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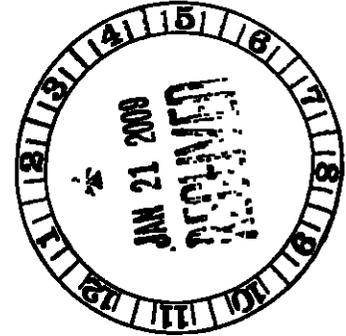
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224376

January 8, 2009



Hon. Ann Quinlan, Acting Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

**Re: AB-865-0-X, Honey Creek Railroad, Inc. – Abandonment Exemption in Henry County, Indiana**

Dear Secretary Quinlan:

By decision served February 8, 2008, in the above captioned proceeding, the Surface Transportation Board extended the due date for filing a Notice of Abandonment Consummation until February 11, 2009.

On June 2, 2008, the Board issued a decision in this proceeding and in STB Finance Docket No. 34869 – Honey Creek Railroad, Inc. – Petition for Declaratory Order in which it addressed various issues pertaining to the Board’s jurisdiction over the subject rail line upon referral from the Circuit Court of Henry County, Indiana. As indicated by the attached court order, on November 25, 2008 the Circuit Court for Henry County lifted its Stay of Proceedings and set a pretrial conference date for January 28, 2009.

Accordingly, Honey Creek Railroad, Inc. respectfully requests that the Board again extend the filing date for the Notice of Consummation in AB-865 in order to maintain the status quo in the abandonment proceeding pending litigation and/or resolution of the issues before the Circuit Court for Henry County, Indiana. This will enable Honey Creek Railroad, Inc.

*[Faint, illegible text at the bottom of the page]*

The Honorable Anne C. Quinlan  
January 8, 2009  
Page 2

to retain an effective abandonment authorization until the proceedings in the Henry County Circuit Court have been concluded

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in black ink that reads "Richard R. Wilson". The signature is written in a cursive style with a long horizontal line extending to the right.

Richard R. Wilson, Esq.  
Attorney for Honey Creek Railroad, Inc.

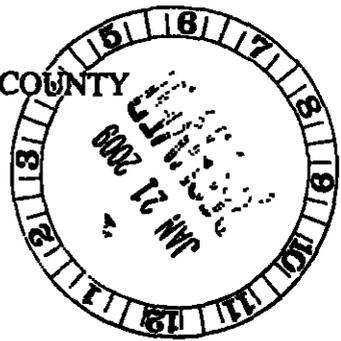
RRW/bab  
Enclosure

xc: STB - Office of Proceedings  
Honey Creek Railroad, Inc.  
William B. Keaton, Esq.  
Ryan L. Leitch, Esq.

STATE OF INDIANA, )  
 )  
COUNTY OF HENRY, )

SS: IN THE CIRCUIT COURT OF HENRY COUNTY

NO. 33CO1-0506-CT-0019



HONEY CREEK RAILROAD, INC., )  
an Indiana Corporation, )

Plaintiff, )

VS. )

GARY L. ROBERTS, Individually, )  
ROBERTS PIPELINE CONSTRUCTION )  
COMPANY, INC., an Indiana Corporation, )  
ROBERTS CONSTRUCTION, INC., )  
an Indiana Corporation, )

Defendants, )

**FILED**

NOV 25 2008

*William B. Keaton*  
CLERK HENRY CIRCUIT COURT

**ORDER LIFTING STAY AND SETTING PRE-TRIAL CONFERENCE**

Comes now the plaintiff by counsel, William B Keaton, and files plaintiff's Motion To Lift Stay Order entered in this cause on March 30, 2006.

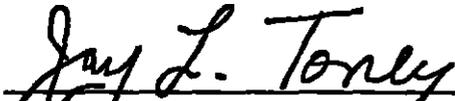
The Court, having examined said motion, now FINDS that the Surface Transportation Board has entered its decision regarding the issues certified to the Surface Transportation Board and that the time to appeal said decision has expired without the filing of an appeal.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** by the Court that the Stay Order entered in this cause on March 30, 2006, be and hereby is **ORDERED** lifted.

**IT IS FURTHER ORDERED** that this matter is set for a pre-trial conference on the 28<sup>th</sup> day of January, 2009, at 10:00 o'clock 9.m. in the Randolph Circuit Court. by telephone.

All parties and/or their counsel are **ORDERED** to appear at said pre-trial conference.

**ALL OF WHICH IS ORDERED** this 25<sup>th</sup> day of November, 2008.

  
\_\_\_\_\_  
Hon. Jay L. Toney  
Special Judge, Henry Circuit Court

**DISTRIBUTION:**

William B. Keaton

Jacob R. Lilly

V. Samuel Laurin III

Ryan L. Leitch

Eric L. Connell

Richard R. Wilson

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