

RECORDATION NO. 25622-A FILED

OCT 06 '10 -3 31 PM

SURFACE TRANSPORTATION BOARD

Mitsui Rail Capital, LLC  
71 South Wacker Drive  
Suite 1800  
Chicago, Illinois 60606

Main (312) 803-8880  
Fax (312) 803-8890



October 6, 2010

Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 "E" Street, S.W.  
Washington, D.C. 20423

Dear Section Chief:

Please find attached one (1) copy of a Memorandum of Termination of Lease dated September 22, 2010 between the following parties:

Lessor: Mitsui Rail Capital, LLC  
71 S. Wacker Drive, Suite 1800  
Chicago, IL 60606

Lessee: Western Fuels Association, Inc.  
1100 West 116<sup>th</sup> Avenue  
Denver, CO 80233

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

All railcars covered by the Memorandum of Net Lease Agreement on file under Recordation Number 25622 are RELEASED.

This filing is to appear in the index as follows: Memorandum of Termination of Lease.

Please file this as a secondary document as defined in the Board's Rules for the Recordation of Documents. The filing fee in the amount of \$41.00 can be charged to our account.

Should you have any questions or need further information, please do not hesitate to contact me at (312) 803-8836.

Sincerely,

*/s/ Christine Peterson*

Christine Peterson  
Contract Administrator/Paralegal

Enclosure

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SURFACE TRANSPORTATION BOARD

**MEMORANDUM OF TERMINATION OF LEASE**

Memorandum of Termination of Lease dated as of September 22, 2010 by Mitsui Rail Capital, LLC, a Delaware limited liability company ("*Lessor*").

## WITNESSETH:

1. Lessor and Western Fuels Association, Inc. (the "*Lessee*") are parties to that certain Net Lease Agreement (the "*Lease Agreement*"), dated June 3, 2005, and Schedule No. 1 thereto dated as of June 3, 2005 (the "*Schedule*"), whereby Lessor leased to the Lessee and the Lessee leased from Lessor certain railroad cars described in such Schedule. (The Schedule, incorporating the terms of the Lease Agreement, is herein referred to as the "*Lease*.")
2. Notice of the Lease has been put of record by the filing of a Memorandum of Lease Agreement dated as of June 3, 2005 with the Surface Transportation Board on June 9, 2005 under Recordation Number 25622.
3. The Lease has been terminated.

IN WITNESS WHEREOF, the undersigned has caused this memorandum to be duly executed by its officer duly authorized as of the date hereof.

**mitsui rail capital, llc**

By: *John O'Bryan*  
 Name: John O'Bryan  
 Title: President

STATE OF ILLINOIS

COUNTY OF COOK

On this 5<sup>th</sup> day of October, 2010, before me personally appeared John O'Bryan, to me personally known, who being by me duly sworn, says that he is the President of Mitsui Rail Capital, LLC that the foregoing instrument was signed on behalf of said company, and he acknowledged that the execution of the said instrument was his free act and deed.

*Christine C Peterson*  
 NOTARY PUBLIC

My commission expires: July 7, 2012

