

986-302

PARTIAL ASSIGNMENT

KNOW ALL MEN BY THESE PRESENTS:

That GREAT LAKES PIPE LINE COMPANY, a corporation of the State of Delaware, in consideration of the sum of One Dollar, (\$1.00), together with other valuable consideration to it in hand paid, receipt of which is hereby acknowledged, does hereby sell, assign, grant, convey and set over, without warranty, unto the NATIONAL COOPERATIVE REFINERY ASSOCIATION, a cooperative association, with its principal place of business in McPherson, Kansas, its successors or assigns, all its right, title and interest, excepting that portion of the land described therein now owned in fee by the Assignor under a right of way agreement executed by the Whitney Realty Company, Limited, Dundee Realty Company, John B. Webster and Gertrude M. Webster, dated *in Book 780 Page 170* August 14, 1931, and recorded in the Office of the Register of Deeds of Pottawattamie County, Iowa, covering the following described land:

Beginning at the southwest corner of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 21, Township 75 North, Range 44 West of the Fifth Principal Meridian, Pottawattamie County, Iowa, thence westerly along the continuation of the line dividing the North One-half of the Southwest Quarter (N 1/2 SW 1/4) from the South One-half of the Southwest Quarter (S 1/2 SW 1/4) of said Section 21 extended to a point where said line intersects the Nebraska meander line of the Missouri River, as surveyed in the Year, 1856, thence southeasterly along said meander line to a point where said meander line is intersected by the South line of said Section 21 extended westerly, thence South 22 degrees East until the line located in this direction intersects the edge of the water surface of the Missouri River, thence easterly along said edge of the Missouri River to the west line of Section 28 in Township 75 North, Range 44 West of the Fifth Principal Meridian in Pottawattamie County, Iowa, thence North to place of beginning;

Also the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section 28, Township 75 North, Range 44 West of the Fifth Principal Meridian, in Pottawattamie County, Iowa, together with any and all accretions heretofore formed or that may hereafter be formed to any of the above described land, except right of way of Omaha Bridge and Terminal Railway Company, and except 30 acres of said land conveyed by the grantors herein to the grantee herein under general warranty deed about July 1st, 1931.

The original agreement, above described, being by reference made a part of this conveyance and assignment.

It is distinctly understood and agreed that nothing in this assignment shall be construed as conveying any interest of the Assignor acquired by virtue of the above described right of way agreement or by warranty deeds in and to the land now owned in fee by the Assignor in the Southeast quarter (SE₄) of Section 20, Township 75 North, Range 44 East, Pottawattamie County, Iowa.

The Assignee agrees to hold the Assignor harmless by reason of its occupancy and use of this right of way and Assignee will, at its own expense, defend the Assignor in any suit which may be instituted against it arising out of such occupancy or use.

The Assignee further agrees to reimburse the Assignor for any costs, attorneys' fees, judgments, or claims for damages arising out of the assignment or the right of way or the construction, operation, maintenance, or removal of any pipe line on said right of way from and after the date of this assignment.

IN WITNESS WHEREOF, said Assignor has caused this assignment to be executed by its proper officers hereunto duly authorized, and its corporate seal to be affixed thereto.

Dated this 19th day of June, 1948.

WITNESS:
[Signature]
Secretary

GREAT LAKES PIPE LINE COMPANY
By *[Signature]*
President

Effective this 19th day of May, 1948, the NATIONAL COOPERATIVE REFINERY ASSOCIATION hereby accepts the assignment of the rights granted in the foregoing agreement and agrees to keep and perform all the conditions and covenants required to be kept and performed in the right of way agreement and by the assignment.

WITNESS:
[Signature]
Assistant Secretary

NATIONAL COOPERATIVE REFINERY ASSOCIATION
By *[Signature]*
Executive Vice President

STATE OF MISSOURI }
COUNTY OF JACKSON } SS

On this 19th day of May, 1948, before me appeared Harry Moreland, to me personally known, who, being by me duly sworn, did say that he is the President of GREAT LAKES PIPE LINE COMPANY, and that the seal affixed to said instrument is the corporate seal of said corporation, and said Harry Moreland acknowledged said instrument to be the free act and deed of said corporation.

Thomas D. Williams
Notary Public in and for
Jackson County, Missouri

My commission expires January 25, 1949.

STATE OF KANSAS }
COUNTY OF MC PHERSON } SS

Before me, the undersigned, a Notary Public in and for said county, and state, on this 19th day of May, 1948, personally appeared E. J. Mary, Executive Vice-President of The National Cooperative Refinery Association, to me known to be the identical person who subscribed the name of the maker thereof to the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

E. J. Mary

My commission expires September 12, 1950.

FILED FOR RECORD AND DULY RECORDED IN MY OFFICE ON THIS 26 DAY OF May
A. D. 1948 AT 3 O'CLOCK, 00 MINUTES, P. M.
JEROTHY S. CHRISTENSEN, RECORDER, BY _____ DEPUTY.