

RECORDATION NO. 14644-A FILED

MAY 17 '06 3-34 PM

SURFACE TRANSPORTATION BOARD

ALVORD AND ALVORD  
ATTORNEYS AT LAW  
1050 SEVENTEENTH STREET, N.W.  
SUITE 301  
WASHINGTON, D.C.

20036

(202) 393-2266

FAX (202) 393-2156

E-MAIL [alvordlaw@aol.com](mailto:alvordlaw@aol.com)

ELIAS C. ALVORD (1942)  
ELLSWORTH C. ALVORD (1964)

OF COUNSEL  
URBAN A. LESTER

May 17, 2006

Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
Washington, D.C. 20423

Dear Mr. Williams:

Enclosed for recordation pursuant to the provisions of 49 U.S.C. Section 11301(a) are two (2) copies of a Termination of Agreement to Lease Railroad Equipment and Maintenance Agreement, dated as of May 1, 2006, a secondary document as defined in the Board's Rules for the Recordation of Documents.

The enclosed document is a complete termination and relates to the Agreement to Lease Railroad Equipment and Maintenance Agreement previously filed with the Commission under Recordation Number 14644.

The name and address of the party to the enclosed document are:

Lessor: Bessemer and Lake Erie Railroad Company  
1135 Jamison Lane  
P.O. Box 68,  
Monroeville, PA 15146

[Lessee: Arch of Kentucky  
200 North Broadway  
St. Louis, MO 63102]

Mr. Vernon A. Williams  
May 17, 2006  
Page 2

A description of the railroad equipment covered by the enclosed document is:

Five Hundred (500) hopper cars within the series URDX 1000 – URDX 1795 as more particularly set forth in the equipment schedule attached to the Lease filed under Recordation Number 14644.

A short summary of the document to appear in the index is:

Termination.

Also enclosed is a check in the amount of \$34.00 payable to the order of the Surface Transportation Board covering the required recordation fee.

Kindly return stamped copies of the enclosed document to the undersigned.

Very truly yours,



Edward M. Luria

RWA/sem  
Enclosures

RECORDATION NO. 14644-A FILED

Termination - Recordation No. 14644      MAY 17 '06      3-34 PM

SURFACE TRANSPORTATION BOARD

**THIS TERMINATION OF AGREEMENT TO LEASE RAILROAD EQUIPMENT AND MAINTENANCE AGREEMENT** is made as of May 1, 2006 by **Bessemer and Lake Erie Railroad Company** (the "Lessor").

**WITNESSETH:**

**WHEREAS**, Lessor and **Arch of Kentucky, Inc.** as lessee entered into that certain Agreement to Lease Railroad Equipment effective October 1, 1984 (the "Lease") pursuant to which Lessor leased to Lessee up to five-hundred (500) of the 100-ton open-top hopper railroad cars more particularly set forth therein in Exhibit A thereof;

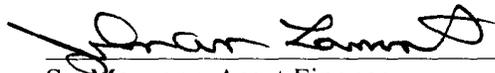
**WHEREAS**, the Lease was recorded as a primary document, with assigned recordation number 14644, on May 7, 1985 at 12:05 A.M. in the files of the Interstate Commerce Commission (predecessor to the Surface Transportation Board); and

**WHEREAS**, the duties and obligations of the parties to the Lease with respect to the Equipment have been satisfied and discharged.

**NOW, THEREFORE**, recognizing the need to officially terminate the Lease in such files, Lessor hereby terminates the Lease.

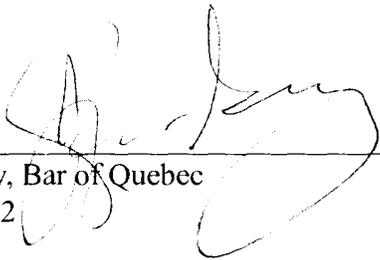
**IN WITNESS WHEREOF**, the Lessor has caused this Termination of Agreement to Lease Railroad Equipment and Maintenance Agreement to be duly executed as of the day and year hereinabove first written.

**BESSEMER AND LAKE ERIE  
RAILROAD COMPANY**

By:   
Title: Sr. Manager, Asset Finance

PROVINCE OF QUEBEC            )  
  )        ss:  
DISTRICT OF MONTREAL        )

On this 10th day of May, 2006, before me personally appeared the within named John A.N. Lamont, to me personally known, who, being by me duly sworn, says that he is Sr. Manager, Asset Finance of Bessemer and Lake Erie Railroad Company, that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors, and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

  
\_\_\_\_\_  
Attorney, Bar of Quebec  
188726-2