

9-213A046

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July 31, 1989

RECORDATION NO. 11362-A FILED 1443

AUG 1 1989 - 1 05 PM

INTERSTATE COMMERCE COMMISSION

NOTICE OPERATIONS UNIT
AUG 1 12 55 PM '89

HAND DELIVERY

Ms. Noreta R. McGee
Secretary of the Interstate
Commerce Commission
Washington, D.C. 20423

Dear Ms. McGee:

\$13.00 filing fee

Enclosed please find, for filing and recordation pursuant to Section 11303 of Title 49 of the United States Code five fully executed originals of the following document relating to certain railroad rolling stock as described herein, which should be included as part of the filing recorded on January 14, 1980, Recordation No. 11362 as the next available recordation number, being 11362-A:

I. Document: Termination of Lease Agreement dated as of July 31, 1989.

A. Parties: Lessor: Atlantic & Western Financial Corporation
P.O. Box 1208
Sanford, North Carolina 27330

Lessee: Atlantic & Western Railway Corporation
P.O. Box 1208
Sanford, North Carolina 27330

B. Equipment: As described in the Lease filed under ICC Recordation Number 11362, recorded on January 14, 1980.

C. Lease Terminated: This document is a formal termination of a Lease Agreement filed under ICC Recordation Number 11362 between Lessor and Lessee as successor to Atlantic & Western Corporation dated as of December 28, 1979.

This one is →

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MANWELL & WES

Ms. Noreta R. McGee
July 31, 1989
Page Two

I respectfully request that the original of this document be recorded under the provisions of 49 U.S.C. Section 11303. A short summary for the Recordation Index for this document would be: "Termination of Lease Agreement." I would also appreciate your stamping the additional copies of the document which are not required for your filing purposes and returning them to me together with the fee receipt, the letter from the ICC acknowledging the filing and the two extra copies of this transmittal letter. A check for the amount of \$13.00 is enclosed to cover the filing fees.

Very truly yours,



L. Celeste H. Blumer

Enclosures

LCHB:its

AUG 1 1989 - 1 05 PM

TERMINATION OF LEASE AGREEMENT

INTERSTATE COMMERCE COMMISSION

THIS TERMINATION OF LEASE AGREEMENT, dated as of July 31, 1989 by Atlantic & Western Financial Corporation, a Delaware corporation ("A&W") and Atlantic & Western Railway Company a North Carolina corporation (successor to Atlantic & Western Corporation) ("Railway").

1. Recitals. A&W and Railway entered into a Lease Agreement dated as of December 28, 1979 (the "Lease") with respect to certain railroad boxcars described in the Lease (the "Boxcars"). The Lease is on file at the Interstate Commerce Commission ("ICC") under Recordation No. 11362 filed on January 14, 1980.

The Boxcars have been sold and the parties hereto wish to accommodate the new owner and relinquish all claims to the Boxcars under the Lease. The purpose of this Termination of Lease Agreement is to terminate the Lease and provide a formal termination document for filing with the ICC.

2. Termination. The Lease is hereby terminated.

IN WITNESS WHEREOF, A&W and Railway pursuant to due authority, have executed this Termination Lease Agreement as of the date first above written.

ATLANTIC & WESTERN FINANCIAL CORPORATION

By: *Durden*

Title: *Vice President*

Attest:

By: *Linda Gray*

Title: *Secretary*

ATLANTIC & WESTERN RAILWAY COMPANY

By: *Durden*

Title: *President*

Attest:

By: *Linda Gray*

Title: *Secretary*

STATE OF ALABAMA)
COUNTY OF HOUSTON)

I, Dow T. Huskey, a Notary Public in and for the state and county aforesaid, do hereby certify that K. E. Durden of Atlantic & Western Financial Corporation, a Delaware corporation, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledge that he/she is the Vice-President, of said corporation, he/she signed, sealed and delivered the aforesaid instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority granted by said corporation, as his/her free and voluntary act and as the free and voluntary act and deed of said corporation for the uses and purposes therein set forth.

Given under notarial seal this 31st day of July, 1989.

Dow T. Huskey
Notary Public

My Commission Expires:

8-8-92

STATE OF ALABAMA)
COUNTY OF HOUSTON)

I, Dow T. Huskey, a Notary Public in and for the state and county aforesaid, do hereby certify that K. E. Durden of Atlantic & Western Railway Company, a North Carolina corporation, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledge that he/she is the President, of said corporation, he/she signed, sealed and delivered the aforesaid instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority granted by said corporation, as his/her free and voluntary act and as the free and voluntary act and deed of said corporation for the uses and purposes therein set forth.

Given under notarial seal this 31st day of July, 1989.

Dow T. Huskey
Notary Public

My Commission Expires:

8-8-92