

The David J. Joseph Company

July 24, 1996

MEMORANDUM 18173-B  
JUL 29 1996 10 55 AM '96  
RECORDED

RECEIVED  
SURFACE TRANSPORTATION  
BOARD  
JUL 29 10 55 AM '96

Mr. Vernon Williams  
Recordations Unit  
Surface Transportation Board  
12<sup>th</sup> Street and Constitution Ave., NW  
Washington, DC 20423

Dear Mr. Williams:

Enclosed are two originals the Memorandum of Amendment to Railroad Equipment Lease Agreement dated as of June 19, 1996 between the following parties:

Lessor: The David J. Joseph Company  
300 Pike Street  
Cincinnati, OH 45202

Lessee: Hobet Mining, Inc.  
P.O. Box 6100  
Huntington, WV 25701

The lease and amendment to which this document is connected to are recorded under Recordation Nos. 18173 and 18173-A.

Please see Exhibit A, attached hereto, for the Equipment involved in this transaction.

Please file this agreement as a secondary document. The amount of \$21.00 is included in the enclosed check.

Sincerely,

THE DAVID J. JOSEPH COMPANY

*Julia R. Jones*  
Julia R. Jones  
Contract Assistant

Enclosures

18173-B  
JUL 10 1996  
FEDERAL BUREAU OF INVESTIGATION

**MEMORANDUM OF  
AMENDMENT TO RAILROAD EQUIPMENT LEASE AGREEMENT**

This **MEMORANDUM OF AMENDMENT TO RAILROAD EQUIPMENT LEASE AGREEMENT** ("Memorandum of Amended Lease") entered into this 19<sup>th</sup> day of June, 1996, is intended to evidence the Railroad Equipment Lease Agreement dated as of December 1, 1992 (the "Lease"), between **THE DAVID J. JOSEPH COMPANY**, a Delaware corporation (the "Lessor") and **HOBET MINING, INC.**, a West Virginia corporation (the "Lessee"), for the purpose of satisfying the requirements of recordation with the Surface Transportation Board under Section 49 of U.S.C. 11301. Lessor has the right to lease the ninety-two (92) railcars described in Exhibit A attached hereto (the "Units"). Lessee leased from Lessor all the Units at the rentals and upon the terms and conditions provided in the Lease and Amendments.

**WHEREAS**, the Lease was duly filed for recordation with the Interstate Commerce Commission ("ICC") on March 23, 1993, with recordation number 18173.

**WHEREAS**, an Amendment was duly filed for recordation with the ICC on November 8, 1993, with recordation number 18173-A.

**IN WITNESS WHEREOF**, Lessor and Lessee, each pursuant to due corporate authority, has executed this Memorandum of Amended Lease on the date indicated below its signature.

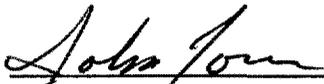
**LESSOR:**

**LESSEE:**

**THE DAVID J. JOSEPH COMPANY**

**HOBET MINING, INC.**

By: 

JTK  
229  
By: 

Name: Douglas F. McMillan

Name: John Lowe

Title: Vice President

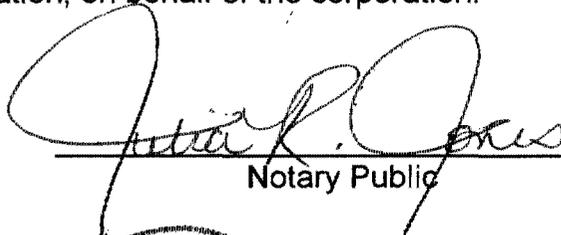
Title: President

Date: June 19, 1996

Date: 25-June-96

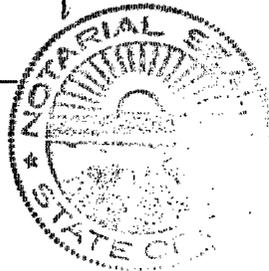
STATE OF OHIO )  
 ) SS:  
COUNTY OF HAMILTON )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of June, 1996, by Douglas F. McMillan, the Vice President of The David J. Joseph Company, a Delaware corporation, on behalf of the corporation.

  
\_\_\_\_\_  
Notary Public

My Commission expires:

2-27-2000

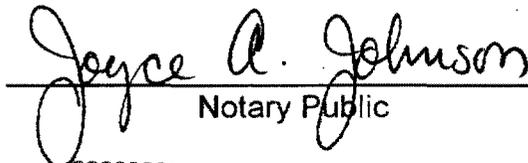


JULIA R. JONES  
Notary Public, State of Ohio  
My Commission Expires Feb. 27, 2000

STATE OF West Virginia )  
 )  
COUNTY OF Cabell )

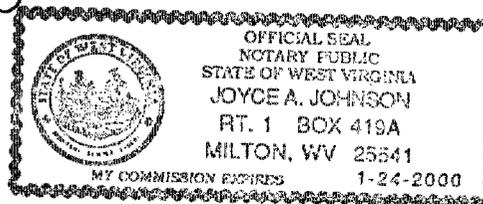
SS:

The foregoing instrument was acknowledged before me this 25 day of June, 1996, by John Lowe, the President of Hobet Mining, Inc., a West Virginia corporation, on behalf of the corporation.

  
\_\_\_\_\_  
Notary Public

My Commission expires:

1-24-2000



## EXHIBIT A

To the Memorandum of Amended Lease dated June 19, 1996, between The David J. Joseph Company and Hobet Mining, Inc.

### DESCRIPTION OF UNITS

Ninety-two (92) railcars bearing reporting marks as follows:

DJJX 1837	DJJX 2103	DJJX 2133	DJJX 2167
DJJX 1838	DJJX 2104	DJJX 2134	DJJX 2168
DJJX 1841	DJJX 2105	DJJX 2135	DJJX 2169
DJJX 1842	DJJX 2106	DJJX 2137	DJJX 2171
DJJX 1844	DJJX 2107	DJJX 2140	DJJX 2172
DJJX 1845	DJJX 2108	DJJX 2141	DJJX 2173
DJJX 1846	DJJX 2109	DJJX 2143	DJJX 2174
DJJX 1847	DJJX 2111	DJJX 2144	DJJX 2175
DJJX 1848	DJJX 2112	DJJX 2145	DJJX 2176
DJJX 1849	DJJX 2114	DJJX 2146	DJJX 2177
DJJX 1850	DJJX 2115	DJJX 2150	DJJX 2178
DJJX 1851	DJJX 2116	DJJX 2152	DJJX 2179
DJJX 1854	DJJX 2118	DJJX 2153	DJJX 2181
DJJX 1855	DJJX 2119	DJJX 2154	DJJX 8390
DJJX 1857	DJJX 2120	DJJX 2155	DJJX 8397
DJJX 1859	DJJX 2122	DJJX 2156	DJJX 8417
DJJX 1860	DJJX 2124	DJJX 2157	DJJX 8431
DJJX 1861	DJJX 2126	DJJX 2158	DJJX 8441
DJJX 1862	DJJX 2128	DJJX 2160	DJJX 8459
DJJX 1864	DJJX 2129	DJJX 2161	DJJX 8465
DJJX 2100	DJJX 2130	DJJX 2162	DJJX 8504
DJJX 2101	DJJX 2131	DJJX 2165	DJJX 8515
DJJX 2102	DJJX 2132	DJJX 2166	DJJX 8586