

RECORDATION NO. 27950-
FILED May 31, 2012 03:40 AM
SURFACE TRANSPORTATION BOARD
LAW OFFICES OF
LOUIS E. GITOMER, LLC.

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May 31, 2012

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

Dear Ms. Brown:

I have enclosed for e-filing the document described below, to be recorded pursuant to 49 U.S.C. § 11301.

The document is a Lease Termination, a secondary document, dated as of May 31, 2012. The primary document to which this is connected is Recordation No. 27950. We request that this document be recorded under Recordation No. 27950-B.

The names and addresses of the parties to the Lease Termination are:

Lessor:

Fifth Third Leasing Company
38 Fountain Square Plaza
Cincinnati, OH 45263

Lessee:

DAK Americas LLC
6324 Fairview Road
Charlotte, NC 28210

A description of the equipment covered by the Lease Termination consists of 171 covered hopper cars numbered DAKX 45001-45037, inclusive, 45039-45060, inclusive, 45062-45081, inclusive, 45083-45093, inclusive, 45095-45146, inclusive, 45148-45176, inclusive, and 14 tank cars numbered DAKX 29902, 29911-29923, inclusive.

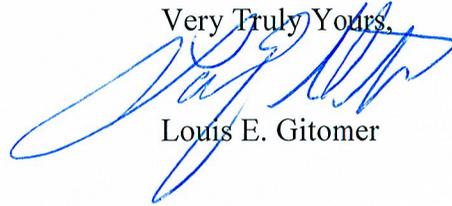
Ms. Cynthia T. Brown
May 31, 2012
Page 2

A fee of \$41.00 is enclosed. Please return one copy by email to:

Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
Lou_Gitomer@verizon.net

A short summary of the document to appear in the index follows: a Lease Termination between Fifth Third Leasing Company, 38 Fountain Square Plaza, and DAK Americas LLC, 6324 Fairview Road, Charlotte, NC 28210, covering 171 covered hopper cars numbered DAKX 45001-45037, inclusive, 45039-45060, inclusive, 45062-45081, inclusive, 45083-45093, inclusive, 45095-45146, inclusive, 45148-45176, inclusive, and 14 tank cars numbered DAKX 29902, 29911-29923, inclusive.

Very Truly Yours,



Louis E. Gitomer

Enclosure

LEASE TERMINATION

This Lease Termination dated as of May 31, 2012 is between Fifth Third Leasing Company, as Lessor, and DAK America LCC, as Lessee.

WHEREAS, Lessor and Lessee entered a Memorandum of Lease Agreement dated as of May 28, 2009, as it relates to that certain Rail Equipment Net Leasing Agreement dated as of May 28, 2009 (the "Lease") between Banc of America Leasing & Capital, LLC ("BALC"), as lessor, and DAK Americas LLC, as lessee, which was recorded at the Surface Transportation Board (the "Board") under Recordation No. 27950 at 11:31 am on May 29, 2009 for 171 covered hopper cars numbered DAKX 45001-45037, inclusive, 45039-45060, inclusive, 45062-45081, inclusive, 45083-45093, inclusive, 45095-45146, inclusive, 45148-45176, inclusive, and 14 tank cars numbered DAKX 29902, 29911-29923, inclusive (the "Equipment");

WHEREAS, BALC, as assignor, and Fifth Third Leasing Company, as assignee, entered into Memorandum of Assignment of Lease dated as of May 28, 2009, as it relates to that certain Assignment and Specification of Assigned Lease Schedule to that certain Master Assignment Agreement which was recorded at the Board under Recordation No. 27950-A at 11:37 am on May 29, 2009 for the Equipment;

WHEREAS, The rights, interests and obligations of Lessor and Lessee under the Lease have been fulfilled; and

WHEREAS, Lessor and Lessee have agreed to terminate the Lease.

NOW, THEREFORE, in consideration of the premises, Lessor and Lessee hereby acknowledge and confirm for the public record the termination of the Lease, and all rights and obligations arising under the Lease with respect to the Equipment.

This Lease Termination may be executed in separate counterparts, each of which when so executed and delivered shall be an original for all purposes, but all such counterparts shall constitute but one and the same instrument.

IN WITNESS WHEREOF, Lessor and Lessee have executed or caused this Lease Termination to be duly executed as of the date first above written.

Fifth Third Leasing Company
as Lessor

By: *Lisa Matta Petrus*
Its: *Assistant Vice President*

DAK Americas LLC
as Lessee

By: _____

Its: _____

IN WITNESS WHEREOF, Lessor and Lessee have executed or caused this Lease Termination to be duly executed as of the date first above written.

Fifth Third Leasing Company
as Lessor

By: _____

Its: _____

DAK Americas LLC
as Lessee

By: _____

Its: SERGIO RODRIGUEZ DOMESTICO
OSCAR LUIS MORALES DOMESTICO

By: _____

Its: SERGIO RODRIGUEZ DOMESTICO
MIGUEL ESTEBAN NUNEZ



STATE OF OHIO)
) ss.
County of Hamilton)

On this 30 day of May 2012, before me appeared Lisa Mathews Petrino the person who signed this instrument, who acknowledged that (s)he is the Assistant Vice President Fifth Third Leasing Company and that, being duly authorized, (s)he signed such instrument as a free act on behalf of said corporation.

Nannie E. Horton
Notary Public

My Commission expires 05-18-2015



Nannie E. Horton
Notary Public, State of Ohio
My Commission Expires 05-18-2015

STATE OF NORTH CAROLINA)
) ss.
County of Mecklenberg)

On this 30 day of May 2012, before me appeared _____, the person who signed this instrument, who acknowledged that (s)he is the _____ of DAK AMERICAS LLC and that, being duly authorized, (s)he signed such instrument as a free act on behalf of said corporation.

Notary Public

My Commission expires _____

STATE OF OHIO)
) ss.
County of Hamilton)

On this ___ day of May 2012, before me appeared _____, the person who signed this instrument, who acknowledged that (s)he is the _____ of Fifth Third Leasing Company and that, being duly authorized, (s)he signed such instrument as a free act on behalf of said corporation.

Notary Public

My Commission expires _____

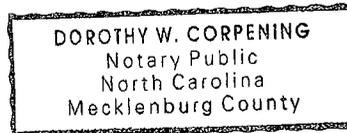
STATE OF NORTH CAROLINA)
) ss.
County of Mecklenberg)

On this 25 day of May 2012, before me appeared Jane Louise Henderson, the person who signed this instrument, who acknowledged that (s)he is the owner of DAK AMERICAS LLC and that, being duly authorized, (s)he signed such instrument as a free act on behalf of said corporation.

Dorothy W. Corpening

Notary Public

My Commission expires Sept. 2, 2013



STATE OF NORTH CAROLINA)
) ss.
County of Mecklenberg)

On this 25 day of May 2012, before me appeared Dorothy W. Corpening, the person who signed this instrument, who acknowledged that (s)he is the Secretary of DAK AMERICAS LLC and that, being duly authorized, (s)he signed such instrument as a free act on behalf of said corporation.

Dorothy W. Corpening
Notary Public

My Commission expires Sept. 2, 2013

