

RECORDATION NO. 29544 FILED

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SURFACE TRANSPORTATION BOARD



## FIRST UNION RAIL

One O'Hare Centre  
6250 River Road, Suite 5000  
Rosemont, IL 60018-4214

November 15, 2010

Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W., Suite 100  
Washington, DC 20423-0001  
Attn: Recordation of Railroad Equipment

**Re: Memorandum of Lease Agreement**

Dear Section Chief:

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 Memorandum of Lease Agreement dated November 4, 2010, a primary document as defined in the Board's Rules for the Recordation of Documents. Please file this Memorandum of Lease as a primary document since a Master Lease has not been filed with the Surface Transportation Board. 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: Chief Ethanol Fuels, Incorporated  
East Hwy #6 Route #2  
Hastings, NE 68902-0488

A description of the railroad equipment covered by the enclosed document is for six (6) tank cars; having FURX marks (see Exhibit A for car numbers).

A short summary of the document to appear in the index follows: **Memorandum 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Marcia Dunne".

Marcia Dunne  
Senior Rail Documentation Specialist

Enclosure

(CHET006)

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ASSGN. NO.: CHET006

MEMORANDUM OF LEASE

SURFACE TRANSPORTATION BOARD

THIS MEMORANDUM OF LEASE (the "Memorandum") is made and entered into as of this the 4 day of November, 2010, by and between First Union Rail Corporation ("Lessor"), a North Carolina corporation, and Chief Ethanol Fuels, Incorporated ("Lessee"), a Delaware corporation.

WITNESSETH:

The undersigned Lessor and Lessee have entered into that certain Lease Agreement (the "Lease"), dated as of November 4, 2010, whereby Lessor has agreed to lease to Lessee certain railcars pursuant to Rider No. 1 to the Lease (the "Rider"), as described in more particular on Exhibit A attached hereto, effective as of September 1, 2010, and subject to the terms, conditions and provisions of the above-mentioned Lease and Rider.

IN WITNESS WHEREOF, the parties hereto have each caused this Memorandum to be duly executed under seal by their respective officers duly authorized as of the date and year first above written.

LESSOR:

FIRST UNION RAIL CORPORATION

By: Richard F. Seymour

Name: RICHARD F. SEYMOUR  
VICE PRESIDENT - SALES & MARKETING

Title: \_\_\_\_\_

ATTEST:

By: K.A. Dombrowski

Name: K.A. Dombrowski

Title: DIRECTOR OF DOCUMENTATION Executed on this 10th day of Nov., 2010.

[CORPORATE SEAL]

STATE OF ILLINOIS

COUNTY OF COOK

I, Janice L. Enolva, a Notary Public of the County and State aforesaid, certify that Richard F. Seymour personally appeared before me this day and acknowledged his/her due execution of the foregoing Memorandum of Lease.

WITNESS my hand and official stamp or seal, this 10<sup>TH</sup> day of November, 2010.

Janice L. Enolva  
Notary Public

My Commission Expires:  
August 2, 2014  
(Notary Public)



**LESSEE:**

CHIEF ETHANOL FUELS. INCORPORATED

ATTEST:

By: Patricia Pfeiffer

Name: Patricia Pfeiffer

Title: Commodities Manager

By: \_\_\_\_\_

Name: \_\_\_\_\_

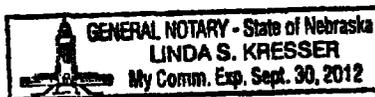
Title: \_\_\_\_\_

Executed on this \_\_\_\_\_ day of \_\_\_\_\_.

[CORPORATE SEAL]

STATE OF Nebraska

COUNTY OF Adams



I, Linda S Kresser, a Notary Public of the County and State aforesaid, certify that Patricia Pfeiffer personally appeared before me this day and acknowledged his/her due execution of the foregoing Memorandum of Lease.

WITNESS my hand and official stamp or seal, this 4 day of Nov, 2010.

Linda S Kresser  
Notary Public

Commission Expires:

2012 - Sept. 30  
(Notary Public)

**EXHIBIT A**  
**to**  
**MEMORANDUM OF LEASE**

NUMBER OF CARS: Six (6)

DESCRIPTION OF CARS: 30,000 gallon capacity, non-coiled, non-insulated tank cars. (AAR Car Type: T108).

CAR NUMBERS:

FURX 130236  
FURX 130240  
FURX 130241  
FURX 130245  
FURX 130247  
FURX 130248