

RECORDATION NO. 24986-C FILED

MAY 14 '09

2-56 PM

SURFACE TRANSPORTATION BOARD

FIRST UNION RAIL

One O'Hare Centre
6250 River Road, Suite 5000
Rosemont, IL 60018



Ms. Anne K. Quinlan
Surface Transportation Board
395 E Street, S.W., Suite 100
Washington, DC 20024
Attn: Recordation of Railroad Equipment

Re: Memorandum of Termination of Lease

Dear Ms. Quinlan:

Enclosed for recordation pursuant to the provisions of 49 U.S.C. Section 11301(a) are three (3) originals of a Memorandum of Termination of Lease dated April 28, 2009, a secondary document as defined in the Board's Rules for the Recordation of Documents. The enclosed document relates to the Lease Agreement which was duly filed with the Surface Transportation Board under Recordation Numbers 24986 and 24986-A.

The names and addresses of the parties to the enclosed document are:

Lessor: First Union Rail Corporation
One O'Hare Centre
6250 River Road, Suite 5000
Rosemont, IL 60018

Lessee: Conrad Yelvington Distributors, Inc.
2326 Bellevue Avenue
Daytona Beach, FL 32114

The enclosed document is for two hundred thirteen (213) open top hopper cars with CYXX marks (see Exhibit A, Rider 1 for car numbers) and eight (8) covered hopper cars with NDYX marks (see Exhibit A, Rider 2 for car numbers) 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: Memorandum of Termination of Lease

Also enclosed is a check in the amount of \$41.00 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) 384-5397. Thank you for your cooperation in this matter.

Best regards,


Marcia Dunne
Sr. Rail Documentation Specialist

Enclosures

(YF1)(05/006)

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MEMORANDUM OF TERMINATION OF LEASE SURFACE TRANSPORTATION BOARD

THIS MEMORANDUM OF TERMINATION OF LEASE (the "Memorandum") is made by First Union Rail Corporation, a North Carolina corporation (the "Lessor"), on the date hereunder and pertains to that certain Lease Agreement and Rider No. 1 both dated March 25, 2004, and Rider No. 2 dated June 30, 2004 (collectively, the "Lease"), between Lessor and Conrad Yelvington Distributors, Inc. (the "Lessee"), a Florida corporation.

WITNESSETH:

WHEREAS, Lessor and Lessee entered into the Lease whereby Lessor has agreed to lease to Lessee certain railcars (the "Equipment") as more particularly described in on Exhibit A attached hereto; and.

WHEREAS, this Memorandum pertains to that certain Memorandum of Lease dated March 25, 2004, recorded with the Surface Transportation Board on June 10, 2004 at 12:03 p.m. under Recordation Number 24986; and.

WHEREAS, this Memorandum pertains to that certain Memorandum of Lease dated June 30, 2004, recorded with the Surface Transportation Board on September 22, 2004 at 3:29 p.m. under Recordation Number 24986-A, pursuant to the provisions of 49 U.S.C. Section 11301(a), relating to the Lease Documents referenced above; and.

WHEREAS, the above-described Lease has ended, has not been extended and said Lease has been terminated in full and all equipment covered by the aforesaid Lease is no longer subject to the Lease.

NOW, THEREFORE, the Lessor desiring to clarify the public record state as follows:

1. This Memorandum serves as notice that the Lease between Lessor and Lessee relating to the equipment has been terminated in all respects.
2. All of the interest, duties and obligations of the parties to Lease have been satisfied and discharged.
3. Lessor does hereby fully terminate the aforesaid Lease and files and records this Termination of Lease so as to release the lien with respect to the equipment.

IN WITNESS WHEREOF, First Union Rail Corporation, as Lessor, has caused this Termination of Lease to be executed by its duly authorized representative as of this 28th day of April, 2009.

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EXHIBIT A - MEMORANDUM OF TERMINATION RIDER 1

NUMBER OF CARS: Two hundred thirteen (213)

DESCRIPTION OF CARS: 100-ton, 2300 cu. ft. open top hoppers with manual unloading gates

CAR NUMBERS:

CYXX 910103	CYXX 910157	CYXX 910220	CYXX 910284	CYXX 910342
CYXX 910104	CYXX 910158	CYXX 910222	CYXX 910285	CYXX 910343
CYXX 910105	CYXX 910160	CYXX 910223	CYXX 910286	CYXX 910344
CYXX 910107	CYXX 910161	CYXX 910224	CYXX 910287	CYXX 910345
CYXX 910108	CYXX 910162	CYXX 910225	CYXX 910288	CYXX 910346
CYXX 910109	CYXX 910163	CYXX 910226	CYXX 910290	CYXX 910348
CYXX 910110	CYXX 910166	CYXX 910227	CYXX 910291	CYXX 910349
CYXX 910111	CYXX 910167	CYXX 910228	CYXX 910292	CYXX 910350
CYXX 910112	CYXX 910168	CYXX 910230	CYXX 910296	CYXX 910351
CYXX 910113	CYXX 910171	CYXX 910232	CYXX 910297	CYXX 910352
CYXX 910114	CYXX 910173	CYXX 910233	CYXX 910298	CYXX 910353
CYXX 910116	CYXX 910174	CYXX 910234	CYXX 910299	CYXX 910356
CYXX 910117	CYXX 910176	CYXX 910236	CYXX 910301	CYXX 910357
CYXX 910118	CYXX 910178	CYXX 910237	CYXX 910302	CYXX 910358
CYXX 910119	CYXX 910179	CYXX 910240	CYXX 910303	CYXX 910360
CYXX 910121	CYXX 910180	CYXX 910241	CYXX 910305	CYXX 910361
CYXX 910122	CYXX 910181	CYXX 910242	CYXX 910306	CYXX 910363
CYXX 910123	CYXX 910182	CYXX 910245	CYXX 910307	CYXX 910364
CYXX 910125	CYXX 910183	CYXX 910246	CYXX 910308	CYXX 910368
CYXX 910127	CYXX 910185	CYXX 910247	CYXX 910310	CYXX 910369
CYXX 910128	CYXX 910187	CYXX 910248	CYXX 910312	CYXX 910371
CYXX 910129	CYXX 910189	CYXX 910249	CYXX 910313	CYXX 910372
CYXX 910130	CYXX 910190	CYXX 910250	CYXX 910314	CYXX 910373
CYXX 910131	CYXX 910191	CYXX 910251	CYXX 910315	CYXX 910374
CYXX 910133	CYXX 910192	CYXX 910253	CYXX 910317	CYXX 910375
CYXX 910134	CYXX 910193	CYXX 910254	CYXX 910318	CYXX 910376
CYXX 910135	CYXX 910194	CYXX 910256	CYXX 910319	CYXX 910377
CYXX 910136	CYXX 910195	CYXX 910257	CYXX 910320	CYXX 910378
CYXX 910137	CYXX 910196	CYXX 910258	CYXX 910322	CYXX 910381
CYXX 910138	CYXX 910197	CYXX 910260	CYXX 910323	CYXX 910382
CYXX 910139	CYXX 910198	CYXX 910261	CYXX 910326	CYXX 910386
CYXX 910140	CYXX 910200	CYXX 910262	CYXX 910327	CYXX 910387
CYXX 910143	CYXX 910204	CYXX 910266	CYXX 910328	CYXX 910388
CYXX 910144	CYXX 910206	CYXX 910267	CYXX 910330	CYXX 910389
CYXX 910146	CYXX 910207	CYXX 910271	CYXX 910331	CYXX 910391
CYXX 910147	CYXX 910209	CYXX 910273	CYXX 910332	CYXX 910392
CYXX 910149	CYXX 910210	CYXX 910275	CYXX 910333	CYXX 910393
CYXX 910151	CYXX 910213	CYXX 910276	CYXX 910334	CYXX 910394
CYXX 910152	CYXX 910215	CYXX 910277	CYXX 910337	CYXX 910395
CYXX 910153	CYXX 910216	CYXX 910279	CYXX 910338	CYXX 910398
CYXX 910154	CYXX 910217	CYXX 910280	CYXX 910339	CYXX 910400
CYXX 910155	CYXX 910218	CYXX 910282	CYXX 910340	
CYXX 910156	CYXX 910219	CYXX 910283	CYXX 910341	

EXHIBIT A - MEMORANDUM OF TERMINATION RIDER 2

NUMBER OF CARS: Eight (8)

DESCRIPTION OF CARS: Covered hopper cars. 3000 cu. ft., 286 GRI.

CAR NUMBERS:

NDYX 298211
NDYX 298214
NDYX 298218
NDYX 298220
NDYX 298221
NDYX 298224
NDYX 298225
NDYX 298229