and

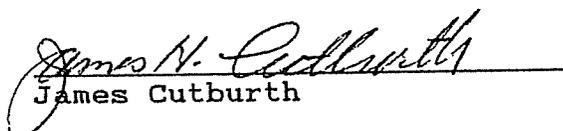
Cherryvale branch and the switch track of the St. Louis and San Francisco Railway Company respectively to the place of beginning."

Also except that part of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, more particularly described as follows: Beginning at a point on the West line of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East, Thirty (30) feet South of the Northwest corner of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence South to the intersection of the North Right of Way Line of the St. Louis-San Francisco Railway Company switch track with the West line of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence Southeast along said North Right of Way line of the switch track of the St. Louis-San Francisco Railway Company to a point where the said Right of Way line of the switch track of the St. Louis-San Francisco Railway Company intersects the West Right of Way line of the Arcadia-Cherryvale branch of the St. Louis-San Francisco Railway Company; thence Four hundred (400) feet Northeast along the West Right of Way line of the Arcadia-Cherryvale branch of the St. Louis-San Francisco Railway Company; thence due North to a point Thirty (30) feet South of the North line of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence due West Five hundred thirty eight and seven tenths (538.7) feet to the point of beginning, subject to easements and rights of way of record.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, forever.

IN WITNESS WHEREOF, The said parties of the First Part have hereunto set their hands the day and year first above written.


Paula Jane Cutburth


James Cutburth

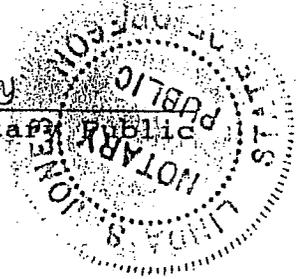
STATE OF OREGON, WASHINGTON COUNTY, ss.

BE IT REMEMBERED, That on this 5th day of OCTOBER, 1990, before me, the undersigned, in and for the County and State aforesaid, came Paula Jane Cutburth and James Cutburth, wife and husband, who are personally known to me to be the same persons who executed the above Deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

Linda S. Jones
Linda S. Jones

Notary Public



My Appointment expires:

2-11-94

STATE OF KANSAS
(CRAWFORD COUNTY)
Recorded at 9:30 A.M.

OCT 10 1990

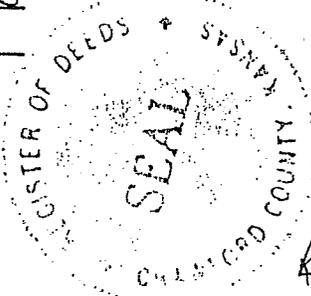
Entered in transfer record in my office
this 10th day of October 1990

Paul D. Brunetti
County Clerk

Book 436 Page 51

Jeanette Nepote
Jeanette Nepote, Register of Deeds

fee \$12.00
Deniv



Rtn: Wilbert Turner
Box V
Rt. 1

FROM

THIS DEED, Made this 22nd day of February

TO

1991, between Nancy M. King and J. Tenbrook King, wife and husband,

Entered in Transfer Record in my office, this 26th day of March 1991 Paul D. Brunette County Clerk.

of XXXXXXXXXXXXXXXXXXXX County XXXXXXXX State of

of the first part, and The A. Messenger Lumber & Millwork Construction Company, a Kansas Corporation,

STATE OF KANSAS. County, } ss.

of XXXXXXXXXXXXXXXXXXXX County XXXXXXXX State of

This instrument was filed for record on the day of 19, at o'clock M., and duly recorded in Book of Deeds, at page

of the second part,

WITNESSETH, That parties of the first part, in consideration of Other Valuable Consideration and the sum of One (\$1.00) and no Dollars, 100

By Register of Deeds. Deputy.

the receipt of which is hereby acknowledged, do by these presents

FEES. Register of Deeds, for recording, \$ County Clerk, for transfer, \$ Total, \$

convey and warrant unto party of the second part, its successors and assigns

XXXXXXXXXXXXXXXX, all the following-described real estate situated in the County

of Crawford and State of Kansas, to-wit:

Part of the Northwest quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, Crawford County, Kansas, according to the United States Government Survey thereo

bounded and described as follows: Beginning at a point Thirty (30) feet South and Six Hundred (600) feet West of the Northeast corner of the Northwest Quarter (NW 1/4) of said Northeast (NE 1/4); Thence South Three Hundred Fifty (350) feet; Thence West One Hundred Seventy Nine and Twelve One Hundredths (179.12) feet; Thence North Three Hundred Fifty (350) feet; Thence East One Hundred Seventy Nine and Twelve One Hundredths (179.12) feet to the point of beginning.

(over)

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

And party of the first part, for themselves, their heirs, executors and administrators, do hereby covenant, promise and agree to and with party of the second part that at the delivery of these presents they are lawfully seized in their own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances of what nature or kind soever except;

and that they will warrant and forever defend the same unto party of second part, its successors heirs and assigns, against parties of the first part, their heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, parties of the first part have hereunto subscribed their name, the day and year first above written.

Nancy M. King

J. Tenbrook King

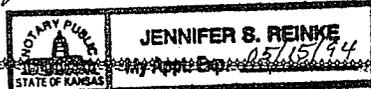
STATE OF KANSAS, COUNTY, ss. BE IT REMEMBERED, That on this 22nd day of February, 1991, before me, the undersigned, a notary public in and for the County and State aforesaid, came Nancy M. King and J. Tenbrook King, wife and husband,

who are personally known to me to be the same persons who executed the foregoing deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

My appointment expires May 15, 1994 Notary Public.

ATTY. REV. 2-80



BOOK 142 PAGE 000321

Deed
GENERAL WARRANTY

FROM

*Nancy M. King &
Hubbard*

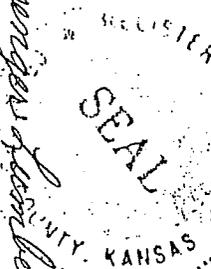
TO

*A Messinger & Sons
& Millwright Contractors*

STATE OF KANSAS
(CRAWFORD COUNTY)
Recorded at 11:25 AM

MAR 26 1991

Book 142 Page 321-322
Jeanette Nepole, Register of Deeds
J. T. K.
By *J. T. K.* Deputy



*Messinger & Sons
P.O. Box 174*

Pittsburg, Kansas

1-1-271V

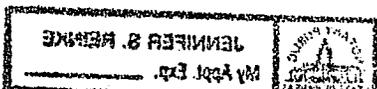
Copy Center of Topeka

(Continued from reverse side)

EXCEPT that part thereof condemned for Easements and Right-of-Way for the Construction of a Viaduct (overpass) over and across Railroad Tracts on East Fourth Street in the City of Pittsburg, Kansas, as evidenced by Condemnation proceedings in the District Court of Crawford County, Kansas, sitting at Pittsburg, in Case No. 18883 and bounded and described in Parcel No. 16 thereof, as follows:

"A tract of Land described as beginning 538.7 feet East of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Nine (29), Township Thrity (30) South, Range Twenty Five (25) East, Crawford County, Kansas, Thence Running South 87.5 feet, Thence East to a point on the Northwestly line of the Right of Way of the Arcadia-Cherryvale Branch of the St. Louis and San Francisco Railway Company, Thence Northeasterly along said Right of Way line to the North line of said Northeast Quarter (NE $\frac{1}{4}$), Thence West to the point of beginning; EXCEPTING from said tract the North 30 feet thereof, said Exception being the South portion of the Right of Way of Fourth Street."

*M.M.K.
J.T.K.*



INDEXED, GENERAL & NUMERICAL

Deed
GENERAL WARRANTY

FROM
Nancy M. Sims
Hubbard

TO
A Messinger & Sons
McLure & Construction Co

STATE OF KANSAS
(CRAWFORD COUNTY)
Recorded at 11:25 AM

MAR 26 1991

Book 142 Page 321-323
Jeanette Nepote
Jeanette Nepote, Register of Deeds
By *Jeanette Nepote* Deputy



Messinger & Sons
P.O. Box 174
Pittsburg, Kansas

1-1-271W Copy Center of Topeka

(Continued from reverse side)

EXCEPT that part thereof condemned for Easements and Right-of-Way for the Construction of a Viaduct (overpass) over and across Railroad Tracts on East Fourth Street in the City of Pittsburg, Kansas, as evidenced by Condemnation proceedings in the District Court of Crawford County, Kansas, sitting at Pittsburg, in Case No. 18883 and bounded and described in Parcel No. 16 thereof, as follows:

/Northwest corner of the
"A tract of Land described as beginning 538.7 feet East of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Nine (29), Township Thrity (30) South, Range Twenty Five (25) East, Crawford County, Kansas, Thence Running South 87.5 feet, Thence East to a point on the Northwestly line of the Right of Way of the Arcadia-Cherryvale Branch of the St. Louis and San Francisco Railway Company, Thence Northeasterly along said Right of Way line to the North line of said Northeast Quarter (NE $\frac{1}{4}$), Thence West to the point of beginning; EXCEPTING from said tract the North 30 feet thereof, said Exception being the South portion of the Right of Way of Fourth Street."

M.M.K.
J.T.K.

RE-RECORD

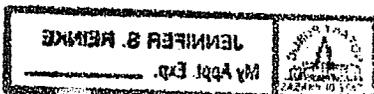
STATE OF KANSAS
(CRAWFORD COUNTY)
Recorded at 11:10 A.M.

APR 29 1991

Book 143 Page 566-567
Jeanette Nepote
Jeanette Nepote, Register of Deeds
By *Jeanette Nepote* Deputy



Crawford Co. Abst



BOOK 143 PAGE 000567
BOOK 142 PAGE 000322

APPENDIX C

PARCEL NO. 209-29-0-20-10-001.00-0

and ✓
3-1
P#1 ✓

QUITCLAIM DEED AND RELEASE

THIS INDENTURE, Made this 23rd day of September, 1996, between BURLINGTON NORTHERN RAILROAD COMPANY (formerly named Burlington Northern Inc.), a Delaware corporation, Grantor, and SOUTHEAST KANSAS RAILROAD, INC., a Kansas corporation, of 315 West 3rd, Pittsburg, Kansas 66762, Grantee;

WITNESSETH: that the said Grantor, for Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, to it duly paid, the receipt of which is hereby acknowledged, does by these presents REMISE, RELEASE and QUITCLAIM without any covenants of warranty whatsoever and without recourse to the Grantor, its successors and assigns, unto the said Grantee, all of its right, title or interest, if any, in and to a certain strip or parcel of land located in the County of Crawford, State of Kansas, more particularly described as follows:

Parcel No. 1

✓ All that portion of Burlington Northern Railroad Company's (formerly St. Louis, San Francisco Railway Company) 100 foot wide Pittsburg to Girard, Kansas Branch Line right of way, now discontinued, being 50 feet wide on each side of said Railroad Company's Main Track centerline as originally located and constructed upon, over and across the Northwest Quarter of the Northwest Quarter of Section 29 and the Northeast Quarter of the Northeast Quarter of Section 30, Township 30 South, Range 25 East of the 6th Principal Meridian, Crawford County, Kansas, bounded on the West by the West line of Broadway Avenue in the Town of Pittsburg, Crawford County, Kansas, as per the recorded plat thereof and bounded on the East by the East line of said Northwest Quarter of the Northwest Quarter; LESS AND EXCEPT that part of the hereinabove described property conveyed by said Railway Company to The National Bank of Pittsburg by deed dated October 15, 1975.

Parcel No. 2

3-1 ✓ The North 3 feet of Lot 123 in Block 38 in the original Town (now City) of Pittsburg, Crawford County, Kansas, as per the recorded plat thereof; Also,

Parcel No. 3

✓ A rectangular strip of land, being a part of and in the Northwest corner of Lot 142, in Block 38 in the original Town (now City) of Pittsburg, Crawford County, Kansas, as per the recorded plat thereof; said rectangular strip being more particularly described as

follows:

Beginning at the Northwest corner of said lot;
Thence running Eastward along the North boundary of said lot a distance of 34 feet;
Thence running South on a line parallel with the East boundary of said lot a distance of 9 feet;
Thence running West on a line parallel with the North boundary of said lot a distance of 34 feet to the West boundary of said lot;
Thence running North along the West boundary of said lot a distance of 9 feet to the point of beginning;
Also,

Parcel No. 4

All that portion of Burlington Northern Railroad Company's (formerly St. Louis, San Francisco Railway Company) Pittsburg to Girard, Kansas Branch Line right of way and property now discontinued, located upon, over and across the Northwest Quarter of Section 29, Township 30 South, Range 25 East of the 6th Principal Meridian, Crawford County, Kansas, described as follows:

Commencing at a point 753 feet South and 1288 feet East from the Northwest corner of said Northwest Quarter, said point being the intersection of the East boundary line of the Town of Pittsburg, as per the recorded plat thereof and a line parallel with and 50 feet normally distant Southerly from said Branch Line Main Track centerline, as originally located and constructed;

Thence Easterly along said parallel line 1054 feet to the True Point of Beginning;

Thence South 05 degrees, 20 minutes East 345 feet;

Thence Southerly 268 feet to the Southeast corner of a tract of land conveyed by Southern Development Company to The Kansas City, Fort Scott and Memphis Railway Company by deed dated December 9, 1905 and recorded in Book 56, Page 587;

Thence Westerly parallel with the centerline of said Main Track, along the Southerly line of said tract of land 784 feet to a property corner;

Thence Northerly at right angles 25 feet to a property corner;

Thence Westerly 100 feet to the Easterly line of property conveyed by The Atchison, Topeka and Santa Fe Railway Company to A&M Rentals, Inc. by deed dated September 15, 1992 and recorded in Book 171, Page 341 in and for said Crawford County, Kansas;

(The next six calls are along the property lines of property described in said deed dated September 15, 1992);

Thence Northerly along said Easterly line 340.72 feet, more or less, to the Southeasterly line of a

railroad spur track right of way;

Thence Northeasterly along the last said Southeasterly line 394 feet, more or less, to a line parallel with and 50 feet normally distant Southerly from said Branch Line Main Track centerline;

Thence Westerly along the last said parallel line 65.10 feet, more or less, to the Northwesterly line of said spur track right of way;

Thence Southwesterly along the last said Northwesterly line 258.50 feet, more or less, to a property corner;

Thence Northerly along said A&M Rentals, Inc. property line 190.96 feet, more or less, to a line parallel with and 50 feet normally distant Southerly from said Branch Line Main Track centerline;

Thence Westerly along the last said parallel line 55 feet, more or less, to the most Easterly line of property conveyed by Burlington Northern Railroad Company to A&M Rentals, Inc. by deed dated July 17, 1995 and recorded in Book 218, Page 000491 in and for Crawford County, Kansas;

Thence Northerly at right angles 40 feet to the Northeast corner of the last said A&M Rentals, Inc. property;

Thence Westerly at right angles, along the North line of the last said A&M Rentals, Inc. property 270 feet to the West line of the Northeast Quarter of the Northwest Quarter of said Section 29;

Thence North along the last said West line 60 feet, more or less, to a line parallel with and 50 feet normally distant Northerly from said Branch Line Main Track centerline;

Thence Easterly along the last said parallel line 1040 feet, more or less, to a line extending North 05 degrees, 20 minutes West from the true point of beginning;

Thence South 05 degrees, 20 minutes East 50 feet, more or less, to the true point of beginning;

Hereinabove described Parcel No. 4 is shown in hatch marks on the Exhibit "A" plat dated April 11, 1996 attached hereto and made a part thereof; Also,

Parcel No. 5

✓ All that portion of Burlington Northern Railroad Company's (formerly St. Louis, San Francisco Railway Company) 100 foot wide Pittsburg to Cherokee, Kansas Branch Line right of way, now discontinued, being 50 feet wide on each side of said Railroad Company's Main Track centerline as originally located and constructed upon, over and across the Southwest Quarter of Section 29, the East Half of Section 31 and the Northwest Quarter of the Northwest Quarter of Section 32 all in Township 30 South,

✓ Range 25 East and the Northwest Quarter of the Northeast Quarter and the East Half of the Northwest Quarter of Section 6, Township 31 South, Range 25 East of the 6th Principal Meridian, Crawford County, Kansas, bounded on the North by the North line of said Southwest Quarter of Section 29 and bounded on the Southerly side by a line drawn at right angles to said Main Track centerline distant 450 feet Northeasterly of the South line of said East Half of the Northwest Quarter of Section 6, as measured along said Main Track centerline; Also,

Parcel No. 6

✓ All that portion of said Railroad Company's 66 foot wide Branch Line right of way, being 33 feet wide on each side of said Main Track centerline upon, over and across the Southeast Quarter of the Northwest Quarter of Section 29, Township 30 South, Range 25 East of the 6th Principal Meridian, Crawford County, Kansas, bounded on the South by the South line of said Southeast Quarter of the Northwest Quarter and bounded on the Northerly side by a line drawn at right angles to said Main Track centerline distant 1297 feet Northeasterly of the South line of said Southeast Quarter of the Northwest Quarter of Section 29, as measured along said Main Track centerline.

SUBJECT, however, to all existing interests, including but not limited to all reservations, rights-of-way and easements of record or otherwise.

EXCEPTING AND RESERVING, however, unto said Grantor, its successors and assigns, all of the coal, oil, gas, casinghead gas and all ores and minerals of every kind and nature, including sand and gravel, underlying the surface of the premises herein conveyed, together with the full right, privilege and license at any and all times to explore, or drill for and to protect, conserve, mine, take, remove and market any and all such products in any manner which will not damage structures on the surface of the premises herein conveyed, together with the right of access at all times to exercise said rights.

ALSO, if the premises are locally assessed, the Grantee, and for its successors and assigns, by acceptance of this deed, agrees to assume all locally assessed real estate taxes, outstanding and otherwise, and any and all past, present, pending and future assessments of every nature whatsoever, which have been or may be levied against the premises.

ALSO, the Grantee, and for its successors and assigns, by acceptance of this deed, hereby releases and forever discharges the Grantor, its successors and assigns, from any and all present or future obligations of the Grantor, its successors and assigns,

including but not limited to the construction of or continued maintenance thereto of any railroad fences, snow fences, road crossings, cattle guards, gates, farm crossings, bridges, drainage or irrigation pipes, if any, located and situated on the premises herein conveyed.

ALSO, Grantee, by accepting this deed, expressly acknowledges that Grantee is buying the above described property in an "AS IS" condition and that Grantee has relied upon its own independent investigation of the physical condition of said property. Grantee hereby releases and indemnifies Grantor and Grantor's shareholders, officers, directors, agents and employees from all responsibility and liability regarding the condition (including, but not limited to, the physical condition or presence of hazardous materials), valuation or utility of the above described property.

ALSO, Grantee has been allowed to make a complete visual inspection of the property and has knowledge as to the past use of the property. Based upon this inspection and knowledge, Grantee is aware of the condition of the property and **GRANTEE SPECIFICALLY ACKNOWLEDGES THAT GRANTEE IS PURCHASING THE PROPERTY IN AN "AS-IS WITH ALL FAULTS" BASIS AND THAT GRANTEE IS NOT RELYING ON ANY REPRESENTATION OR WARRANTIES OF ANY KIND WHATSOEVER FROM GRANTOR AS TO ANY MATTERS CONCERNING THE PROPERTY**, including the physical condition of the property and any defects thereof, the presence of any hazardous substances, wastes or contaminants in, on or under the property, the condition or existence of any of the above ground or underground structures or improvements in, on or under the property, the condition of title to the property, and the leases, easements or other agreements affecting the property. Grantee assumes the risk that hazardous substances and contaminants may be present on the property, and indemnifies, holds harmless and hereby waives, releases and discharges forever Grantor from any and all present or future claims or demands, and any and all damages, losses, injuries, liabilities, claims or costs, including fines, penalties and judgements, arising from or in any way related to the condition of the property or presence of any hazardous substances or contaminants in, or under the property. This indemnity specifically includes the obligation of Grantee to remove, close, remediate, reimburse or take other actions requested or required by any governmental agency concerning any hazardous substances or contaminants on the property. This covenant shall be binding upon Grantee, its successors and assigns, and shall run with the land conveyed.

BY ACCEPTANCE OF THIS DEED, Grantee acknowledges that a material consideration for this conveyance, without which it would not be made, is the agreement by the Grantee, for its successors and assigns, that the Grantor, its predecessors, successors, and assigns shall be in no manner responsible to the Grantee, any subsequent owner, purchaser, or any person interested therein for any and all claims, demands, damages, causes of action including

Send Tax Bills To:

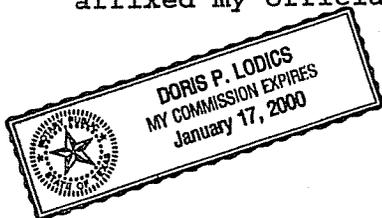
Southeast Kansas Railroad, Inc.
315 West 3rd
Pittsburg, Kansas 66762

Entered in transfer record in my office
this 12th day of December 1996
Paul D. Brunette
County Clerk

STATE OF TEXAS)
) ss.
COUNTY OF TARRANT)

BE IT REMEMBERED, that on this 23rd day of Sept.,
1996, before me, a Notary Public in and for said County and State,
came D.P. Schneider and Margaret R. Aclin, of Burlington Northern
Railroad Company, a corporation, to me personally known to be the
Director Real Estate and Assistant Secretary, respectively, of said
corporation and the same persons who executed the foregoing
instrument, and they duly acknowledged before me the execution of
the same by them for and on behalf of said corporation, and to be
the act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and
affixed my official seal the day and year last above written.



Doris P. Lodics
Notary Public

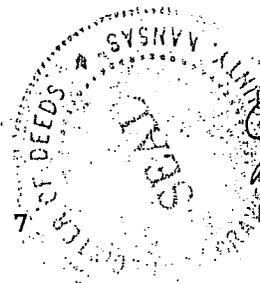
My commission expires: 1-17-2000

This instrument was drafted by:
Burlington Northern Railroad Company
Property Management
3300 Continental Plaza
777 Main Street
Fort Worth, Texas 76102

STATE OF KANSAS
(CRAWFORD COUNTY)
Recorded at 8:45 AM

BN6706-04/Pittsburg to Girard, Kansas

Attw: 315 W. 3rd
Pbg. #2.
66762



DEC 12 1996
Book 245 Page 102
Jeanette Nepote
Jeanette Nepote, Register of Deeds
Fee 18.00
By _____ Deputy

BOOK 245 PAGE 000108

APPENDIX D

PARCEL NO. 209-29-0-20-10-002.00-0

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That Central Coal & Coke Corporation, a Delaware Corporation, for and in consideration of the sum of Thirteen Thousand Five Hundred Fifty and no/100 Dollars to it in hand paid by Robert D. Caldwell and Norma L. Caldwell, 505 South Georgia, Pittsburg, Kansas 66762, the receipt of which is hereby acknowledged, does by these presents sell and convey unto the said Robert D. Caldwell and Norma L. Caldwell, their heirs and assigns, the following described tracts or parcels of land lying, being, and situated in the County of Crawford and State of Kansas, to wit:

A triangular tract of land lying partly in the NE 1/4 of the NW 1/4 and partly in the NW 1/4 of the NE 1/4 of Section 29, Township 30, Range 25, described as beginning on the South Line of the right of way of the Frisco railroad, at the NE corner of the tract of land owned by the Cherokee Lanyon Spelter Co., thence East along Frisco right of way boundary 426.1 feet to the West boundary of another Frisco right of way, thence Southwest along said Frisco right of way boundary 722.5 feet to the South line of the NE 1/4 of the NW 1/4, thence West 10 feet, more or less, to the East line of land of Cherokee Lanyon Spelter Co., thence NW along said East line 608.2 feet to point of beginning, except from the above that part covered in a right of way deed to Pitts. F. S. & S. Railroad Company dated August 31, 1893. This tract contains 2.75 acres, more or less, and a part of it is subject to a lease outstanding to the Frisco Railroad Co.

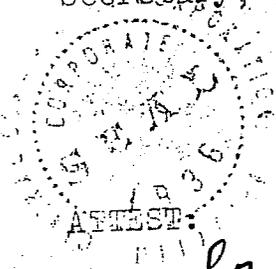
A tract of land in the SE 1/4 of the NW 1/4 of Section 29, Township 30, Range 25, described as beginning 293.4 feet East of the SW corner of the SE 1/4 of the NW 1/4 on the South boundary thereof, thence East 66.6 feet, more or less, to the West boundary of the right of way of the KCFS&M Railroad, thence NE along said right of way boundary to the West line of right of way of Pitts. FS&S Railroad, thence North along said right of way boundary to a point 14 feet 8 inches South of the North boundary of the SE 1/4 of the NW 1/4, thence West parallel to said boundary to the East boundary of the right of way of the AT&SF Railroad, thence South along said East boundary of the right of way to the point of beginning. This tract contains 10.8 acres, more or less, and it is subject to a surface lease outstanding with the rent paid until January 1, 1981.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereunto belonging or in anywise appertaining, unto the said Robert D. Caldwell and Norma L. Caldwell, their heirs and assigns, forever; the said Central Coal & Coke Corporation hereby covenanting that the said premises are free and clear from any incumbrances done or suffered by it, and that it will warrant and defend the title to said premises unto the said Robert D. Caldwell and Norma L. Caldwell and unto their heirs and assigns, forever, against the lawful claims and demands of all persons claiming under it.

IN WITNESS WHEREOF, said Central Coal & Coke Corporation has caused this instrument to be executed in its name by its officer, hereunto duly authorized, and its corporate seal to be hereto affixed, attested by its Secretary, this 3rd day of October, 1980.

CENTRAL COAL & COKE CORPORATION

By: Richard J. Stern
Richard J. Stern, President.



S. M. Riddle
S. M. Riddle, Secretary.

STATE OF MISSOURI)
COUNTY OF JACKSON) ss. On this 3rd day of October, 1980, before me appeared Richard J. Stern, to me personally known, who, being by me duly sworn, did say that he is the President of Central Coal & Coke Corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed by him in behalf of said corporation by authority of its Board of Directors, and he acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office, the day and year first above written.

Maureen Keitel
Notary Public for Jackson County, Mo.

APPENDIX E

PARCEL NO. 209-29-0-10-07-001.00-0 AND PARCEL NO. 209-29-0-10-06-001.00-0

11-352

1000 Feet West of 900 E 2nd Street

Kansas Warranty Deed

This Indenture, Made this 17th day of October A. D., One Thousand Nine Hundred Seventy Seven by and between

Helen Brown, A Single Person

of Crawford County, in the State of Kansas of the first part, and

Henry Jelochan

of Crawford County, in the State of Kansas of the second part,

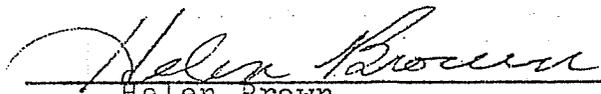
WITNESSETH: THAT SAID PARTY OF THE FIRST PART, in consideration of the sum of Ten Dollars and other consideration DOLLARS, the receipt of which is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey unto the said party of the second part, his heirs and assigns, all the following described real estate, situated in the County of Crawford and State of Kansas, to-wit:

Lots Fifty-One (51), Fifty Two (52), Fifty Three (53), Fifty Four (54) and Fifty Five (55) in Block Three (3) in Lapham's Addition to the City of Pittsburg, Kansas.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, forever. And said Party of the first part for her heirs, executors or administrators, do hereby covenant, promise and agree to and with said part of the second part, that at the delivery of these presents she is lawfully seized in ~~HEIR~~ her own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances, that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever:

and that she will warrant and forever defend the same unto the said party of the second part, her heirs and assigns, against said party of the first part, her heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

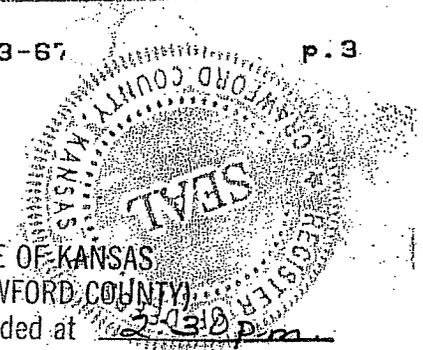
IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand the day and year first above written.



 Helen Brown

Pursuant to K.S.A. 79-1437e, a real estate validation questionnaire not required due to Exception No. _____ (complete if applicable).

STATE OF KANSAS (CRAWFORD COUNTY) Recorded at 2:13 PM



WARRANTY DEED

This 30th day of July, 1999

Henry Jelochan, a single person

AUG - 5 1999
Book 305 P. 621
Jeanette Nepote
Jeanette Nepote, Register of Deeds
By see #61 Deputy

Entered in transfer record in my office this 27th day of August 1999
Paul D. Brumette
County Clerk

CONVEY AND WARRANT TO

Jost Properties International,

at the following described REAL ESTATE in the County of Crawford and the State of Kansas, to-wit:

Lots Numbered Fifty-one (51), Fifty-two (52), Fifty-three (53), Fifty-four (54), and Fifty-five (55) in Block Number Three (3) in "Laphams Addition" to Pittsburg, Kansas, Crawford County, according to the recorded Plat thereof.

for the sum of One Dollar and other Valuable Considerations

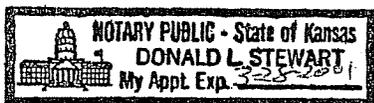
EXCEPT AND SUBJECT TO: Easements, Restrictions, and Covenants of record, if any

[Signature]
Henry Jelochan

STATE OF KANSAS; Crawford COUNTY, SS

This instrument was acknowledged before me on July 30, 1999

(SEAL) _____, by Henry Jelochan, a single person,



My appointment expires:

Donald Stewart
Printed Name: Donald L. Stewart
Notary Public

2087 Putnam
Chg. #2
1359-103

DEED — GENERAL WARRANTY — PHOTOSTATIC P-1-2TW

FROM

THIS DEED, Made this 15th day of November, 2001

TO

, between Henry Jelochan, an unmarried man

of Crawford County, in the State of Kansas

Entered in Transfer Record in my office, this 5th day of November, 2001, Kevin Anselmi County Clerk.

of the first part, and

Albert Jost

of Crawford County, in the State of Kansas

of the second part,

STATE OF KANSAS, Crawford County, } ss.

This instrument was filed for record on the 5th day of November 2001, at 9:00 o'clock A.M., and duly recorded in Book 356 of Deeds, at page 546.

WITNESSETH, That part y of the first part, in consideration of other valuable considerations and the sum of One (\$1.00) and no Dollars,

the receipt of which is hereby acknowledged, does by these presents

By [Signature] Deputy Register of Deeds.

convey and warrant unto part y of the second part, his

heirs and assigns, all the following-described real estate situated in the County

SEAL FEES: Register of Deeds, for recording, \$ 6.25 County Clerk, for transfer, \$ Total, \$

of Crawford and State of Kansas, to-wit:

Lots Fifty one (51), Fifty two (52), Fifty three (53), Fifty four (54) and Fifty five (55) in Block Three (3) in "Laphams Addition" to Pittsburg, Kansas, Crawford County, according to the recorded Plat thereof.

Given to correct the name of the Buyer in that certain Warranty Deed dated July 30, 1999, filed Aug. 5, 1999 in Book 305 page 621 in the office of the Register of Deeds, Crawford County, Kansas

Pursuant to K.S.A. 79-1437e as amended - exemption 3 TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

And party of the first part, for himself, his heirs, executors and administrators, do es hereby covenant, promise and agree to and with party of the second part that at the delivery of these presents he is lawfully seized in his own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances of what nature or kind soever except;

and that he will warrant and forever defend the same unto party of second part, his heirs and assigns, against party of the first part, his heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, party of the first part has hereunto subscribed his name, the day and year first above written.

[Signature] Henry Jelochan

STATE OF KANSAS, Crawford COUNTY, ss. BE IT REMEMBERED, That on this 15th day of November, 2001, before me, the undersigned, Notary Public in and for the County and State aforesaid, came

Henry Jelochan, an unmarried man who is personally known to me to be the same person who executed the foregoing deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

[Signature] Notary Public.

My appointment expires NOTARY PUBLIC - State of Kansas My Appt. Expires 12-27-04

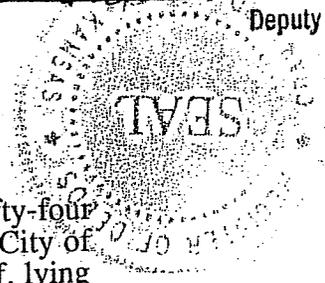
Entered in transfer recorded in my office
this 15th day of Nov 2001
Klema Andelma
County Clerk

STATE OF KANSAS
(CRAWFORD COUNTY)
Recorded at 10:55 AM

GENERAL WARRANTY DEED

Date: November 15, 2001
Grantor: Albert Jost, an unmarried person
Grantee: MCP Industries, Inc., a California corporation
Consideration: Ten Dollars (\$10.00) and other valuable consideration
Property:

NOV 16 2001
Book 357 Page 410
Jeanette Nepote
Jeanette Nepote, Register of Deeds
By Jewell Deputy



That portion of Lots Fifty-one (51), Fifty-two (52), Fifty-three (53), Fifty-four (54) and Fifty-five (55) in Block Three (3) in "Laphams Addition" to the City of Pittsburg, Crawford County, Kansas, according to the recorded Plat thereof, lying South and West of the Centerline of Taylor Branch.

Reservations from and Exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all recorded restrictions, covenants, minerals or other interests affecting the Property.

Grantor, for the Consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, grants, sells and conveys to Grantee, its successors and assigns, the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold the same to Grantee, its successors and assigns, forever. Grantor binds himself, his heirs and assigns, to warrant and forever defend all and singular the Property to Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from and Exceptions to Conveyance and Warranty.

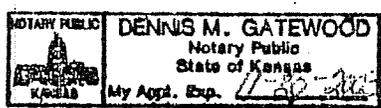
Albert Jost
Albert Jost

THE STATE OF KANSAS
COUNTY OF CRAWFORD

This instrument was acknowledged before me this 15th day of November, 2001, by Albert Jost, an unmarried person.

Dennis M. Gatewood
Notary Public

My Appointment expires:
November 20, 2003



MCP Industries, Inc.
Attn: 828 E. 4th
Pittsburg, Mo.
Attn: Paul

1413-200

L#5

check title



0585-0194

JEANETTE NEPOTE
CRAWFORD COUNTY REGISTER
GIRARD, KS

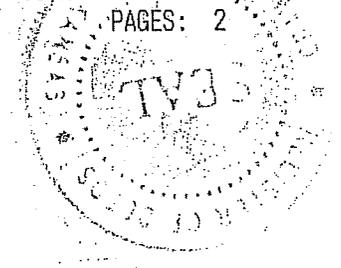
RECORDED ON 09/29/2008 09:34AM

REC FEE: 8.00

TECH FEE: 4.00

TOTAL: \$12.00

PAGES: 2



5810

GENERAL WARRANTY DEED
(Joint Tenancy)

THIS DEED, Made this 25th day of September 2008, Between
Albert L. Jost aka Albert Jost, an unmarried person

of Crawford County, in the State of Kansas
of the first part, and
Doug Brisendine and Rhonda Brisendine

of Crawford County, in the State of Kansas
of the second part, as joint tenants with the right of survivorship and not as
tenants in common.

WITNESSETH, That party of the first part, in consideration of other valuable
consideration and the sum of One (\$1.00) And NO /100 Dollars, the receipt of which is
hereby acknowledged, does by these presents convey and warrant unto second parties,
as joint tenants with the right of survivorship and not as tenants in common, all the
following described real estate situated in the County of Crawford, State of Kansas, to
wit:

Lots 34, 35, 36, 37, and 38, in Block 2, and
All that part of Lots 51, 52, 53, 54 and 55 in Block 3 lying South and West of the
Centerline of Taylor Branch, all in "Laphams Addition" to the City of Pittsburg, Crawford
County, Kansas, according to the recorded Plat thereof.

652-5 ✓

P.1

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever, as joint tenants, the survivor to take the whole estate.

and party of the first part, for Himself / Herself , His / Hers heirs, executors and administrators, do hereby covenant, promise and agree to and with part of the second part that at the delivery of these presents He / She is lawfully seized in His / Her own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, together with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances of what nature or kind so ever except:

and that He / She will warrant and forever defend the same unto second party, as joint tenants with the right of survivorship and not as tenants in common, and the heirs and assigns of the survivor of them, against first party , His / Her Heirs, and all and every person or persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, party of the first part, has hereunto subscribed His / Her name, the day and year first above written.

Albert L. Jost
Albert L. Jost aka Albert Jost

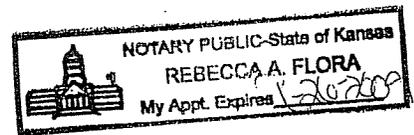
STATE OF Kansas COUNTY OF Crawford ss

BE IT REMEMBERED, That on this 25th day of September, 2008 before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Albert L. Jost aka Albert Jost, an unmarried person who is personally known to me to be the same person who executed the foregoing deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

Rebecca A. Flora
Notary Public

My Appointment Expires:
9-26-2009



APPENDIX F

**PARCEL NO. 209-29-0-10-03-002.00-0, PARCEL NO. 209-29-0-10-03-001.00-0, AND PARCEL
NO. 209-29-0-10-03-005.01-0**

674 E 4th Street

11-352

9.30

FORM No. 1106—CLASS 1

DEMARIE STATIONERY CO., 508 Walnut, Kansas City, Mo.

Kansas Warranty Deed

(CORPORATION)

This Indenture, Made this 18th **day of** September, **A. D., 19** 87,
between W.S. Dickey Clay Manufacturing Company
a corporation, duly organized, incorporated and existing under and by virtue of the laws of the State
of Delaware **and having its principal place of business at** 824 E. 4th Street,
 Pittsburg, Crawford County,
in the State of Kansas, party **of the first part, and** Mission Clay
 Products Corporation, 6533 S. Magnolia, Whittier

of Los Angeles **County, in the State of** California, party **of the second part:**

WITNESSETH, THAT THE SAID PARTY OF THE FIRST PART, in consideration of the
sum of Ten Dollars and other valuable consideration **DOLLARS,**
the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey
unto said party of the second part, its ^{successors} ~~heirs~~ **and assigns, all of the following described**
REAL ESTATE, situated in the County of Crawford **and State of** Kansas

to-wit:
 See attached Exhibit A incorporated herein by reference.

This conveyance is subject to all easements, restrictions, covenants, reservations and rights of way of record, including but not limited to the easements, restrictions and rights of way described in Exhibit B attached hereto and made a part hereof.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

And said party of the first part ^{for itself,}
its successors and assigns, does hereby covenant, promise and agree, to and with said party
of the second part, that at the delivery of these presents, it is lawfully seized in its own right of an
absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above
granted and described premises, with the appurtenances; that the same are free, clear, discharged
and unincumbered of and from all former and other grants, titles, charges, estates, judgments,
taxes, assessments and incumbrances, of what nature and kind soever, except as stated
 above,

and that it will WARRANT and FOREVER DEFEND the same unto said party of the second
 part, its ^{successors} ~~heirs~~ **and assigns, against said party of the first part, its successors and assigns,**
and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The said party of the first part has hereunto caused this Deed to
be signed on its behalf by its President, thereunto duly authorized so to do, and to be attested by
its Secretary, and has caused its common seal to be hereunto affixed, the day and year last above
 written.

W.S. DICKEY CLAY MANUFACTURING
 COMPANY

By Lucas L. D. Dickey
 President.

ATTEST:
 _____, Secretary.

of the _____

T-1 338

EXHIBIT A

PARCEL 1

Part of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-nine (29), Township Thirty (30), Range Twenty-five (25), more particularly described as follows: Beginning at a point Three Hundred Eighty (380) feet South of the Northeast Corner of the Northwest Quarter of the Northeast Quarter, thence West Three Hundred Fifty-seven (357) feet more or less to the East boundary line of the St. Louis, San Francisco Railroad Track Number 13 right of way, thence Southwesterly along East Boundary Line of said St. Louis, San Francisco Railroad Track Number 13 right of way to its intersection with the North boundary line of the St. Louis San Francisco Girard to Afton Railroad right of way, thence easterly along the North boundary line of said St. Louis San Francisco Girard to Afton Railroad right of way to its intersection with the East boundary line of the Northwest Quarter of the Northeast Quarter of Section Twenty-nine (29), Township Thirty (30), Range Twenty-five (25) East, thence North along said boundary line Two Hundred Thirty-six and five tenths (236.5) feet, to the place of beginning, in Crawford County, Kansas.

PARCEL 2

ALL THAT PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION TWENTY NINE (29), TOWNSHIP THIRTY (30) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THIRTY (30) FEET SOUTH AND ONE HUNDRED (100) FEET WEST OF THE NORTHEAST CORNER OF THE SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION TWENTY NINE (29), AND RUNNING THENCE SOUTH THREE HUNDRED FIFTY (350) FEET; THENCE WEST TWO HUNDRED (200) FEET; THENCE NORTH THREE HUNDRED FIFTY (350) FEET; THENCE EAST TWO HUNDRED (200) FEET TO THE POINT OF BEGINNING.

ALSO,

BEGINNING AT A POINT THREE HUNDRED (300) FEET WEST AND TWO HUNDRED NINETY AND FIVE TENTHS (290.5) FEET SOUTH OF THE NORTHEAST CORNER OF THE SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION TWENTY NINE (29), AND RUNNING THENCE SOUTH EIGHTY NINE AND FIVE TENTHS (89.5) FEET; THENCE WEST SIXTY SEVEN (67) FEET TO THE CENTER OF THE ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY'S TRACK NUMBER 13; THENCE NORTHEASTERLY, ALONG SAID TRACK NUMBER 13, ONE HUNDRED ELEVEN AND NINE TENTHS (111.9) FEET TO THE POINT OF BEGINNING.

EXCEPT ALL RIGHTS OF WAY OF THE ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY OVER AND ACROSS THE ABOVE DESCRIBED LANDS.

PARCEL 3

LOTS NUMBER FORTY FIVE (45), FORTY SIX (46), AND FORTY SEVEN (47), IN BLOCK NUMBER THREE (3), IN "LAPHAMS ADDITION TO PITTSBURG, KANSAS", ACCORDING TO THE RECORDED PLAT THEREOF.

PARCEL 4

ALL OF THE EAST HALF OF THE NORTH EAST QUARTER OF SECTION TWENTY NINE (29), TOWNSHIP THIRTY (30) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT OF WAY OF THE JOPLIN & GIRARD BRANCH OF THE ST. LOUIS & SAN FRANCISCO RAILROAD COMPANY.

ALSO, PART OF THE WEST HALF OF THE NORTH EAST QUARTER AND THE EAST HALF OF THE NORTH WEST QUARTER OF SECTION TWENTY NINE (29), TOWNSHIP THIRTY (30) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE SOUTH EAST CORNER OF THE SOUTH WEST QUARTER OF THE NORTH EAST QUARTER OF SAID SECTION TWENTY NINE (29); THENCE NORTH WITH THE EAST LINE OF SAID SOUTH WEST QUARTER OF THE NORTH EAST QUARTER OF SAID SECTION, SIX HUNDRED NINETY TWO AND SEVEN TENTHS (692.7) FEET TO A POINT OF BEGINNING; RUNNING THENCE NORTH WITH THE EAST LINE OF THE WEST HALF OF THE NORTH EAST QUARTER OF SAID SECTION (AT SIX HUNDRED SIXTY (660) FEET AN IRON PIN IN THE NORTH EAST CORNER OF THE SOUTH WEST QUARTER OF THE NORTH EAST QUARTER) TWELVE HUNDRED NINETY FOUR AND FOUR TENTHS (1294.4) FEET TO A POINT ON THE SOUTH LINE OF THE RIGHT OF WAY OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD COMPANY, RUNNING THENCE WEST WITH THE SOUTH LINE OF THE ST. LOUIS & SAN FRANCISCO RAILROAD COMPANY, TEN HUNDRED ELEVEN (1011) FEET, MORE OR LESS, TO A POINT WHERE THE EAST LINE OF THE RIGHT OF WAY OF ANOTHER BRANCH OF THE ST. LOUIS & SAN FRANCISCO RAILROAD COMPANY INTERSECTS SAID SOUTH LINE OF SAID RIGHT OF WAY, RUNNING THENCE SOUTH WESTERLY WITH THE EAST LINE OF THE RIGHT OF WAY OF SAID ST. LOUIS & SAN FRANCISCO RAILROAD COMPANY TO THE INTERSECTION WITH THE EASTERLY LINE OF THE RIGHT OF WAY OF THE KANSAS CITY SOUTHERN RAILWAY COMPANY ; THENCE IN A SOUTHERLY DIRECTION WITH THE EASTERLY RIGHT OF WAY LINE OF THE KANSAS CITY SOUTHERN RAILWAY COMPANY TO A POINT IN SAID EASTERLY RIGHT OF WAY LINE, SAID POINT BEING SIX HUNDRED NINETY TWO AND SEVEN TENTHS (692.7) FEET NORTH OF AND AT RIGHT ANGLES TO THE EAST AND WEST CENTER LINE OF SAID SECTION TWENTY NINE (29) RUNNING THENCE EAST AND PARALLEL TO THE EAST AND WEST CENTER LINE OF THE SAID SECTION TWENTY NINE (29) FOURTEEN HUNDRED TWENTY (1420) FEET, MORE OR LESS, TO SAID POINT OF BEGINNING.

PARCEL 4 (continued)

(EXCEPTING FROM THE ABOVE THE RIGHT OF WAY HERETOFORE DEEDED TO KANSAS CITY SOUTHERN RAILWAY COMPANY BY THE KANSAS & TEXAS COAL COMPANY ON OR ABOUT APRIL 25, 1901, THIRTY (30) FEET IN WIDTH OVER AND ACROSS THE ABOVE DESCRIBED TRACT; AND ALSO EXCEPTING THE RIGHT OF WAY OF THE ST. LOUIS & SAN FRANCISCO RAILROAD COMPANY ACROSS THE NORTE EAST CORNER OF THE ABOVE DESCRIBED TRACT, CONVEYED BY THE KANSAS & TEXAS COAL COMPANY ON OR ABOUT JANUARY 17, 1901, AND FIFTEEN (15) FEET IN WIDTH),

ALSO EXCEPT RIGHT OF WAY OF ST. LOUIS AND SAN FRANCISCO RAILROAD COMPANY CONVEYED BY THE PITTSBURG PIPE AND BRICK COMPANY ON OR ABOUT JANUARY 24, 1901, AS SHOWN BY DEED RECORDED IN BOOK 131 PAGE 557 IN THE OFFICE OF THE REGISTER OF DEEDS OF CRAWFORD COUNTY, KANSAS

ALSO EXCEPT THAT PART THEREOF DEEDED TO THE St. Louis-San Francisco Railway Company, a Missouri corporation by Reversionary Deed, dated February 1, 1946 and recorded February 8, 1946, in Book 183, at page 622, in the office of the Register of Deeds of Crawford County, Kansas, bounded and described as follows:

"a certain strip or parcel of land lying, being and situate in the Northeast Quarter of the Northeast Quarter of Section Twenty-nine (29), Township Thirty (30) South, Range Twenty-five (25) East, Crawford County, Kansas, at Pittsburg; said strip being Twenty (20) feet in width, ten (10) feet on each side of center line of proposed spur tract as the same will finally be located and constructed; said center line being more particularly described as follows: Commencing at the intersection of West line of said Quarter Quarter Section Twenty-nine (29) with the center line of Main Tract, Girard Branch of the St. L.-S. F. Ry. Co; thence easterly measured along said center line of main tract sixty-two and three tenths (62.3) feet for a point of beginning; thence southeasterly on a curve to the right with a radius of six hundred three and eighty hundredths (603.80) feet, three hundred seventy-six and one tenth (376.1) feet thence southeasterly on tangent to last described curve seven hundred seventeen and two tenths (717.2) feet to the end. Saving and excepting present R/W of said Railway and containing thirty-three hundredths (.33) acres more or less; and a certain tract or parcel of land lying, being and situate in Northwest Quarter of Northeast Quarter of Section twenty-nine (29), Township thirty (30) South, Range Twenty-five (25) East, Crawford County, Kansas, at Pittsburg; said strip being Twenty (20) feet in width, ten (10) feet on each side of center line of proposed spur tract as the same will finally be located and constructed; said center line being more particularly described as follows: Commencing at the intersection of the West line of said Section Twenty nine (29), with the center line of Main Tract Parsons Subdivision of the St. L.-S. F. Ry. Co; thence Southwesterly along said center line of Main track One hundred Seventy (170)-feet for a point of beginning; thence Northeasterly on a curve to the right with a radius of six hundred three and eighty hundredths (603.80) feet, seventy nine and eight tenths (79.8) feet; thence northeasterly compounding on a curve to the right, with a radius four hundred seventy-eight and thirty fourhundredths (478.34) feet, four hundred thirty four and four tenths (434.4) feet, thence easterly on tangent to last described curve eight hundred sixty four and eight tenths (864.8) feet to end; saving and excepting present R/W of said Railway and containing fifty two hundredths

PARCEL 4 (continued)

ALSO EXCEPT THAT PART THEREOF DEEDED TO The City of Pittsburg, Kansas, a Municipal Corporation for Highway purposes as shown by "Deed for Highway Purposes" dated June 6, 1968 and recorded July 1, 1968, in Book 320, at page 308, in the office of the Register of Deeds of Crawford County, Kansas, bounded and described as follows:

"A parcel of land located in the East 1/2 of the NE $\frac{1}{4}$ of Section 29, Township 30, Range 25, in Pittsburg, Crawford County, Kansas, for highway purposes, described as follows: Beginning at a point 30.0 feet West and 1612.0 feet South of the Northeast corner of the East 1/2 of the NE $\frac{1}{4}$ of Section 29, Thence South and parallel to the East line of said Quarter 100.0 feet, Thence West 15.0 feet, Thence North and parallel to the East line of said Quarter, 100.0 feet, Thence East 15.0 feet to the place of beginning. Also beginning 30.0 feet West of the Southeast corner on the South line of the East 1/2 of the NE $\frac{1}{4}$ of Section 29, Township 30 Range 25, Thence West on the South line 70.0 feet, Thence North 38.0 feet, Thence East and parallel to the South line 70.0 feet, Thence South 38.0 feet to the place of beginning."

PARCEL 5

Part of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty-five (25) East of the Sixth Principal Meridian, according to the United States Government Survey thereof bounded and described as follows:

Beginning at a point Thirty (30) feet South of the Northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Twenty Nine (29); thence East Two Hundred Seventy (270) feet, more or less to the West line of an alley running North and South along the West side of Block Number Three (3) in Lapham's Addition to the City of Pittsburg; Thence South along said West line of alley Five Hundred Eighty (580) feet, more or less, to the North line of the Right of Way of the St. Louis San Francisco Railway Company; Thence West along the North line of said Right of Way to the West line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Twenty Nine (29); Thence North Five Hundred Eighty (580) feet, more or less to the place of beginning.

PARCEL 6

Part of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty-five (25) East of the Sixth Principal Meridian, according to the United States Government Survey thereof bounded and described as follows:

Beginning at a point Thirty (30) feet South of the Northeast corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Twenty-nine (29); Thence South Three Hundred Fifty (350) feet; thence West One Hundred (100) feet; Thence North Three Hundred Fifty (350) feet; Thence East One Hundred (100) feet to the place of beginning.

PARCEL 7

THAT PART OF THE WEST HALF OF SECTION ELEVEN (11), TOWNSHIP THIRTY (30) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, LYING NORTH OF THE RIGHT OF WAY OF THE ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY.

EXCEPT ANY AND ALL RIGHTS OF WAY OVER AND ACROSS THE ABOVE DESCRIBED LAND.

PARCEL 8

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, OF SECTION TWENTY EIGHT (28), TOWNSHIP THIRTY (30) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

EXCEPT THAT PART THEREOF, IF ANY, LYING SOUTH OF A LINE SIX HUNDRED SIXTY (660) FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID SECTION TWENTY EIGHT (28).

PARCEL 9

THE EAST HALF OF THE SOUTH WEST QUARTER OF SECTION NINE (9),
TOWNSHIP THIRTY (30) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH
PRINCIPAL MERIDIAN.

EXCEPT THE RIGHT OF WAY OF THE KANSAS CITY SOUTHERN RAILWAY
COMPANY.

AND,

ALL THAT PART OF THE WEST HALF OF THE SOUTH WEST QUARTER OF
SECTION NINE (9), TOWNSHIP THIRTY (30) SOUTH, RANGE TWENTY FIVE (25)
EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYING EAST OF THE RIGHT OF WAY
OF THE KANSAS CITY SOUTHERN RAILWAY COMPANY.

EXCEPT ALL PUBLIC ROADS AND HIGHWAYS OVER AND ACROSS THE ABOVE
DESCRIBED LANDS.

ALSO EXCEPT THAT PART THEREOF DEEDED TO CRAWFORD COUNTY, KANSAS, AS SHOWN
BY QUIT CLAIM DEED RECORDED IN BOOK 359, PAGE 561, IN THE OFFICE OF THE
REGISTER OF DEEDS OF CRAWFORD COUNTY, KANSAS, AND BOUNDED AND DESCRIBED AS
FOLLOWS:

Commencing at the Southwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of said
Section 9, Township 30 South, Range 25 East of the 6th Principal Meridian,
Crawford County, Kansas; thence Easterly along the section line 788.44 feet,
to the point of beginning; thence Northerly 90.96 feet; thence in a Northwesterly
direction on a curve to the left, the radius of which is 1,235.92 feet, an
arc distance of 583.49 feet; thence North-Northwesterly, 131.22 feet; thence
Northwesterly with an angle of 8°-46'-00" to the left, 302.50 feet, more
or less, to the East line of the right of way of the Atchison, Topeka and
Santa Fe Railway Company; thence Southwesterly along said right of way to
the Atkinson Avenue right of way; thence Southerly and parallel with the
West section line of Section 9, 40.00 feet; thence Easterly along the Section
line, 411.0 feet, more or less, to the point of beginning, containing 5.657
acres, more or less, of which 2.114 acres is existing right of way.

PARCEL 10

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP TWENTY NINE (29), SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

EXCEPT THE RIGHT OF WAY OF THE MISSOURI PACIFIC RAILROAD COMPANY, FORMERLY THE FORT SCOTT AND SOUTHERN RAILWAY COMPANY, OVER AND ACROSS SAID PREMISES.

PARCEL 11

Part of the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$), Section Fifteen (15), Township Twenty-nine (29) South, Range Twenty-five (25) East, of the Sixth Principal Meridian, according to the United States Government Survey thereof, lying South and West of the center line of the abandoned Missouri Pacific Railroad, bounded and described as follows:

Beginning at the Southwest (SW) corner of the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Fifteen (15), thence running East along the South line of the North Half ($N\frac{1}{2}$) of said Southwest Quarter ($SW\frac{1}{4}$) a distance of Seven Hundred Thirty-Three and Forty-Five Hundredths (733.45) feet to a point on the center line of the abandoned Missouri Pacific Railroad, thence Northwest (NW) along the center line of the abandoned Missouri Pacific Railroad a distance of One Thousand Sixty-Three and Six-Tenths (1063.6) feet to a point on the West line of said Section Fifteen (15), thence South along the West line of said Section Fifteen (15) a distance of Seven Hundred Eighty-Eight and Seventy-Five Hundredths (788.75) feet to the point of beginning. This tract of land contains 6.638 acres, more or less.

PARCEL 12

ALL THAT PART OF THE SOUTHEAST QUARTER OF SECTION ELEVEN (11), TOWNSHIP THIRTY (30) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, LYING NORTH AND WEST OF THE RIGHT OF WAY OF THE ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY.

PARCEL 13

THE NORTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SECTION SIXTEEN (16), TOWNSHIP TWENTYNINE (29) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN.

EXCEPT RIGHT OF WAY OF THE MISSOURI PACIFIC RAILWAY COMPANY OVER AND ACROSS SAID LAND.

ALSO,

EXCEPT THAT PART OF THE NORTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SAID SECTION SIXTEEN (16), LYING NORTH AND EAST OF THE RIGHT OF WAY OF THE SAID MISSOURI PACIFIC RAILWAY COMPANY . . .

THE SOUTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SECTION SIXTEEN (16), TOWNSHIP TWENTY NINE (29) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN.

EXCEPTING THEREFROM THE SURFACE OF THE FOLLOWING DESCRIBED TRACT OF LAND HERETOFORE CONVEYED TO JULIUS VANTREPOTTE, SR. , AS SHOWN BY WARRANTY DEED RECORDED IN BOOK 116 PAGE 145, IN THE OFFICE OF THE REGISTER OF DEEDS OF CRAWFORD COUNTY, KANSAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE AT THE SOUTH EAST CORNER OF SAID SECTION SIXTEEN (16), TOWNSHIP TWENTY NINE (29), RANGE TWENTY FIVE (25), THENCE NORTH ON THE SECTION LINE TWO HUNDRED EIGHT AND SEVEN TENTHS (208.7) FEET; THENCE WEST ONE HUNDRED FOUR AND THIRTY FIVE ONE-HUNDREDTHS (104.35) FEET; THENCE SOUTH TWO HUNDRED EIGHT AND SEVEN TENTHS (208.7) FEET TO THE SECTION LINE; THENCE EAST ON THE SECTION LINE ONE HUNDRED FOUR AND THIRTY FIVE ONE-HUNDREDTHS (104.35) FEET TO THE PLACE OF BEGINNING.

EXHIBIT B

The following are title exceptions to the respective parcels:

PARCEL 4

Easement in favor of Kansas Gas & Electric Co., a corporation, the right to construct,, operate and maintain an electric transmission line including necessary towers, poles, wires and other appliances necessary, or convenient, in connection therewith upon and across the lands of the said W. S. Dickey Clay Mtg. Co. projected in a reasonable straight line from a point beginning on the west property line of the W. S. Dickey Clay Mfg. Co. approximately 300 feet South of the South right of way line of the Joplin & Girard Branch of the St. Louis-San Francisco R. R.Co. and from that point of beginning diagonally in a Southeasterly direction across the property of the said W. S. Dickey Clay Mfg. Co., located in the West Half ($W\frac{1}{2}$) of the Northeast (NE) Quarter and the East half ($E\frac{1}{2}$) of the North East (NE) Quarter of Section 29, Township 30, Range 25 East (E) lying South (S) of the Right of Way of the Joplin & Girard Branch of the St. Louis & San Francisco R. R. Co. in Crawford County, Kansas, to a point located approximately 150 feet North (N) of the South East (SE) corner of said Property of W. S. Dickey Clay Mfg. Co., as shown by "Easement of Right of Way" recorded in Miscellaneous Record "S", at page 193, in the office of the Register of Deeds of Crawford County, Kansas.

Easement in favor of the City of Pittsburg, Crawford County, Kansas, a Municipal Corporation, for the purpose of constructing, operating, maintaining and repairing a storm sewer either open or closed for the purpose of disposing of surface water, to wit: Part of the $E\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 29, Township 30, Range 25 described as follows; A strip of land 15 feet on each side of the following described center line; Beginning at a point 1653.3 feet South of the N.E. corner of the said $NE\frac{1}{4}$ of said Section 29, thence West 75 feet more or less, thence in a Northwesterly direction a distance of 1355 feet more or less to the South right-of-way line of the St. Louis and San Francisco Railroad Company; also 15 feet on each side of the following described center line:

Beginning at a point 25 feet North and 16 feet West of the South west corner of Lot 51 in Latham's Addition to the City of Pittsburg, thence in a Northwesterly direction a distance of 330 feet more or less to the South line of East 4th Street and now laid out and platted. Also the right to distribute the dirt excavated from the ditch so as to obtain a uniform back fill., as shown by "Easement" recorded in Miscellaneous Record "X", at page 203, in the office of the Register of Deeds of Crawford County, Kansas.

favor
Easement in/of the City of Pittsburg, Crawford County, Kansas, a Municipal Corporation, its successors and assigns, with full right of ingress and egress a ten (10) foot easement and right of way to construct, lay, maintain, operate repair and remove a twelve (12) inch water pipe line, together with the right to transmit water there-through, over and across the following described tract of real estate owned by the Grantor, situated in the County of Crawford and State of Kansas, the center line being, to-wit: "Beginning One Thousand One Hundred Seventy-four (1174) feet South and Forty-three (43) feet West of the Northeast corner of the said Northeast Quarter ($NE\frac{1}{4}$) of Section Twenty Nine (29), Township Thirty (30), Range Twenty-five (25), Thence South and parallel with the East line of said Section a distance of One Thousand Five Hundred Twenty-six (1526) feet more or less to the South line of said Quarter Section. Said water pipe line shall be laid and buried in the ground in a careful and workmanlike manner at a depth of at least three (3) feet below the surface and shall extend across said tract within the easement area hereinbefore described" as shown by "Right of Way Easement" recorded in Miscellaneous Record 46, at page 21, in the office of the Register of Deeds of Crawford County, Kansas.

PARCEL 5

Mineral Rights and Reservations as recited in Warranty Deed from E. V. Lapham and wife to B. H. Lanyon, as recorded in Book "R", at page 30, in the office of the Register of Deeds of Crawford County, Kansas.

PARCEL 7

Easement in favor of Kansas Gas and Electric Company, a corporation, its successors and assigns, the right of way to clear timber, trim necessary trees for and build, maintain, alter, repair, operate and remove transmission lines consisting of poles, wires, equipment and fixtures over and across the following described lands situated in Crawford County, State of Kansas, to-wit: "A strip one hundred (100) feet in width across the North 1/2 of the Northwest 1/4 and the Southeast 1/4 of the Northwest 1/4, all in Section 11, Township 30 South, Range 25 East, being fifty (50) feet right and left of the following described center line: Beginning on the North line of said Northwest 1/4 at a point approximately thirteen hundred eighteen (1318) feet West of the Northeast corner thereof thence Southeasterly to a turn point located approximately twelve hundred seventy (1270) feet South and Three Hundred Sixty (360) feet West of the Northeast corner of said Northwest 1/4, and continuing Southeasterly to a point on the East line of said Northwest 1/4 which point is approximately nine hundred five (905) feet North of the Southeast corner thereof, with additional rights for necessary anchors with guy wires attached to extend approximately eighty five (85) feet Northeast of the above described turn point with the right of ingress and egress to and from the same," as shown by "Right of Way Easement" recorded in Miscellaneous Record 49, at page 57, in the office of the Register of Deeds of Crawford County, Kansas.

General Easement in favor of Rural Water District No. 5, Crawford County, Kansas as shown by "Right of Way Easement" recorded in Miscellaneous Record 56, at page 371, in the office of the Register of Deeds of Crawford County, Kansas.

Easement in favor of Williams Brothers Pipe line Company, a Delaware corporation, its successors and assigns, an easement and right of way to survey, construct, maintain, inspect, operate, protect, repair, alter, replace, change the size of, and remove a pipeline or pipelines and appurtenances at any time or times for the transportation of liquids, gasses and/or solids upon and along a route or routes to be selected by Grantee on, over and through the following described land located in County of Crawford, State of Kansas, to-wit: "The Northwest Quarter (NW/4) of Section 11, Township 30 South, Range 25 East, except Right of Way of Missouri Pacific Railroad Company, with the right of ingress and egress to and from said easement and right of way for the purposes aforesaid" as shown by "Right of Way Agreement" recorded in Miscellaneous Record 59, at page 653, in the office of the Register of Deeds of Crawford County, Kansas.

General Easement in favor of Kansas Gas and Electric Company, as shown by "Right of Way Easement" recorded in Miscellaneous Record 83, at page 577, in the office of the Register of Deeds of Crawford County, Kansas.

PARCEL 8

General Easement in favor of Rural Water District No. 5, Crawford County, Kansas, as shown by "Right of Way Easement" recorded in Miscellaneous Record 56, at page 371, in the office of the Register of Deeds of Crawford County, Kansas.

Easement in favor of The City of Pittsburg, Crawford County, Kansas, a Municipal Corporation, its successors and assigns, with full right of ingress and egress, a permanent and temporary easement and right-of-way to construct, maintain, operate, repair, replace, and remove a sewer line and necessary appurtenances thereto, under, over and across the following described tract of real estate situated in Crawford County, Kansas, to wit: "A permanent easement beginning at a point 688.9 feet north and 30 feet east of the southwest corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 28, Township 30 South, Range 25 East, thence North 89° 58' 10" east 309.9 feet to a point being 40 feet north of the south property line, thence south 86° 19' 21" east 621.28 feet more or less to a point intersecting the south property line of Dickey Clay. Everything south of the above described line shall be permanent easement. A temporary construction easement being 20 feet north and parallel to the above described line." as shown by "Right-of-Easement" recorded in Miscellaneous Record 85, at page 577, in the office of the Register of Deeds of Crawford County, Kansas.

PARCEL 9

Mineral Rights and Reservations as recited in Deed from The Cherokee and Pittsburg Coal and Mining Company to J. E. Hurley, C. Leland, Jr. and Walter Reeves, as Trustees in Bankruptcy of the Estate of Charles J. Devlin, a Bankrupt as recorded in Book 62 of Deeds, at page 463, in the office of the Register of Deeds of Crawford County, Kansas.

PARCEL 10

General Easement in favor of Rural Water District No. 1, Crawford County, Kansas, as shown by "Right of Way Easement" recorded in Miscellaneous Record 73, at page 609, Miscellaneous Record 77, at pages 650 and 669, respectively, in the office of the Register of Deeds of Crawford County, Kansas.

Mineral Rights and Reservations and Conditions as recited in Special Warranty Deed from The Missouri Improvement Company to Joseph A. Ida and Jo Ann Ida, and George O Fauvergue, Jr. and Ruby Earleen Fauvergue, recorded in Book 306 of Deeds, at page 207, in the office of the Register of Deeds of Crawford County, Kansas.

PARCEL 11

General Easement in favor of Rural Water District No. 1, Crawford County, Kansas, as shown by "Right of Way Easement" recorded in Miscellaneous Record 73, at page 609, in the office of the Register of Deeds of Crawford County, Kansas.

PARCEL 12

Easement in favor of Kansas Gas and Electric Company, a corporation, the Right-of-Way to clear timber, trim necessary trees for and build, maintain, alter, repair, operate and remove transmission lines consisting of poles, wires, equipment and fixtures over and across the following described lands situated in Crawford County, State of Kansas, to-wit: A strip one hundred (100) feet in width across that part of the Southeast 1/4 of Section 11, Township 30 South, Range 25 East, lying North and West of the right-of-way of the St. Louis-San Francisco Railway Company, said strip being fifty (50) feet right and left of a line between a point on the North line of said Southeast 1/4 which point is approximately six hundred eighty (680) feet East of the Northwest corner thereof and a point on the center line of the St. Louis-San Francisco Railroad which point is approximately one thousand fifteen (1015) feet East and four hundred forty (440) feet South of the

center of said Section 11, Subject to a restriction that the support station or stations may not be set more than a maximum of one hundred forty-five (145) feet down line from the north property line of the above described property and that the minimum height of the line be set no less than thirty five (35) feet at 120° F. with the right of ingress and egress to and from the same as shown by "Right-of-Way Easement" recorded in Miscellaneous Record 49, at page 111, in the office of the Register of Deeds of Crawford County, Kansas.

General Easement in favor of Rural Water District No. 5, Crawford County, Kansas, as shown by "Right of Way Easement" recorded in Miscellaneous Record 56, at page 371, in the office of the Register of Deeds of Crawford County, Kansas.

PARCEL 13

Mineral Rights and Reservations as recited in Warranty Deed from William Lanyon and Annie G. Lanyon, his wife, to G. Iori, as recorded in Book 83, at page 610, in the office of the Register of Deeds of Crawford County, Kansas.

KANSAS CORPORATION ACKNOWLEDGMENT

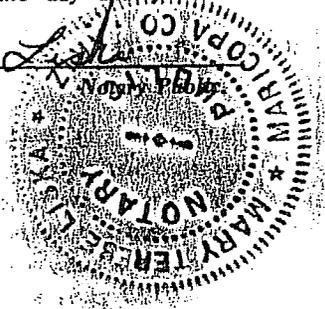
STATE OF ARIZONA
County of Maricopa } ss.

BE IT REMEMBERED, That on this 18th day of September A. D. 1987, before me the undersigned, a Notary Public in and for the County and State aforesaid, came Lawrence L. McNeill President of the W.S. Dickey Clay Manufacturing Company a corporation duly organized, incorporated and existing under and by virtue of the laws of Delaware and N/A Secretary of said corporation, who are personally known to me to be such officers, and who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

My Commission Expires Oct. 6, 1987

My commission expires _____

Mary Teresa Lopez


Warranty Deed

FROM

W.S. DICKEY CLAY MANUFACTURING COMPANY

TO

MISSION CLAY PRODUCTS CORPORATION

Entered in Transfer Record in my office this _____ day of _____ 19____

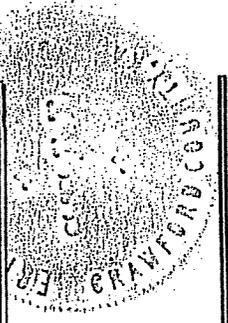
County Clerk

STATE OF KANSAS, }
Crawford County, } ss.

Received for Record on the 21 day of Sept. 1987, at 9:30 o'clock A.M., and duly Recorded in Book 421 of Deeds at Page 37

Grantley M. Pote
Register of Deeds.

Fee, \$ 22.00



By: Crawford Co. Abstract

11-352

STATE OF KANSAS
COUNTY OF CRAWFORD

ss. I hereby certify that the within instrument was filed and recorded
in DOCKET and indexed in DEEDS

Fee No.

at the request of

Compared

Photostated

Fee:

When recorded, mail to:

Witness my hand and official seal.

JOHN J. BARCAL INC.
A Professional Law Corp.
1301 East Road
La Habra Heights, CA 90631

Deputy Recorder

Warranty Deed

For the consideration of Ten Dollars, and other valuable considerations, I or we,
MISSION CLAY PRODUCTS CORPORATION, aka MISSION CLAY PRODUCTS, aka MISSION CLAY PRODUCTS
CORP., a California corporation (Grantor)

do hereby convey to

MCP INDUSTRIES, INC., a California corporation (Grantee)

the following real property situated in the State of Kansas, County of Crawford,

See Exhibit "1" attached hereto and made a part hereof by reference

Subject to current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record, the Grantor warrants the title against all persons whomsoever.

Dated this 27 day of September, 19 90.

MISSION CLAY PRODUCTS CORPORATION

Owen B. Garrett
Owen B. Garrett, President

Charlotte M. Garrett
Charlotte M. Garrett, Secretary

CAT. NO. NN00737
TO 1945 CA (7-82)
(Corporation)

 TITLE INSURANCE
AND TRUST
A TICO COMPANY

by

STATE OF CALIFORNIA
COUNTY OF Los Angeles } ss.

On Sept 27 1990 before me, the undersigned, a Notary Public in and for
said State, personally appeared OWEN B. Garrett

personally known to me or proved to me on the basis
of satisfactory evidence to be the person who executed
the within instrument as the

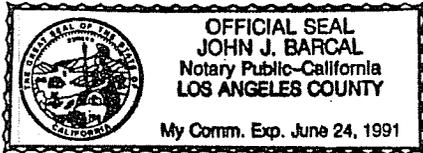
President, and Charlotte M. Garrett

personally known to me or
proved to me on the basis of satisfactory evidence to be
the person who executed the within instrument as the

Secretary of the Corporation
that executed the within instrument and acknowledged
to me that such corporation executed the within instru-
ment pursuant to its by-laws or a resolution of its
board of directors.

WITNESS my hand and official seal.

Signature John J. Barcal



(This area for official notarial seal)

STAPLE HERE

EXHIBIT "1"

Any and all interests in real property, leases, clays, sands, earths, minerals and easements owned by Grantor in Crawford County, Kansas not previously granted to MCP Industries, Inc., a California corporation.

It is the intent of this document to insure that all real property owned by Grantor, whether accurately described herein or not, in such county is conveyed by Grantor to MCP Industries, Inc., including, but not limited to:

1. By Assessor Parcel Number (APN) as follows:

- APN 2011100000004013
- APN 2092901007001000
- APN 1151500000003000
- APN 2092901003001000
- APN 2092901003002000
- APN 2020900000007000
- APN 2082800001013000
- APN 2011100000004000
- APN 1151600000005000

2. By legal description as follows:

See legal description attached hereto and incorporated herein by reference

EXHIBIT A

PARCEL 1

Part of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-nine (29), Township Thirty (30), Range Twenty-five (25), more particularly described as follows: Beginning at a point Three Hundred Eighty (380) feet South of the Northeast Corner of the Northwest Quarter of the Northeast Quarter, thence West Three Hundred Fifty-seven (357) feet more or less to the East boundary line of the St. Louis, San Francisco Railroad Track Number 13 right of way, thence Southwesterly along East Boundary Line of said St. Louis, San Francisco Railroad Track Number 13 right of way to its intersection with the North boundary line of the St. Louis San Francisco Girard to Afton Railroad right of way, thence easterly along the North boundary line of said St. Louis San Francisco Girard to Afton Railroad right of way to its intersection with the East boundary line of the Northwest Quarter of the Northeast Quarter of Section Twenty-nine (29), Township Thirty (30), Range Twenty-five (25) East, thence North along said boundary line Two Hundred Thirty-six and five tenths (236.5) feet, to the place of beginning, in Crawford County, Kansas.

PARCEL 2

ALL THAT PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION TWENTY NINE (29), TOWNSHIP THIRTY (30) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THIRTY (30) FEET SOUTH AND ONE HUNDRED (100) FEET WEST OF THE NORTHEAST CORNER OF THE SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION TWENTY NINE (29), AND RUNNING THENCE SOUTH THREE HUNDRED FIFTY (350) FEET; THENCE WEST TWO HUNDRED (200) FEET; THENCE NORTH THREE HUNDRED FIFTY (350) FEET; THENCE EAST TWO HUNDRED (200) FEET TO THE POINT OF BEGINNING.

ALSO,

BEGINNING AT A POINT THREE HUNDRED (300) FEET WEST AND TWO HUNDRED NINETY AND FIVE TENTHS (290.5) FEET SOUTH OF THE NORTHEAST CORNER OF THE SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION TWENTY NINE (29), AND RUNNING THENCE SOUTH EIGHTY NINE AND FIVE TENTHS (89.5) FEET; THENCE WEST SIXTY SEVEN (67) FEET TO THE CENTER OF THE ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY'S TRACK NUMBER 13; THENCE NORTHEASTERLY, ALONG SAID TRACK NUMBER 13, ONE HUNDRED ELEVEN AND NINE TENTHS (111.9) FEET TO THE POINT OF BEGINNING.

EXCEPT ALL RIGHTS OF WAY OF THE ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY OVER AND ACROSS THE ABOVE DESCRIBED LANDS.

PARCEL 3

LOTS NUMBER FORTY FIVE (45), FORTY SIX (46), AND FORTY SEVEN (47), IN BLOCK NUMBER THREE (3), IN "LAPHAMS ADDITION TO PITTSBURG, KANSAS", ACCORDING TO THE RECORDED PLAT THEREOF.

PARCEL 4

ALL OF THE EAST HALF OF THE NORTH EAST QUARTER OF SECTION TWENTY NINE (29), TOWNSHIP THIRTY (30) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYING SOUTH OF THE RIGHT OF WAY OF THE JOPLIN & GIRARD BRANCH OF THE ST. LOUIS & SAN FRANCISCO RAILROAD COMPANY.

ALSO, PART OF THE WEST HALF OF THE NORTH EAST QUARTER AND THE EAST HALF OF THE NORTH WEST QUARTER OF SECTION TWENTY NINE (29), TOWNSHIP THIRTY (30) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE SOUTH EAST CORNER OF THE SOUTH WEST QUARTER OF THE NORTH EAST QUARTER OF SAID SECTION TWENTY NINE (29); THENCE NORTH WITH THE EAST LINE OF SAID SOUTH WEST QUARTER OF THE NORTH EAST QUARTER OF SAID SECTION, SIX HUNDRED NINETY TWO AND SEVEN TENTHS (692.7) FEET TO A POINT OF BEGINNING; RUNNING THENCE NORTH WITH THE EAST LINE OF THE WEST HALF OF THE NORTH EAST QUARTER OF SAID SECTION (AT SIX HUNDRED SIXTY (660) FEET AN IRON PIN IN THE NORTH EAST CORNER OF THE SOUTH WEST QUARTER OF THE NORTH EAST QUARTER) TWELVE HUNDRED NINETY FOUR AND FOUR TENTHS (1294.4) FEET TO A POINT ON THE SOUTH LINE OF THE RIGHT OF WAY OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD COMPANY, RUNNING THENCE WEST WITH THE SOUTH LINE OF THE ST. LOUIS & SAN FRANCISCO RAILROAD COMPANY, TEN HUNDRED ELEVEN (1011) FEET, MORE OR LESS, TO A POINT WHERE THE EAST LINE OF THE RIGHT OF WAY OF ANOTHER BRANCH OF THE ST. LOUIS & SAN FRANCISCO RAILROAD COMPANY INTERSECTS SAID SOUTH LINE OF SAID RIGHT OF WAY, RUNNING THENCE SOUTH WESTERLY WITH THE EAST LINE OF THE RIGHT OF WAY OF SAID ST. LOUIS & SAN FRANCISCO RAILROAD COMPANY TO THE INTERSECTION WITH THE EASTERLY LINE OF THE RIGHT OF WAY OF THE KANSAS CITY SOUTHERN RAILWAY COMPANY ; THENCE IN A SOUTHERLY DIRECTION WITH THE EASTERLY RIGHT OF WAY LINE OF THE KANSAS CITY SOUTHERN RAILWAY COMPANY TO A POINT IN SAID EASTERLY RIGHT OF WAY LINE, SAID POINT BEING SIX HUNDRED NINETY TWO AND SEVEN TENTHS (692.7) FEET NORTH OF AND AT RIGHT ANGLES TO THE EAST AND WEST CENTER LINE OF SAID SECTION TWENTY NINE (29) RUNNING THENCE EAST AND PARALLEL TO THE EAST AND WEST CENTER LINE OF THE SAID SECTION TWENTY NINE (29) FOURTEEN HUNDRED TWENTY (1420) FEET, MORE OR LESS, TO SAID POINT OF BEGINNING.

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PARCEL 4 (continued)

(EXCEPTING FROM THE ABOVE THE RIGHT OF WAY HERETOFORE DEEDED TO KANSAS CITY SOUTHERN RAILWAY COMPANY BY THE KANSAS & TEXAS COAL COMPANY ON OR ABOUT APRIL 25, 1901, THIRTY (30) FEET IN WIDTH OVER AND ACROSS THE ABOVE DESCRIBED TRACT; AND ALSO EXCEPTING THE RIGHT OF WAY OF THE ST. LOUIS & SAN FRANCISCO RAILROAD COMPANY ACROSS THE NORTH EAST CORNER OF THE ABOVE DESCRIBED TRACT, CONVEYED BY THE KANSAS & TEXAS COAL COMPANY ON OR ABOUT JANUARY 17, 1901, AND FIFTEEN (15) FEET IN WIDTH),

ALSO EXCEPT RIGHT OF WAY OF ST. LOUIS AND SAN FRANCISCO RAILROAD COMPANY CONVEYED BY THE PITTSBURG PIPE AND BRICK COMPANY ON OR ABOUT JANUARY 24, 1901, AS SHOWN BY DEED RECORDED IN BOOK 131 PAGE 557 IN THE OFFICE OF THE REGISTER OF DEEDS OF CRAWFORD COUNTY, KANSAS

ALSO EXCEPT THAT PART THEREOF DEEDED TO THE St. Louis-San Francisco Railway Company, a Missouri corporation by Reversionary Deed, dated February 1, 1946 and recorded February 8, 1946, in Book 183, at page 622, in the office of the Register of Deeds of Crawford County, Kansas, bounded and described as follows:

"a certain strip or parcel of land lying, being and situate in the Northeast Quarter of the Northeast Quarter of Section Twenty-nine (29), Township Thirty (30) South, Range Twenty-five (25) East, Crawford County, Kansas, at Pittsburg; said strip being Twenty (20) feet in width, ten (10) feet on each side of center line of proposed spur tract as the same will finally be located and constructed; said center line being more particularly described as follows: Commencing at the intersection of West line of said Quarter Quarter Section Twenty-nine (29) with the center line of Main Tract, Girard Branch of the St. L.-S. F. Ry. Co; thence easterly measured along said center line of main tract sixty-two and three tenths (62.3) feet for a point of beginning; thence southeasterly on a curve to the right with a radius of six hundred three and eighty hundredths (603.80) feet, three hundred seventy-six and one tenth (376.1) feet thence southeasterly on tangent to last described curve seven hundred seventeen and two tenths (717.2) feet to the end. Saving and excepting present R/W of said Railway and containing thirty-three hundredths (.33) acres more or less; and a certain tract or parcel of land lying, being and situate in Northwest Quarter of Northeast Quarter of Section twenty-nine (29), Township thirty (30) South, Range Twenty-five (25) East, Crawford County, Kansas, at Pittsburg; said strip being Twenty (20) feet in width, ten (10) feet on each side of center line of proposed spur tract as the same will finally be located and constructed; said center line being more particularly described as follows: Commencing at the intersection of the West line of said Section Twenty nine (29), with the center line of Main Tract Parsons Subdivision of the St. L.-S. F. Ry. Co; thence Southwesterly along said center line of Main track One hundred Seventy (170) feet for a point of beginning; thence Northeasterly on a curve to the right with a radius of six hundred three and eighty hundredths (603.80) feet, seventy nine and eight tenths (79.8) feet; thence northeasterly compounding on a curve to the right, with a radius four hundred seventy-eight and thirty four hundredths (478.34) feet, four hundred thirty four and four tenths (434.4) feet, thence easterly on tangent to last described curve eight hundred sixty four and eight tenths (864.8) feet to end; saving and excepting present R/W of said Railway and containing fifty two hundredths

PARCEL 4 (continued)

ALSO EXCEPT THAT PART THEREOF DEEDED TO The City of Pittsburg, Kansas, a Municipal Corporation for Highway purposes as shown by "Deed for Highway Purposes" dated June 6, 1968 and recorded July 1, 1968, in Book 320, at page 308, in the office of the Register of Deeds of Crawford County, Kansas, bounded and described as follows:

"A parcel of land located in the East 1/2 of the NE $\frac{1}{4}$ of Section 29, Township 30, Range 25, in Pittsburg, Crawford County, Kansas, for highway purposes, described as follows: Beginning at a point 30.0 feet West and 1612.0 feet South of the Northeast corner of the East 1/2 of the NE $\frac{1}{4}$ of Section 29, Thence South and parallel to the East line of said Quarter 100.0 feet, Thence West 15.0 feet, Thence North and parallel to the East line of said Quarter, 100.0 feet, Thence East 15.0 feet to the place of beginning. Also beginning 30.0 feet West of the Southeast corner on the South line of the East 1/2 of the NE $\frac{1}{4}$ of Section 29, Township 30 Range 25, Thence West on the South line 70.0 feet, Thence North 38.0 feet, Thence East and parallel to the South line 70.0 feet, Thence South 38.0 feet to the place of beginning."

PARCEL 5

Part of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty-five (25) East of the Sixth Principal Meridian, according to the United States Government Survey thereof bounded and described as follows:

Beginning at a point Thirty (30) feet South of the Northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Twenty Nine (29); thence East Two Hundred Seventy (270) feet, more or less to the West line of an alley running North and South along the West side of Block Number Three (3) in Lapham's Addition to the City of Pittsburg; Thence South along said West line of alley Five Hundred Eighty (580) feet, more or less, to the North line of the Right of Way of the St. Louis San Francisco Railway Company; Thence West along the North line of said Right of Way to the West line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Twenty Nine (29); Thence North Five Hundred Eighty (580) feet, more or less to the place of beginning.

PARCEL 6

Part of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty-five (25) East of the Sixth Principal Meridian, according to the United States Government Survey thereof bounded and described as follows:

Beginning at a point Thirty (30) feet South of the Northeast corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Twenty-nine (29); Thence South Three Hundred Fifty (350) feet; thence West One Hundred (100) feet; Thence North Three Hundred Fifty (350) feet; Thence East One Hundred (100) feet to the place of beginning.

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PARCEL 7

THAT PART OF THE WEST HALF OF SECTION ELEVEN (11), TOWNSHIP THIRTY (30) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, LYING NORTH OF THE RIGHT OF WAY OF THE ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY.

EXCEPT ANY AND ALL RIGHTS OF WAY OVER AND ACROSS THE ABOVE DESCRIBED LAND.

PARCEL 8

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, OF SECTION TWENTY EIGHT (28), TOWNSHIP THIRTY (30) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

EXCEPT THAT PART THEREOF, IF ANY, LYING SOUTH OF A LINE SIX HUNDRED SIXTY (660) FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID SECTION TWENTY EIGHT (28).

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PARCEL 9

THE EAST HALF OF THE SOUTH WEST QUARTER OF SECTION NINE (9),
TOWNSHIP THIRTY (30) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH
PRINCIPAL MERIDIAN.

EXCEPT THE RIGHT OF WAY OF THE KANSAS CITY SOUTHERN RAILWAY
COMPANY.

AND,

ALL THAT PART OF THE WEST HALF OF THE SOUTH WEST QUARTER OF
SECTION NINE (9), TOWNSHIP THIRTY (30) SOUTH, RANGE TWENTY FIVE (25)
EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYING EAST OF THE RIGHT OF WAY
OF THE KANSAS CITY SOUTHERN RAILWAY COMPANY.

EXCEPT ALL PUBLIC ROADS AND HIGHWAYS OVER AND ACROSS THE ABOVE
DESCRIBED LANDS.

ALSO EXCEPT THAT PART THEREOF DEEDED TO CRAWFORD COUNTY, KANSAS, AS SHOWN
BY QUIT CLAIM DEED RECORDED IN BOOK 359, PAGE 561, IN THE OFFICE OF THE
REGISTER OF DEEDS OF CRAWFORD COUNTY, KANSAS, AND BOUNDED AND DESCRIBED AS
FOLLOWS:

Commencing at the Southwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of said
Section 9, Township 30 South, Range 25 East of the 6th Principal Meridian,
Crawford County, Kansas; thence Easterly along the section line 788.44 feet,
to the point of beginning; thence Northerly 90.96 feet; thence in a Northwesterly
direction on a curve to the left, the radius of which is 1,235.92 feet, an
arc distance of 583.49 feet; thence North-Northwesterly, 131.22 feet; thence
Northwesterly with an angle of 8°-46'-00" to the left, 302.50 feet, more
or less, to the East line of the right of way of the Atchison, Topeka and
Santa Fe Railway Company; thence Southwesterly along said right of way to
the Atkinson Avenue right of way; thence Southerly and parallel with the
West section line of Section 9, 40.00 feet; thence Easterly along the Section
line, 411.0 feet, more or less, to the point of beginning, containing 5.657
acres, more or less, of which 2.114 acres is existing right of way.

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X

PARCEL 10

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP TWENTY NINE (29), SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

EXCEPT THE RIGHT OF WAY OF THE MISSOURI PACIFIC RAILROAD COMPANY, FORMERLY THE FORT SCOTT AND SOUTHERN RAILWAY COMPANY, OVER AND ACROSS SAID PREMISES.

100.5
109.4 110.1

PARCEL 11

Part of the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$), Section Fifteen (15), Township Twenty-nine (29) South, Range Twenty-five (25) East, of the Sixth Principal Meridian, according to the United States Government Survey thereof, lying South and West of the center line of the abandoned Missouri Pacific Railroad, bounded and described as follows:

Beginning at the Southwest (SW) corner of the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Fifteen (15), thence running East along the South line of the North Half ($N\frac{1}{2}$) of said Southwest Quarter ($SW\frac{1}{4}$) a distance of Seven Hundred Thirty-Three and Forty-Five Hundredths (733.45) feet to a point on the center line of the abandoned Missouri Pacific Railroad, thence Northwest (NW) along the center line of the abandoned Missouri Pacific Railroad a distance of One Thousand Sixty-Three and Six-Tenths (1063.6) feet to a point on the West line of said Section Fifteen (15), thence South along the West line of said Section Fifteen (15) a distance of Seven Hundred Eighty-Eight and Seventy-Five Hundredths (788.75) feet to the point of beginning. This tract of land contains 6.638 acres, more or less.

PARCEL 12

ALL THAT PART OF THE SOUTHEAST QUARTER OF SECTION ELEVEN (11),
TOWNSHIP THIRTY (30) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE
SIXTH PRINCIPAL MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT
SURVEY THEREOF, LYING NORTH AND WEST OF THE RIGHT OF WAY OF THE
ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY.

PARCEL 13

X
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THE NORTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SECTION SIXTEEN (16), TOWNSHIP TWENTY-NINE (29) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN.

EXCEPT RIGHT OF WAY OF THE MISSOURI PACIFIC RAILWAY COMPANY OVER AND ACROSS SAID LAND.

ALSO,

EXCEPT THAT PART OF THE NORTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SAID SECTION SIXTEEN (16), LYING NORTH AND EAST OF THE RIGHT OF WAY OF THE SAID MISSOURI PACIFIC RAILWAY COMPANY

was
1148

THE SOUTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SECTION SIXTEEN (16), TOWNSHIP TWENTY NINE (29) SOUTH, RANGE TWENTY FIVE (25) EAST OF THE SIXTH PRINCIPAL MERIDIAN.

was
1149
1150

EXCEPTING THEREFROM THE SURFACE OF THE FOLLOWING DESCRIBED TRACT OF LAND HERETOFORE CONVEYED TO JULIUS VANTREPOTTE, SR. , AS SHOWN BY WARRANTY DEED RECORDED IN BOOK 116 PAGE 145, IN THE OFFICE OF THE REGISTER OF DEEDS OF CRAWFORD COUNTY, KANSAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE AT THE SOUTH EAST CORNER OF SAID SECTION SIXTEEN (16), TOWNSHIP TWENTY NINE (29), RANGE TWENTY FIVE (25), THENCE NORTH ON THE SECTION LINE TWO HUNDRED EIGHT AND SEVEN TENTHS (208.7) FEET; THENCE WEST ONE HUNDRED FOUR AND THIRTY FIVE ONE-HUNDREDTHS (104.35) FEET; THENCE SOUTH TWO HUNDRED EIGHT AND SEVEN TENTHS (208.7) FEET TO THE SECTION LINE; THENCE EAST ON THE SECTION LINE ONE HUNDRED FOUR AND THIRTY FIVE ONE-HUNDREDTHS (104.35) FEET TO THE PLACE OF BEGINNING.

EXHIBIT B

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The following are title exceptions to the respective parcels:

PARCEL 4

Easement in favor of Kansas Gas & Electric Co., a corporation, the right to construct,, operate and maintain an electric transmission line including necessary towers, poles, wires and other appliances necessary, or convenient, in connection therewith upon and across the lands of the said W. S. Dickey Clay Mtg. Co. projected in a reasonable straight line from a point beginning on the west property line of the W. S. Dickey Clay Mfg. Co. approximately 300 feet South of the South right of way line of the Joplin & Girard Branch of the St. Louis-San Francisco R. R.Co. and from that point of beginning diagonally in a Southeasterly direction across the property of the said W. S. Dickey Clay Mfg. Co., located in the West Half ($W\frac{1}{2}$) of the Northeast (NE) Quarter and the East half ($E\frac{1}{2}$) of the North East (NE) Quarter of Section 29, Township 30, Range 25 East (E) lying South (S) of the Right of Way of the Joplin & Girard Branch of the St. Louis & San Francisco R. R. Co. in Crawford County, Kansas, to a point located approximately 150 feet North (N) of the South East (SE) corner of said Property of W. S. Dickey Clay Mfg. Co., as shown by "Easement of Right of Way" recorded in Miscellaneous Record "S", at page 193, in the office of the Register of Deeds of Crawford County, Kansas.

Easement in favor of the City of Pittsburg, Crawford County, Kansas, a Municipal Corporation, for the purpose of constructing, operating, maintaining and repairing a storm sewer either open or closed for the purpose of disposing of surface water, to wit: Part of the $E\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 29, Township 30, Range 25 described as follows; A strip of land 15 feet on each side of the following described center line; Beginning at a point 1653.3 feet South of the N.E. corner of the said $NE\frac{1}{4}$ of said Section 29, thence West 75 feet more or less, thence in a Northwesterly direction a distance of 1355 feet more or less to the South right-of-way line of the St. Louis and San Francisco Railroad Company; also 15 feet on each side of the following described center line:

Beginning at a point 25 feet North and 16 feet West of the South west corner of Lot 51 in Latham's Addition to the City of Pittsburg, thence in a Northwesterly direction a distance of 330 feet more or less to the South line of East 4th Street and now laid out and platted. Also the right to distribute the dirt excavated from the ditch so as to obtain a uniform back fill., as shown by "Easement" recorded in Miscellaneous Record "X", at page 203, in the office of the Register of Deeds of Crawford County, Kansas.

^{favor}
Easement in/of the City of Pittsburg, Crawford County, Kansas, a Municipal Corporation, its successors and assigns, with full right of ingress and egress a ten (10) foot easement and right of way to construct, lay, maintain, operate repair and remove a twelve (12) inch water pipe line, together with the right to transmit water there-through, over and across the following described tract of real estate owned by the Grantor, situated in the County of Crawford and State of Kansas, the center line being, to-wit: "Beginning One Thousand One Hundred Seventy-four (1174) feet South and Forty-three (43) feet West of the Northeast corner of the said Northeast Quarter ($NE\frac{1}{4}$) of Section Twenty Nine (29), Township Thirty (30), Range Twenty-five (25), Thence South and parallel with the East line of said Section a distance of One Thousand Five Hundred Twenty-six (1526) feet more or less to the South line of said Quarter Section. Said water pipe line shall be laid and buried in the ground in a careful and workmanlike manner at a depth of at least three (3) feet below the surface and shall extend across said tract within the easement area hereinbefore described" as shown by "Right of Way Easement" recorded in Miscellaneous Record 46, at page 21, in the office of the Register of Deeds of Crawford County, Kansas.

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PARCEL 5

Mineral Rights and Reservations as recited in Warranty Deed from E. V. Lapham and wife to B. H. Lanyon, as recorded in Book "R", at page 30, in the office of the Register of Deeds of Crawford County, Kansas.

PARCEL 7

Easement in favor of Kansas Gas and Electric Company, a corporation, its successors and assigns, the right of way to clear timber, trim necessary trees for and build, maintain, alter, repair, operate and remove transmission lines consisting of poles, wires, equipment and fixtures over and across the following described lands situated in Crawford County, State of Kansas, to-wit: "A strip one hundred (100) feet in width across the North 1/2 of the Northwest 1/4 and the Southeast 1/4 of the Northwest 1/4, all in Section 11, Township 30 South, Range 25 East, being fifty (50) feet right and left of the following described center line: Beginning on the North line of said Northwest 1/4 at a point approximately thirteen hundred eighteen (1318) feet West of the Northeast corner thereof thence Southeasterly to a turn point located approximately twelve hundred seventy (1270) feet South and Three Hundred Sixty (360) feet West of the Northeast corner of said Northwest 1/4, and continuing Southeasterly to a point on the East line of said Northwest 1/4 which point is approximately nine hundred five (905) feet North of the Southeast corner thereof, with additional rights for necessary anchors with guy wires attached to extend approximately eighty five (85) feet Northeast of the above described turn point with the right of ingress and egress to and from the same," as shown by "Right of Way Easement" recorded in Miscellaneous Record 49, at page 57, in the office of the Register of Deeds of Crawford County, Kansas.

General Easement in favor of Rural Water District No. 5, Crawford County, Kansas as shown by "Right of Way Easement" recorded in Miscellaneous Record 56, at page 371, in the office of the Register of Deeds of Crawford County, Kansas.

Easement in favor of Williams Brothers Pipe line Company, a Delaware corporation, its successors and assigns, an easement and right of way to survey, construct, maintain, inspect, operate, protect, repair, alter, replace, change the size of, and remove a pipeline or pipelines and appurtenances at any time or times for the transportation of liquids, gasses and/or solids upon and along a route or routes to be selected by Grantee on, over and through the following described land located in County of Crawford, State of Kansas, to-wit: "The Northwest Quarter (NW/4) of Section 11, Township 30 South, Range 25 East, except Right of Way of Missouri Pacific Railroad Company, with the right of ingress and egress to and from said easement and right of way for the purposes aforesaid" as shown by "Right of Way Agreement" recorded in Miscellaneous Record 59, at page 653, in the office of the Register of Deeds of Crawford County, Kansas.

General Easement in favor of Kansas Gas and Electric Company, as shown by "Right of Way Easement" recorded in Miscellaneous Record 83, at page 577, in the office of the Register of Deeds of Crawford County, Kansas.

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PARCEL 8

General Easement in favor of Rural Water District No. 5, Crawford County, Kansas, as shown by "Right of Way Easement" recorded in Miscellaneous Record 56, at page 371, in the office of the Register of Deeds of Crawford County, Kansas.

Easement in favor of The City of Pittsburg, Crawford County, Kansas, a Municipal Corporation, its successors and assigns, with full right of ingress and egress, a permanent and temporary easement and right-of-way to construct, maintain, operate, repair, replace, and remove a sewer line and necessary appurtenances thereto, under, over and across the following described tract of real estate situated in Crawford County, Kansas, to wit: "A permanent easement beginning at a point 688.9 feet north and 30 feet east of the southwest corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 28, Township 30 South, Range 25 East, thence North 89° 58' 10" east 309.9 feet to a point being 40 feet north of the south property line, thence south 86° 19' 21" east 621.28 feet more or less to a point intersecting the south property line of Dickey Clay. Everything south of the above described line shall be permanent easement. A temporary construction easement being 20 feet north and parallel to the above described line." as shown by "Right-of-Easement" recorded in Miscellaneous Record 85, at page 577, in the office of the Register of Deeds of Crawford County, Kansas.

PARCEL 9

Mineral Rights and Reservations as recited in Deed from The Cherokee and Pittsburg Coal and Mining Company to J. E. Hurley, C. Leland, Jr. and Walter Reeves, as Trustees in Bankruptcy of the Estate of Charles J. Devlin, a Bankrupt as recorded in Book 62 of Deeds, at page 463, in the office of the Register of Deeds of Crawford County, Kansas.

PARCEL 10

General Easement in favor of Rural Water District No. 1, Crawford County, Kansas, as shown by "Right of Way Easement" recorded in Miscellaneous Record 73, at page 609, Miscellaneous Record 77, at pages 650 and 669, respectively, in the office of the Register of Deeds of Crawford County, Kansas.

Mineral Rights and Reservations and Conditions as recited in Special Warranty Deed from The Missouri Improvement Company to Joseph A. Ida and Jo Ann Ida, and George O Fauvergue, Jr. and Ruby Earleen Fauvergue, recorded in Book 306 of Deeds, at page 207, in the office of the Register of Deeds of Crawford County, Kansas.

PARCEL 11

General Easement in favor of Rural Water District No. 1, Crawford County, Kansas, as shown by "Right of Way Easement" recorded in Miscellaneous Record 73, at page 609, in the office of the Register of Deeds of Crawford County, Kansas.

15 of 15

PARCEL 12

Easement in favor of Kansas Gas and Electric Company, a corporation, the Right-of-Way to clear timber, trim necessary trees for and build, maintain, alter, repair, operate and remove transmission lines consisting of poles, wires, equipment and fixtures over and across the following described lands situated in Crawford County, State of Kansas, to-wit: A strip one hundred (100) feet in width across that part of the Southeast 1/4 of Section 11, Township 30 South, Range 25 East, lying North and West of the right-of-way of the St. Louis-San Francisco Railway Company, said strip being fifty (50) feet right and left of a line between a point on the North line of said Southeast 1/4 which point is approximately six hundred eighty (680) feet East of the Northwest corner thereof and a point on the center line of the St. Louis-San Francisco Railroad which point is approximately one thousand fifteen (1015) feet East and four hundred forty (440) feet South of the

center of said Section 11, Subject to a restriction that the support station or stations may not be set more than a maximum of one hundred forty-five (145) feet down line from the north property line of the above described property and that the minimum height of the line be set no less than thirty five (35) feet at 120° F. with the right of ingress and egress to and from the same as shown by "Right-of-Way Easement" recorded in Miscellaneous Record 49, at page 111, in the office of the Register of Deeds of Crawford County, Kansas.

General Easement in favor of Rural Water District No. 5, Crawford County, Kansas, as shown by "Right of Way Easement" recorded in Miscellaneous Record 56, at page 371, in the office of the Register of Deeds of Crawford County, Kansas.

PARCEL 13

Mineral Rights and Reservations as recited in Warranty Deed from William Lanyon and Annie G. Lanyon, his wife, to G. Iori, as recorded in Book 83, at page 610, in the office of the Register of Deeds of Crawford County, Kansas.

APPENDIX G

PARCEL NO. 209-29-0-10-03-003.00-0 AND PARCEL NO. 209-29-0-10-05-001.01-0

TRUSTEE'S DEED

THIS DEED, Made and entered into this 25th day of SEPTEMBER, 1990, by and between Bank IV Pittsburg, N.A., in its fiduciary capacity as Trustee of the Helen Ruby Messenger Revocable Trust, as First Party, and Helen Messenger, as Second Party.

First Party warrants that it is the duly appointed, qualified and currently acting Trustee under the aforesaid trust agreement, and that said trust agreement and all the powers contained therein, including those hereinafter described, remain in full force and effect, and that the grantor of said trust agreement did not alter, nor revoke said trust agreement, nor amend it.

First Party further warrants that the provisions of the aforesaid trust agreement grant to Trustee the power to convey the hereinafter described real estate; that the grantor of the aforesaid trust agreement is the same person as Second Party; that by the terms of the said trust agreement, the said grantor has the free and unrestricted right to cause any real estate of the said trust to be conveyed to her upon demand therefor; that said grantor has demanded that the hereinafter described real estate be conveyed to her; and that this deed is being executed and delivered in compliance with said demand, and in conformity with the terms of said trust agreement.

First Party further warrants that there are no other provisions in said trust agreement, or any amendments thereto, which limit the aforementioned powers nor are there any provisions in said trust agreement, or amendments thereto, by which grantor retained or gave to any other person or organization the right to negate, consent or approve of the conveyance by Trustee of the real estate hereinafter described.

First Party further states that title to an interest in the hereinafter described real estate was originally vested in Margueritte J. Messenger and passed upon her death by her Will (although said real estate interest was not inventoried as an asset in her Probate Estate) to Bank IV Pittsburg, N.A. as Testamentary Trustee under the Will of Margueritte J. Messenger; that the said Testamentary Trust was subsequently terminated by the District Court of Crawford County, Kansas in Case No. 89P99GD under authority KSA 59-2295, and all the assets of the said Testamentary Trust were assigned to party of the First Part.

NOW, THEREFORE, First Party, in compliance with the demand of the grantor of the aforesaid trust agreement, does by these presents quit claims unto Second Party, all the former interest of the aforesaid Margueritte J. Messenger in and to the following described real estate situated in Crawford County, Kansas, to-wit:

The following described portions of the Northwest Quarter

(NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, described as follows:

TRACT A

Beginning at a point Three Hundred (300) Feet West and Two Hundred Ninety and Five Tenths (290.5) Feet South of the Northeast Corner of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of said Section Twenty Nine (29), thence North Two Hundred Sixty and Five Tenths (260.5) Feet; thence West Three Hundred (300) Feet; thence South Three Hundred Fifty (350) Feet; thence East Two Hundred Thirty Three (233) Feet to the center of the St. Louis-San Francisco Railway Company Track Number Thirteen (13); thence Northeasterly along said Track Number Thirteen (13) a distance of One Hundred Eleven and Nine Tenths (111.9) Feet to the place of beginning, subject to easements and rights of way of record; and

TRACT B

Beginning at the Northwest corner of the Northeast Quarter (NE1/4) of said Section Twenty Nine (29), thence South along the center line of said Section Twenty Nine (29), Six hundred forty three and one half (643 1/2) feet to the North line of the right of way of The St. Louis and San Francisco Railroad Company, thence East along the said right of way line Thirteen hundred seventeen (1317) feet to the East line of said Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of said Section, thence North along said East line two hundred thirty six and one half (236 1/2) feet, thence West Seven hundred seventy nine and twelve one hundredths (779.12) feet to an iron pipe, thence North and crossing the right of way of The St. Louis and San Francisco Railroad Company, formerly Kansas City, Fort Scott and Memphis Railroad Company to the North line of said Section, thence West along said Section line Five hundred thirty eight and seven tenths (538.7) feet to the point of beginning, excepting therefrom the right of way of the main line of The St. Louis and San Francisco Railroad Company, formerly Kansas City, Fort Scott and Memphis Railroad Company, and a twenty five (25) foot right of way used for depot spur of said railroad, Also except a piece of land in the Southwest corner of the tract hereby conveyed, deeded to The Pittsburg Fort Scott and Southern Railroad Company on August 31, 1893, for a switch connecting its main line with the St. Louis and San Francisco Railroad,

Also except the right of way of a St. Louis and San Francisco Railroad switch track running in a northeasterly direction into the land formerly owned by S. H. Lanyon, also except that part

of the following described tract, sold on May 4, 1937, to John Loth, August DeGasperi, Jr., George E. Raven, Partners doing business under the firm name and style of the Pittsburg Pirate Baseball Club, which lies in the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of said Section Twenty Nine (29):

"All that part of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) and all that part of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty nine (29), Township Thirty (30), Range Twenty five (25), bounded and described as,

Beginning at a point Ninety (90) feet South of the North Quarter (N1/4) corner of Section Twenty nine (29), and in the South line of the right of way of the St. Louis and San Francisco Railroad Company switch, and running thence Westerly along said right of way to the East line of the right of way of The Kansas City Southern Railway Company; thence Southernly and Southeasterly, along the rights of way of The Kansas City Southern Railway Company and of the connecting or transfer switch of the said Kansas City Southern Company and of the St. Louis and San Francisco Railway Company respectively to the North line of the right of way of the Joplin and Girard Branch of the St. Louis and San Francisco Railway Company; thence East along said right of way to the west line of the right of way of the Arcadia and Cherryvale branch of the St. Louis and San Francisco Railway Company, and thence Northeasterly and Northwesterly along the rights of way of the Arcadia and Cherryvale branch and the switch track of the St. Louis and San Francisco Railway Company respectively to the place of beginning."

Also except that part of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, more particularly described as follows: Beginning at a point on the West line of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East, Thirty (30) feet South of the Northwest corner of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence South to the intersection of the North Right of Way Line of the St. Louis-San Francisco Railway Company switch track with the West line of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence Southeast along said North Right of Way line of the switch track of the St. Louis-San Francisco Railway Company to a point where the said Right of Way line of the switch track of the St. Louis-San Francisco Railway Company intersects the West Right of Way

line of the Arcadia-Cherryvale branch of the St. Louis-San Francisco Railway Company; thence Four hundred (400) feet Northeast along the West Right of Way line of the Arcadia-Cherryvale branch of the St. Louis-San Francisco Railway Company; thence due North to a point Thirty (30) feet South of the North line of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence due West Five hundred thirty eight and seven tenths (538.7) feet to the point of beginning, subject to easements and rights of way of record.

TO HAVE AND TO HOLD the same with all rights, immunities, privileges and appurtenances thereto belonging unto the Second Party, and her heirs and assigns forever.

IN WITNESS WHEREOF, The said First Party has hereunto caused this instrument to be executed the day and year first above written.

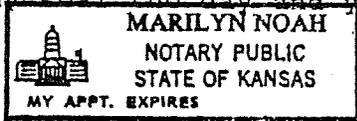
BANK IV PITTSBURG, N.A., in its fiduciary capacity as Trustee of the Helen Ruby Messinger Revocable Trust.

By [Signature]
Vice-President and Trust Officer

STATE OF KANSAS)
: ss
CRAWFORD COUNTY)

BE IT REMEMBERED, That on this 25th day of September, 1990, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came PAUL A. KIRK, Bank IV Pittsburg, N.A., in its fiduciary capacity as Trustee of the Helen Ruby Messinger Revocable Trust, who is personally known to me to be the same person who executed the within instrument of writing as such Trustee and such person duly acknowledged the execution of the same.

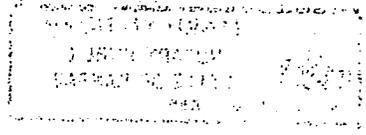
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal the day and year last above written.



[Signature]
Notary Public



STATE OF KANSAS
(CRAWFORD COUNTY)
Recorded at 8:45 A.M.



SFP 28 1990
Book 435 page 629
Jeanette Nepote
Jeanette Nepote, Register of Deeds
12.20
Deputy

Entered in transfer record in my office
this 28th day of September 1990
Paul D. Brunette
County Clerk

Wilbert + Loumar
Box 1, Rbg.

QUIT CLAIM DEED

This Indenture, Made this 25th day of September, 1990,
between HELEN MESSENGER, a single person, of Crawford County, in the
State of Kansas, of the First Part, and THE A. MESSENGER LUMBER &
MILLWORK CONSTRUCTION COMPANY, a Kansas Corporation, of Crawford
County, in the State of Kansas, of the Second Part,

WITNESSETH, That said party of the First Part, in consideration
of other valuable considerations and One and No/100 (\$1.00) DOLLAR,
the receipt of which is hereby acknowledged, does by these presents
REMISE, RELEASE AND QUITCLAIM, unto said party of the Second Part,
its successors and assigns, all the following described REAL ESTATE,
situated in the County of Crawford, and State of Kansas, to-wit:

The following described portions of the Northwest Quarter
(NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine
(29), Township Thirty (30) South, Range Twenty Five (25) East
of the Sixth Principal Meridian, described as follows:

TRACT A

Beginning at a point Three Hundred (300) Feet West and Two
Hundred Ninety and Five Tenths (290.5) Feet South of the
Northeast Corner of the Northwest Quarter (NW1/4) of the
Northeast Quarter (NE1/4) of said Section Twenty Nine (29),
thence North Two Hundred Sixty and Five Tenths (260.5) Feet;
thence West Three Hundred (300) Feet; thence South Three
Hundred Fifty (350) Feet; thence East Two Hundred Thirty
Three (233) Feet to the center of the St. Louis-San
Francisco Railway Company Track Number Thirteen (13); thence
Northeasterly along said Track Number Thirteen (13) a dis-
tance of One Hundred Eleven and Nine Tenths (111.9) Feet
to the place of beginning, subject to easements and rights
of way of record; and

TRACT B

Beginning at the Northwest corner of the Northeast Quarter
(NE1/4) of said Section Twenty Nine (29), thence South along
the center line of said Section Twenty Nine (29), Six hundred
forty three and one half (643 1/2) feet to the North line of
the right of way of The St. Louis and San Francisco Railroad
Company, thence East along the said right of way line Thirteen
hundred seventeen (1317) feet to the East line of said Northwest
Quarter (NW1/4) of the Northeast Quarter (NE1/4) of said

Section, thence North along said East line two hundred thirty six and one half (236 1/2) feet, thence West Seven hundred seventy nine and twelve one hundredths (779.12) feet to an iron pipe, thence North and crossing the right of way of The St. Louis and San Francisco Railroad Company, formerly Kansas City, Fort Scott and Memphis Railroad Company to the North line of said Section, thence West along said Section line Five hundred thirty eight and seven tenths (538.7) feet to the point of beginning, excepting therefrom the right of way of the main line of The St. Louis and San Francisco Railroad Company, formerly Kansas City, Fort Scott and Memphis Railroad Company, and a twenty five (25) foot right of way used for depot spur of said railroad, Also except a piece of land in the Southwest corner of the tract hereby conveyed, deeded to The Pittsburg Fort Scott and Southern Railroad Company on August 31, 1893, for a switch connecting its main line with the St. Louis and San Francisco Railroad,

Also except the right of way of a St. Louis and San Francisco Railroad switch track running in a northeasterly direction into the land formerly owned by S. H. Lanyon, also except that part of the following described tract, sold on May 4, 1937, to John Loth, August DeGasperi, Jr., George E. Raven, Partners doing business under the firm name and style of the Pittsburg Pirate Baseball Club, which lies in the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of said Section Twenty Nine (29):

"All that part of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) and all that part of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty nine (29), Township Thirty (30), Range Twenty five (25), bounded and described as,

Beginning at a point Ninety (90) feet South of the North Quarter (N1/4) corner of Section Twenty nine (29), and in the South line of the right of way of the St. Louis and San Francisco Railroad Company switch, and running thence Westerly along said right of way to the East line of the right of way of The Kansas City Southern Railway Company; thence Southernly and Southeasterly, along the rights of way of The Kansas City Southern Railway Company and of the connecting or transfer switch of the said Kansas City Southern Company and of the St. Louis and San Francisco Railway Company respectively to the North line of the right of way of the Joplin and Girard Branch of the St. Louis and San Francisco Railway Company; thence East along said right of way to the west line of the right of way of the Arcadia and Cherryvale branch of the St. Louis and San Francisco Railway Company, and thence Northeasterly and Northwesterly along the rights of way of the Arcadia and Cherryvale branch and the switch track of the St. Louis and San Francisco Railway Company respectively to the place of beginning."

Also except that part of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, more particularly described as follows: Beginning at a point on the West line of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East, Thirty (30) feet South of the Northwest corner of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence South to the intersection of the North Right of Way Line of the St. Louis-San Francisco Railway Company switch track with the West line of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence Southeast along said North Right of Way line of the switch track of the St. Louis-San Francisco Railway Company to a point where the said Right of Way line of the switch track of the St. Louis-San Francisco Railway Company intersects the West Right of Way line of the Arcadia-Cherryvale branch of the St. Louis-San Francisco Railway Company; thence Four hundred (400) feet Northeast along the West Right of Way line of the Arcadia-Cherryvale branch of the St. Louis-San Francisco Railway Company; thence due North to a point Thirty (30) feet South of the North line of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence due West Five hundred thirty eight and seven tenths (538.7) feet to the point of beginning, subject to easements and rights of way of record.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, forever.

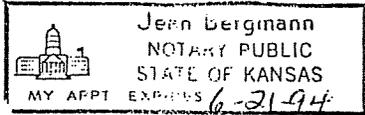
IN WITNESS WHEREOF, The said party of the First Part has hereunto set her hand the day and year first above written.


Helen Messenger

STATE OF KANSAS, CRAWFORD COUNTY, ss.

BE IT REMEMBERED, That on this 25th day of September, 1990, before me, the undersigned, in and for the County and State aforesaid, came Helen Messenger, a single person, who is personally known to me to be the same person who executed the above Deed, and duly acknowledged the execution of the same.

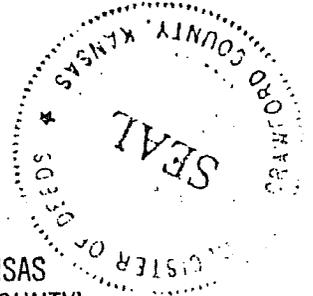
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.



Jern Bergmann
Notary Public

My Appointment expires:

June 21, 1994



STATE OF KANSAS
(CRAWFORD COUNTY)
Recorded at 8:50 A.M.

SEP 28 1990

Book 435 Page 635
Jeanette Nepote
Jeanette Nepote, Register of Deeds
Fee \$12.00
By _____ Deputy

Entered in transfer record in my office
this 28th day of September 1990
Paul O. Brunette
County Clerk

Wilbert Lawson

QUIT CLAIM DEED

This Indenture, Made this 28 day of September, 1990, between PAUL L. VICTOR, a single person, of Ottawa County, in the State of Oklahoma, of the First Part, and THE A. MESSENGER LUMBER & MILLWORK CONSTRUCTION COMPANY, a Kansas Corporation, of Crawford County, in the State of Kansas, of the Second Part,

WITNESSETH, That said party of the First Part, in consideration of other valuable considerations and One and No/100 (\$1.00) DOLLAR, the receipt of which is hereby acknowledged, does by these presents REMISE, RELEASE AND QUITCLAIM, unto said party of the Second Part, its successors and assigns, all the following described REAL ESTATE, situated in the County of Crawford, and State of Kansas, to-wit:

The following described portions of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, described as follows:

TRACT A

Beginning at a point Three Hundred (300) Feet West and Two Hundred Ninety and Five Tenths (290.5) Feet South of the Northeast Corner of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of said Section Twenty Nine (29), thence North Two Hundred Sixty and Five Tenths (260.5) Feet; thence West Three Hundred (300) Feet; thence South Three Hundred Fifty (350) Feet; thence East Two Hundred Thirty Three (233) Feet to the center of the St. Louis-San Francisco Railway Company Track Number Thirteen (13); thence Northeasterly along said Track Number Thirteen (13) a distance of One Hundred Eleven and Nine Tenths (111.9) Feet to the place of beginning, subject to easements and rights of way of record; and

TRACT B

Beginning at the Northwest corner of the Northeast Quarter (NE1/4) of said Section Twenty Nine (29), thence South along the center line of said Section Twenty Nine (29), Six hundred forty three and one half (643 1/2) feet to the North line of the right of way of The St. Louis and San Francisco Railroad Company, thence East along the said right of way line Thirteen

hundred seventeen (1317) feet to the East line of said Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of said Section, thence North along said East line two hundred thirty six and one half (236 1/2) feet, thence West Seven hundred seventy nine and twelve one hundredths (779.12) feet to an iron pipe, thence North and crossing the right of way of The St. Louis and San Francisco Railroad Company, formerly Kansas City, Fort Scott and Memphis Railroad Company to the North line of said Section, thence West along said Section line Five hundred thirty eight and seven tenths (538.7) feet to the point of beginning, excepting therefrom the right of way of the main line of The St. Louis and San Francisco Railroad Company, formerly Kansas City, Fort Scott and Memphis Railroad Company, and a twenty five (25) foot right of way used for depot spur of said railroad, Also except a piece of land in the Southwest corner of the tract hereby conveyed, deeded to The Pittsburg Fort Scott and Southern Railroad Company on August 31, 1893, for a switch connecting its main line with the St. Louis and San Francisco Railroad,

Also except the right of way of a St. Louis and San Francisco Railroad switch track running in a northeasterly direction into the land formerly owned by S. H. Lanyon, also except that part of the following described tract, sold on May 4, 1937, to John Loth, August DeGasperi, Jr., George E. Raven, Partners doing business under the firm name and style of the Pittsburg Pirate Baseball Club, which lies in the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of said Section Twenty Nine (29):

"All that part of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) and all that part of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty nine (29), Township Thirty (30), Range Twenty five (25), bounded and described as,

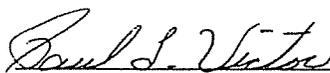
Beginning at a point Ninety (90) feet South of the North Quarter (N1/4) corner of Section Twenty nine (29), and in the South line of the right of way of the St. Louis and San Francisco Railroad Company switch, and running thence Westerly along said right of way to the East line of the right of way of The Kansas City Southern Railway Company; thence Southernly and Southeasterly, along the rights of way of The Kansas City Southern Railway Company and of the connecting or transfer switch of the said Kansas City Southern Company and of the St. Louis and San Francisco Railway Company respectively to the North line of the right of way of the Joplin and Girard Branch of the St. Louis and San Francisco Railway Company; thence East along said right of way to the west line of the right of way of the Arcadia and Cherryvale branch of the St. Louis and San Francisco Railway Company, and thence Northeasterly and Northwesterly along the rights of way of the Arcadia and

Cherryvale branch and the switch track of the St. Louis and San Francisco Railway Company respectively to the place of beginning."

Also except that part of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, more particularly described as follows: Beginning at a point on the West line of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East, Thirty (30) feet South of the Northwest corner of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence South to the intersection of the North Right of Way Line of the St. Louis-San Francisco Railway Company switch track with the West line of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence Southeast along said North Right of Way line of the switch track of the St. Louis-San Francisco Railway Company to a point where the said Right of Way line of the switch track of the St. Louis-San Francisco Railway Company intersects the West Right of Way line of the Arcadia-Cherryvale branch of the St. Louis-San Francisco Railway Company; thence Four hundred (400) feet Northeast along the West Right of Way line of the Arcadia-Cherryvale branch of the St. Louis-San Francisco Railway Company; thence due North to a point Thirty (30) feet South of the North line of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East; thence due West Five hundred thirty eight and seven tenths (538.7) feet to the point of beginning, subject to easements and rights of way of record.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, forever.

IN WITNESS WHEREOF, The said party of the First Part has hereunto set his hand the day and year first above written.


Paul L. Victor

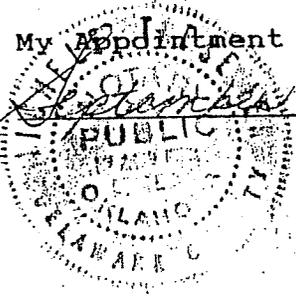
STATE OF OKLAHOMA, OTTAWA COUNTY, ss.

BE IT REMEMBERED, That on this 28TH day of SEPTEMBER, 1990, before me, the undersigned, in and for the County and State aforesaid, came Paul L. Victor, a single person, who is personally known to me to be the same person who executed the above Deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

Michele Tresemer
Michele Tresemer Notary Public

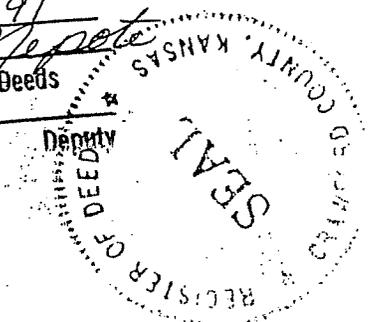
My Appointment expires:

September 25, 1991


Entered in transfer record in my office
this 2nd day of October 1990
Paul D. Brunette
County Clerk

STATE OF KANSAS
(CRAWFORD COUNTY)
Recorded at 9:00 AM

OCT - 2 1990
Book 435 Page 691
Jeanette Nepote
Jeanette Nepote, Register of Deeds
By fee 12.00 Deputy



John B. Towner
P.O. BOX V
Pittsburg, Kansas

APPENDIX H

PARCEL NO. 209-29-0-10-04-002.00-0

22-447 0214
15-55

Exhibit "A"

Description of Real Estate

Tract No. 1

Lots Forty-five (45) and Forty-six (46) Town of Ozark Divide, Crawford County, Kansas.

Tract No. 2

Lots number One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8) in Block Number Fourteen (14), in (East Addition) to the City of McCune, Kansas.

Tract No. 3

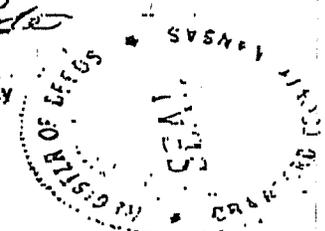
All that part of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Nine (29) Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, more particularly described as follows: Beginning at a point on the West line of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East, Thirty (30) feet South of the Northwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Nine (29) Township Thirty (30) South, Range Twenty Five (25) East; thence South to the intersection of the North Right of Way Line of the St. Louis-San Francisco Railway Company switch track with the West line of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Nine (29) Township Thirty (30) South, Range Twenty Five (25) East; thence Southeast along said North Right of Way line of the switch track of the St. Louis-San Francisco Railway Company to a point where the said Right of Way line of the switch track of the St. Louis-San Francisco Railway Company intersects the West Right of Way line of the Arcadia-Cherryvale branch of the St. Louis-San Francisco Railway Company; thence Four hundred (400) feet Northeast along the West Right of Way line of the Arcadia-Cherryvale branch of the St. Louis-San Francisco Railway Company; thence due North to a point Thirty (30) feet South of the North line of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Nine (29) Township Thirty (30) South, Range Twenty Five (25) East; thence due West Five hundred thirty eight and seven tenths (538.7) feet to the point of beginning.

Entered in transfer record in my office
this 13th day of May 1991.
Paul D. [Signature]
County Clerk

STATE OF KANSAS
(CRAWFORD COUNTY)
Recorded at 3:05 P.M.

MAY 13 1991

Book 144 Page 146-148
Janette Nepola
Janette Nepola, Register of Deeds
By [Signature] Deputy



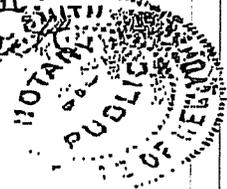
BOOK 144 PAGE 000148

Co. Co. Abs.

STATE OF NEW YORK, COUNTY OF SUFFOLK) SS:

On the 08th day of August, 1990, before me personally came JON M. VOGEL and JEFFREY K. VOGEL to me known, who, being by me duly sworn, did depose and say that they are general partners of S & J INVESTMENTS, a general partnership described in and who executed the foregoing instrument.

Theresa A. Smith
Notary Public



THERESA A. SMITH
NOTARY PUBLIC, State of New York
No. 4755343
Qualified in Nassau County 92
Commission Expires May 31, 1992

RETURN BY MAIL TO:

PREFERRED LAND TITLE SERVICES, INC.

575 Lexington Avenue
New York, New York 10022

(212) 368-1200

Attn: Maureen Crowley

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

Bargain and sale deed with covenant against grantor's acts

THIS INDENTURE, made the 28th day of August, nineteen hundred and ninety

BETWEEN S & J INVESTMENTS, a general partnership, 175 Price Parkway, Farmingdale, NY 11735

party of the first part, and

SKELGAS, INC., a Kansas corporation with a principal office at 175 Price Parkway, Farmingdale, NY 11735

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate and lying and being in the county of Crawford, State of Kansas, as further described in Exhibit "A" annexed hereto.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

ATTEST:

Jeffrey K. Vogel, General Partner

S & J INVESTMENTS

BY: Jon M. Vogel, General Partner

BOOK 144 PAGE 000146

CORPORATION QUIT CLAIM DEED (Following Kansas Statutory Form)

Entered in Transfer Record in my office this
12th day of October, A. D., 1989
Paul R. Vanness
County Clerk.

Corp.
AOC Holding, /formerly known as Union L.P. Gas System, Inc.,
A corporation duly organized, incorporated and existing under and by virtue of the laws of the
State of Kansas and having its principal place of business at Independence County
of Montgomery in the State of Kansas

QUIT CLAIMS TO S & J Investments, a New York Partnership,
all the following described REAL ESTATE in the County of
and the State of Kansas, to-wit:
See Exhibit "A" attached hereto and marked "Description of
Real Estate."

For the sum of One and 00 Dollars.
100

Executed by Grantor the date reflected on the acknowledgement,
but effective as of the 25th day of July, 1988.

(Corporate Seal)

STATE OF New York New York COUNTY, ss.

AOC Holding Corp.

BE IT REMEMBERED, That on this 25 day of
January A. D. 19 89 before me, the undersigned,

Jeffrey Geller
Executive Vice President

a Notary Public in and for the county and State
aforesaid came Jeffrey Geller, Executive Vice
AOC Holding Corp.

a corporation
duly organized, incorporated and existing under and by virtue of
the laws of Kansas, who is per-
sonally known to me to be such officer, and who is personally
known to me to be the same person who executed, as such officer,
the within instrument of writing on behalf of said corporation, and
such person duly acknowledged the execution of the same to be
the act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set
my hand, and affixed my official seal the
day and year last above mentioned.

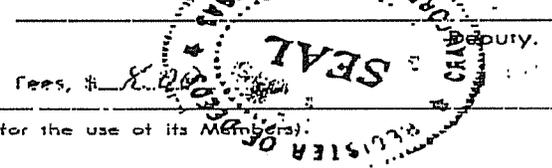
STATE OF KANSAS
CRAWFORD County, }
This instrument was filed for record on the
12th day of October, A. D., 1989,
at 9:20 o'clock AM., and duly recorded
in book 731 of Deeds
at page 225.

(SEAL) Robin R. Vanness Notary Public.

Jeanette Depate
Deputy.



Term expires ROBIN R. VANNESS
Notary Public, State of New York
No. 80-4907747
Qualified in Westchester County
Commission Expires October 13, 1989



(This form is printed by the Kansas Bar Association solely for the use of its Members).

Exhibic "A"

Description of Real Estate

Tract No. 1

Lots Forty-five (45) and Forty-six (46) Town of Ozark Divide, Crawford County, Kansas.

Tract No. 2

Lots number One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8) in Block Number Fourteen (14), in (East Addition) to the City of McCune, Kansas.

Tract No. 3

All that part of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Nine (29) Township Thirty (30) South, Range Twenty Five (25) East of the Sixth Principal Meridian, more particularly described as follows: Beginning at a point on the West line of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Nine (29), Township Thirty (30) South, Range Twenty Five (25) East, Thirty (30) feet South of the Northwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Nine (29) Township Thirty (30) South, Range Twenty Five (25) East; thence South to the intersection of the North Right of Way Line of the St. Louis-San Francisco Railway Company switch track with the West line of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Nine (29) Township Thirty (30) South, Range Twenty Five (25) East; thence Southeast along said North Right of Way Line of the switch track of the St. Louis-San Francisco Railway Company to a point where the said Right of Way Line of the switch track of the St. Louis-San Francisco Railway Company intersects the West Right of Way line of the Arcadia-Cherryvale Branch of the St. Louis-San Francisco Railway Company; thence Four hundred (400) feet Northeast along the West Right of Way line of the Arcadia-Cherryvale Branch of the St. Louis-San Francisco Railway Company; thence due North to a point Thirty (30) feet South of the North line of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Nine (29) Township Thirty (30) South, Range Twenty Five (25) East; thence due West Five hundred thirty eight and seven tenths (538.7) feet to the point of beginning.

Corporation

QUIT CLAIM DEED

FROM

AGC Holding Corp.

TO

S + G Investments

THE KANSAS BAR ASSOCIATION



RETURN TO

S & J INVESTMENTS
LEGAL DEPARTMENT
275 PRICE PARKWAY
FARMINGDALE, W.V. 11735

APPENDIX I

PARCEL NO. 209-29-0-10-05-001.00-0

14-450 C-7-25
Land

Pursuant to K.S.A. 79-1437,
a real estate validation
questionnaire is not required
due to Exception No. 3

KANSAS QUITCLAIM DEED

On this 6th day of December, 1996, Dale O. Caruthers and Donna K. Caruthers, husband and wife, ("Grantors") quitclaims to Caruthers Garage and Auto Salvage, Inc., ("Grantee") all of the following-described real estate in Crawford County, Kansas:

Lots Twenty Five (25) and Twenty Six (26), Block Eighteen (18), in New York Investment Company's Chaplin Place Addition to City of Pittsburg, and

All that part of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) and all that part of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Twenty Nine (29), Township Thirty (30), Range Twenty Five (25), bounded and described as follows: Beginning at a point Ninety (90) feet South of the Northeast Quarter corner of said Section Twenty Nine in the South Line of the right of way of the St. Louis and San Francisco Railway Company switch and running thence Westerly along said right of way to the East line of the right of way to the Kansas City Southern Railway Company; thence Southerly and Southeasterly along the right of way of the Kansas City Southern Railway Company and the connecting or transfer switch of the said Kansas City Southern Railway Company and of the St. Louis and San Francisco Railway Company, respectively to the North line of the right of way of the Joplin and Girard branch of the St. Louis and San Francisco Railway Company; thence East along said right of way to the West line of the right of way of the Arcadia and Cherryvale branch of the St. Louis and San Francisco Railway Company and thence Northeasterly and Northwesterly along the rights of way of the Arcadia and Cherryvale Branch and the switch track of the St. Louis and San Francisco Railway Company respectively, to the place of beginning and containing five (5) acres, more or less;

Subject to order in condemnation suit in the District Court of Crawford County, Kansas Case No. 18883, and right of way agreement.

for the sum of One and no/100 (\$1.00) Dollar and other valuable consideration.

EXCEPT AND SUBJECT TO: Easements and reservations of record.

BOOK 245 PAGE 000708

29A-8V

QUIT CLAIM DEED (Following Kansas Statutory Form)

Entered in Transfer Record in my office this
21 day of March, A. D. 1983
Susan M. Starnard
County Clerk.

Patricia Allene Caruthers, a single woman,
QUIT CLAIMS TO
Dale Caruthers

all the following described REAL ESTATE in the County of Crawford
and the State of Kansas, to-wit:

lots Twenty Five (25) and Twenty Six (26), Block Eighteen (18), in New
York Investment Company's Chaplin Place Addition to City of Pittsburg, and

All that part of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$)
and all that part of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter
(NE $\frac{1}{4}$) of Section Twenty Nine (29), Township Thirty (30), Range Twenty
Five (25), bounded and described as follows: Beginning at a point
Ninety (90) feet South of the Northeast Quarter corner of said Section
Twenty Nine in the South line of the right of way of the St. Louis and
San Francisco Railway Company switch and running thence Westerly along

said right of way to the East line of the right of way to the Kansas City Southern
Railway Company; thence Southerly and Southeasterly along the right of way of the Kansas
City Southern Railway Company and the connecting or transfer switch of the said Kansas
City Southern Railway Company and of the St. Louis and San Francisco Railway Company,
respectively to the North line of the right of way of the Joplin and Girard branch of
the St. Louis and San Francisco Railway Company; thence West along said right of way to
the West line of the right of way of the Arcadia and Cherryvale Branch of the St. Louis
and San Francisco Railway Company and thence Northeasterly and Northwesterly along the
rights of way of the Arcadia and Cherryvale Branch and the switch track of the St. Louis
and San Francisco Railway Company respectively, to the place of beginning and containing
five (5) acres, more or less;

Subject to order in condemnation suit in the District Court of Crawford County, Kansas,
(Case No. 18883, and right of way agreement.

for the sum of One Dollar and other Valuable Considerations.

Dated March 29, 1983

Patricia Allene Caruthers
Patricia Allene Caruthers

STATE OF KANSAS, CRAWFORD COUNTY, ss

BE IT REMEMBERED, that on this 29th day of March

A. D. 1983, before me, the undersigned, a Notary Public

in and for the County and State aforesaid, came

Patricia Allene Caruthers, a single woman,

STATE OF _____ } ss.
County, _____

This instrument was filed for record on the
_____ day of _____, A. D., 19____,
at _____ o'clock _____ M., and duly recorded
in book _____ of _____
at page _____

Register of Deeds.

Deputy.

Fees, \$ _____

who is personally known to me to be the same person who
executed the within instrument of writing and such person duly
acknowledged the execution of the same.

In WITNESS WHEREOF, I have hereunto set my hand and affixed
the day and year last above written

Rochester E. Bullinger
Rochester E. Bullinger, Notary Public.

Term Expires January 24, 1984

RELEASE

197-381

End. on margin of Mtg. Rec. 150 page 365 (Mtg. Filed Apl. 18, 1938 on Part of Lot 14 Blk. 12 O.T. of Girard)
W. S. Hitch and Jeannette O. Hitch, his wife, to Effie Smith
Released Mar 16, 1942

171/343

RELEASE

197-382

End. on margin of Mtg. Rec. 160 page 592 (Mtg. Filed Jan. 24, 1938 on E $\frac{1}{2}$ of NW $\frac{1}{4}$ & Lots 1 and 2 of NW $\frac{1}{4}$ of Sec. 30-27-22)
Estella Pennsbaker a widow and Bessie Yoho a widow to Geo. Golf Trustee of the Estate of Anna Venrick, deceased.
Released March, 16, 1942

178/769

WARRANTY DEED

197-383

Anthony B. Dziemian, a bachelor

D. August 31, 1939

To

F. March 17, 1942

Grace Caruthers

R. Book 171 page 417

U. all the following described real estate situated in the County of Crawford and State of Kansas, to wit:

U. All that part of the Northeast (NE $\frac{1}{4}$) Quarter of the Northwest Quarter (NW $\frac{1}{4}$) Quarter and all that part of the Northwest (NW $\frac{1}{4}$) Quarter of the Northeast (NE $\frac{1}{4}$) -- of Section Twenty Nine (29), Township Thirty (30), Range Twenty Five (25) bounded and described as

Beginning at a point Ninety (90) feet south of the North Quarter Corner of said Section Twenty Nine (29) in the South line of the right-of-way of the St. Louis and San Francisco Railway Company switch and running thence Westerly along said right-of-way to the East line of the right-of-way of the Kansas City Southern Railway Company; thence Southerly and Southeasterly along the rights-of-way of the Kansas City Southern Railway Company and the connecting or transfer switch of the said Kansas City Southern Railway Company and of the St. Louis and San Francisco Railway Company, respectively, to the North line of the right-of-way of the Joplin and Girard branch of the St. Louis and San Francisco Railway Company; thence East along said right-of-way to the West line of the right-of-way of the Arcadia and Cherryvale branch of the St. Louis and San Francisco Railway Company and thence Northeasterly and Northwesterly along the rights-of-way of the Arcadia and Cherryvale branch and the switch track of the St. Louis and San Francisco Railway Company, respectively to the place of beginning, and containing Five (5) Acres, more or less.

Signed:

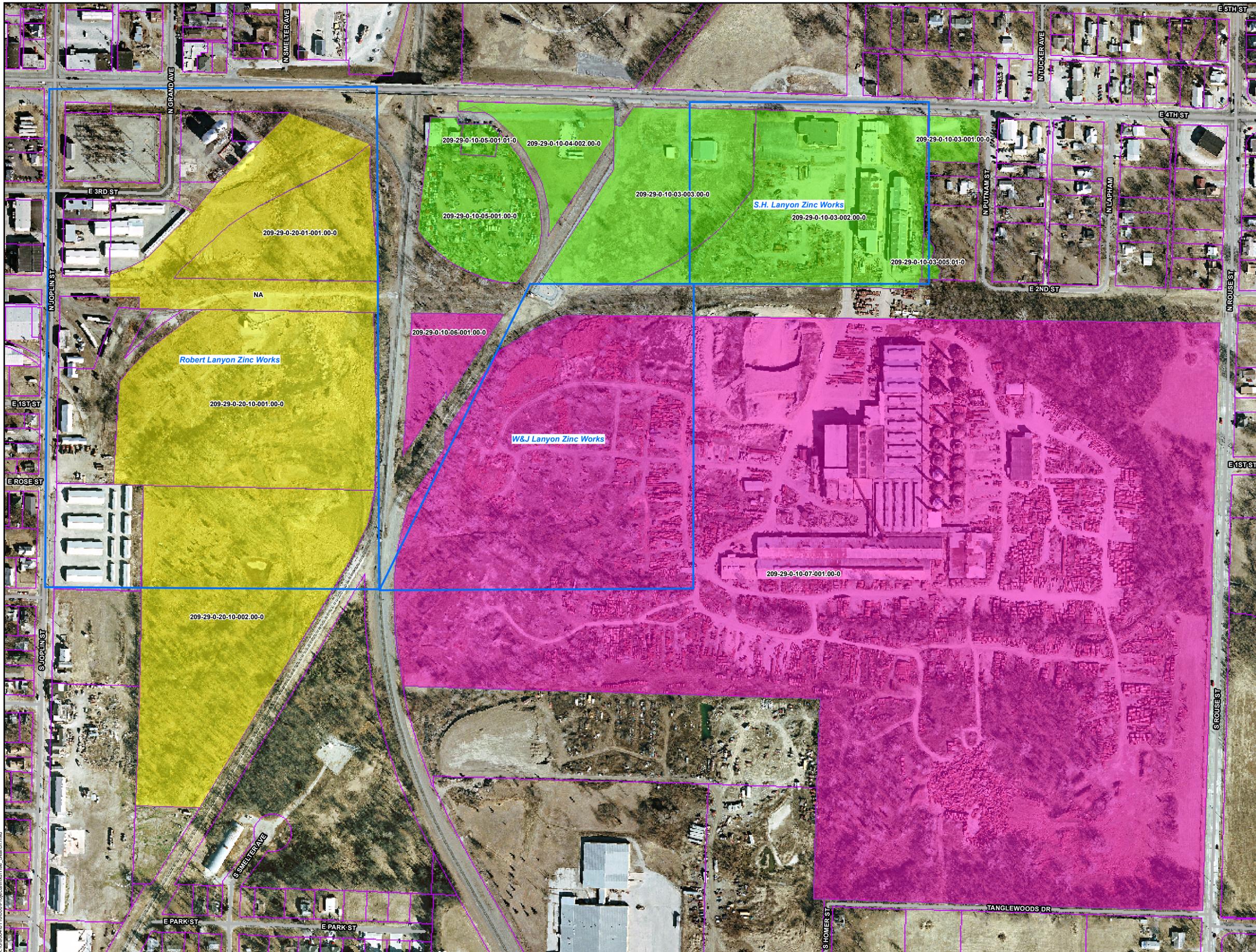
Anthony B. Dziemian

(#1.65 in Internal Revenue Stamps)
(affixed and duly cancelled)

Ack. August 31, 1939, before B. E. Coulter, Notary Public, Crawford County, Kansas, (Notary Public Seal) as follows:

Came Anthony B. Dziemian, a bachelor, who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged execution of the same.

Term expires March 20, 1942.

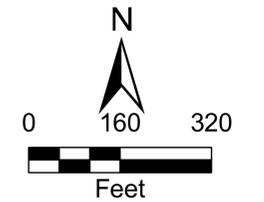


Legend

-  Roads
-  Approximate smelter site location
-  Parcels

Title Search Properties

-  Robert Lanyon Zinc Works
-  S.H. Lanyon Zinc Works
-  W&J Lanyon Zinc Works



Note: The Environmental Protection Agency does not guarantee the accuracy, completeness, or timeliness of the information shown, and shall not be liable for any injury or loss resulting from the reliance upon the information shown.

Source: Aerial Photography, Roads: Crawford County GIS Department, 2008
 Approximate smelter locations: KDHE Phase II Focused Former Smelter Assessment of the Former W&J Lanyon Zinc Works Smelter, 2005

Pittsburg Zinc Site
 Pittsburg, Kansas

Figure 1
 Title Search

X:\0909\0118000\Projects\0909\Title_Search.mxd