



The David J. Joseph Company

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RECORDATION NO. 21648-F FILED

February 16, 2006

FEB 21 '06

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SURFACE TRANSPORTATION BOARD

Mr. Vernon Williams  
Recordations Unit  
Surface Transportation Board  
1925 K Street, N.W., Suite 715  
Washington, DC 20423-0006

Dear Mr. Williams:

Please find enclosed, two (2) originals of a Partial Release of Lien dated February 15, 2006 between the following two parties:

Lessee: Sunbelt Asphalt & Materials, Inc.  
One Riverway – Suite 2200  
Houston, TX 77056

Lessor: The David J. Joseph Company (f/k/a DJJ Transportation Services, Inc.)  
300 Pike Street  
Cincinnati, OH 45202

This filing is to appear in index as follows: Partial Release of Lien effective as of February 15, 2006 related to thirty (30) railcars bearing reporting marks WRRR 680401 – WRRR 680469, sporadic.

Please file this agreement as a secondary document under Recordation 21648-F as it relates to documents previously filed with the Surface Transportation Board under Recordation Number 21648, 21648-A through 21648-E. The filing fee in the amount of \$33.00 is included in the enclosed check. Please return one stamped original to my attention.

Should you have any questions or need further information, please do not hesitate to contact me at (513) 419-6082.

Sincerely,

The David J. Joseph Company

Barbara A. Brzezicki  
Contract Manager

Enclosures

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## PARTIAL RELEASE

## SURFACE TRANSPORTATION BOARD

This Release is entered into as of February 15, 2006 between Joseph Transportation Services, Inc. (formerly DJJ Transportation Services, Inc.), now known as The David J. Joseph Company, a Delaware corporation ("Joseph") and Sunbelt Asphalt & Materials, an Texas corporation ("Sunbelt").

WHEREAS, Joseph and Sunbelt are parties to a Railroad Equipment Lease Agreement dated as of August 4, 1998 (the "Agreement") pursuant to which (a) Fifth Third purchased the railroad cars identified on Exhibit A hereto (the "Railcars") and (b) Fifth Third granted Joseph certain rights in such Railcars which operated as a lien upon such Railcars;

WHEREAS, Joseph and Sunbelt memorialized the Agreement of record by filing a Memorandum of Railroad Equipment Lease Agreement dated as of August 4, 1998 between Joseph and Sunbelt (the "Memorandum of Lease") with the Surface Transportation Board (the "STB") bearing recordation number 21648;

WHEREAS, the Lease was assigned to Fifth Third Leasing Company (Fifth Third) memorialized by the Memorandum of Rights and the Memorandum of Assignment and Assumption Agreement dated September 30, 1998 and assigned recordation numbers 21648-A and 21648-B, respectively;

WHEREAS, Joseph has purchased the thirty (30) Railcars identified in Exhibit A from Fifth Third as of December 30, 2004;

WHEREAS, the Lease between Joseph and Sunbelt has expired;

NOW THEREFORE, in consideration of the premises and mutual covenants and agreements set forth herein and for other good and valuable consideration, the receipt of which is hereby acknowledged, Joseph acknowledges as follows:

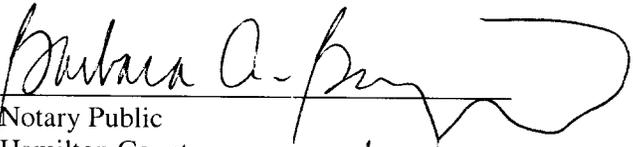
1. The Memorandum of Railroad Equipment Lease Agreement, the Memorandum of Rights, and the Memorandum of Assignment and Assumption Agreement are hereby terminated, thereby releasing all rights, interests or claims to, and all liens and encumbrances upon, the Railcars, by any person or entity, and that such Railcars may be sold, leased or otherwise transferred.
2. Joseph executes this Release for purposes of memorializing of record the agreements set forth herein.

**REMAINDER OF THIS PAGE PURPOSLEY LEFT BLANK**



STATE: OHIO )  
COUNTY: HAMILTON ) ss

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of February, 2006 by Everett N. Martin, the Assistant Secretary of Joseph Transportation Services, Inc. (formerly DJJ Transportation Services, Inc.) now known as The David J. Joseph Company, a Delaware corporation, on behalf of the said corporation..

  
Notary Public  
Hamilton County  
My Commission Expires: 2/20/11



BARBARA A. BRZESICKI  
Notary Public, State of Ohio  
My Commission Expires 02-20-11

EXHIBIT A

RAILCARS: Thirty 30 railcars bearing reporting marks:

|      |        |
|------|--------|
| WRRC | 680401 |
| WRRC | 680402 |
| WRRC | 680403 |
| WRRC | 680404 |
| WRRC | 680406 |
| WRRC | 680410 |
| WRRC | 680411 |
| WRRC | 680414 |
| WRRC | 680417 |
| WRRC | 680419 |
| WRRC | 680420 |
| WRRC | 680422 |
| WRRC | 680423 |
| WRRC | 680424 |
| WRRC | 680426 |
| WRRC | 680428 |
| WRRC | 680431 |
| WRRC | 680435 |
| WRRC | 680437 |
| WRRC | 680438 |
| WRRC | 680441 |
| WRRC | 680445 |
| WRRC | 680446 |
| WRRC | 680448 |
| WRRC | 680449 |
| WRRC | 680453 |
| WRRC | 680459 |
| WRRC | 680461 |
| WRRC | 680465 |
| WRRC | 680469 |