

RECORDATION NO. 24885-A FILED

NOV 13 '06

2-25 PM

SURFACE TRANSPORTATION BOARD



## FIRST UNION RAIL

One O'Hare Centre  
6250 River Road, Suite 500  
Rosemont, IL 60018-4214

VIA UPS 2<sup>nd</sup> DAY AIR

November 9, 2006

Mr. Vernon E. Williams  
Surface Transportation Board  
1925 K Street, N.W., Room 704  
Washington, DC 20423-0001  
Attn: Recordation of Railroad Equipment

**Re: Notice of Partial Termination of Lease**

Dear Mr. Williams:

Enclosed for recordation pursuant to the provisions of 49 U.S.C. Section 11301(a) are two (2) originals and one (1) copy of a Notice of Partial Termination of Lease dated October 30, 2006, a secondary document as defined in the Board's Rules for the Recordation of Documents. The enclosed document relates to the Memorandum of Assignment which was duly filed on April 1, 2004 at 1:14 PM with the Commission under Recordation Number 24885. The names and addresses of the parties to the enclosed document are:

Lessor: Wachovia Financial Services, Inc.  
One Wachovia Center  
Charlotte, NC 28208

Lessee: Indiana Harbor Belt Railroad Company  
2721 - 161<sup>st</sup> Street  
Hammond, IN 46323-1099

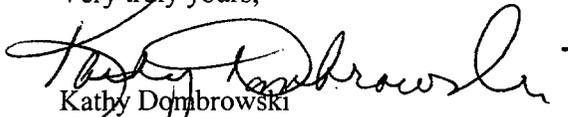
The enclosed document is for four (4) gondola rail cars, with car numbers IHB 329, IHB 332, IHB 438 and IHB 527, which have been terminated in all respects and are no longer covered under the Lease.

A short summary of the document to appear in the index follows: Notice of Partial Termination of Lease

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 one (1) stamped original of the enclosed document to the undersigned along with the additional copies.

If you have any questions regarding the above-referenced matter, please contact me at (847) 384-5368. Thank you for your cooperation in this matter.

Very truly yours,

  
Kathy Dombrowski  
Director of Documentation

Enclosures

(IHB012)

NOV 13 '06

2-25 PM

ASSGN. NO. IHB012

**NOTICE OF PARTIAL TERMINATION OF LEASE**  
(Surface Transportation Board)

SURFACE TRANSPORTATION BOARD

**THIS NOTICE OF PARTIAL TERMINATION OF LEASE** is made as of this 30<sup>th</sup> day of October, 2006, by and between WACHOVIA FINANCIAL SERVICES, INC. ("WFSI"), formerly known as First Union Commercial Corporation, as Lessor, as assigned from General Electric Railcar Services Corporation ("GE Rail"), and INDIANA HARBOR BELT RAILROAD COMPANY, as Lessee.

WITNESSETH:

WHEREAS, Lessee entered into that certain Car Leasing Agreement No. 4223-83 dated as of June 23, 1988 (as amended, modified, extended, supplemented, restated and/or replaced from time to time, the "Lease") as covered in the Memorandum of Assignment dated March 26, 2004, between GE Rail and WFSI, which was recorded with the Surface Transportation Board on April 1, 2004 at 1:14 p.m. under Recordation No. 24885;

WHEREAS, certain railcars are no longer subject to the Lease and are hereby terminated; and

NOW THEREFORE, the Lessor and Lessee, for good and valuable consideration, and the parties desiring to clarify the public record state as follows:

1. This Notice serves as notice that car numbers IHB 329, IHB 332, IHB 438, and IHB 527 (the "Cars") as evidenced by the Memorandum of Assignment filed with the Surface Transportation Board and recorded under Recordation No. 24885, have been terminated in all respects and are no longer covered under the Lease.
2. Lessor and Lessee agree to record this Notice of Partial Termination of Lease so as to release the lien with respect to the Cars.
3. Except as amended hereby, the terms and conditions of such Memorandum of Assignment remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have each caused this NOTICE OF PARTIAL TERMINATION OF LEASE to be duly executed under seal by their duly authorized representatives duly authorized as of the date and year first above written.

**LESSOR:**

WACHOVIA FINANCIAL SERVICES, INC.

ATTEST:

By: *Rick Grossman*

Name: RICK GROSSMAN

Title: MANAGING DIRECTOR

By: *John J. Thomas*

Name: JOHN J. THOMAS

Title: MANAGING DIRECTOR

Executed on this 30<sup>th</sup> day of Oct., 2006.

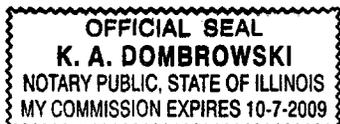
[CORPORATE SEAL]

STATE OF ILLINOIS

COUNTY OF COOK

*K.A. Dombrowski*, a Notary aforesaid, certify that *John J. Thomas* personally appeared before me this day and acknowledged his/her due execution of the foregoing Notice of Partial Termination of Lease.

WITNESS my hand and official stamp or seal, this 30<sup>th</sup> day of Oct., 2006.



*K.A. Dombrowski*  
Notary Public

My Commission Expires:

10-7-2009  
(Notary Public)

LESSEE:

INDIANA HARBOR BELT RAILROAD COMPANY

ATTEST:

By: [Signature]

Name: MICHAEL E. RADER

Title: DIRECTOR OF REV.

By: Joan M. Higginbotham

Name: Joan M. Higginbotham

Title: Exec. Asst to Gen Mgr

Executed on this 25 day of OCT, 2006.

[CORPORATE SEAL]

STATE OF Indiana

COUNTY OF Lake

I, Joan Higginbotham, a Notary aforesaid, certify that Michael Rader personally appeared before me this day and acknowledged his/her due execution of the foregoing Notice of Partial Termination of Lease.

WITNESS my hand and official stamp or seal, this 25<sup>th</sup> day of October, 2006.

[Signature]  
Notary Public

My Commission Expires:  
Oct. 3, 2010  
(Notary Public)

