

AUG 18 '11 -9 56 AM

SURFACE TRANSPORTATION BOARD

# FIRST UNION RAIL

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

Tel 847.318.7575  
Fax 847.318.7588  
www.firstunionrail.com

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

August 15, 2011

Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E. Street S.W., Suite 100  
Washington, DC 20423  
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 July 21, 2011, 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 Number 21742.

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: Archer Daniels Midland Co.  
4666 Faries Parkway  
Decatur, IL 62525

A description of the railroad equipment covered by the enclosed document is for nineteen (19) hopper cars with DMIX 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,



Marcia Dunne  
Senior Rail Documentation Specialist

Enclosures

(ADM076)

ASSGN. NO.: ADM076

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MEMORANDUM OF LEASE

~~SURFACE TRANSPORTATION BOARD~~

THIS MEMORANDUM OF LEASE (the "Memorandum") is made and entered into as of this the 21 day of July, 2011, by and between First Union Rail Corporation ("Lessor"), a North Carolina corporation, and Archer Daniels Midland Company ("Lessee"), a Delaware corporation.

WITNESSETH:

The undersigned Lessor and Lessee have entered into that certain Lease Agreement (the "Lease"), dated as of August 25, 1997, whereby Lessor has agreed to lease to Lessee certain railcars pursuant to Rider No. 78 to the Lease (the "Rider"), as described in more particular on Exhibit A attached hereto, effective as of July 1, 2011, 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: [Signature]

Name: JOHN J. THOMAS

Title: PRESIDENT

ATTEST:

By: [Signature]

Name: K.A. Dombrowski

Title: DIRECTOR OF DOCUMENTATION

Executed on this 8<sup>th</sup> day of AUGUST, 2011.

[CORPORATE SEAL]

STATE OF ILLINOIS

COUNTY OF COOK

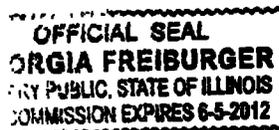
I, GEORGIA FREIBURGER, a Notary Public of the County and State aforesaid, certify that JOHN J. THOMAS personally appeared before me this day and acknowledged his/her due execution of the foregoing Memorandum of Lease.

WITNESS my hand and official stamp or seal, this 8<sup>th</sup> day of August, 2011.

[Signature]  
Notary Public

My Commission Expires:

6-2012  
(Notary Public)



LESSEE:

ARCHER DANIELS MIDLAND COMPANY

ATTEST:

By: Randy J. Jess

Name: Randy L. Jess

Title: Director of Plant Management

By: Rebecca J Moore

Name: REBECCA J. MOORE

Title: Admin. Assistant

Executed on this 21<sup>st</sup> day of July, 2011.

[CORPORATE SEAL]



STATE OF Illinois

COUNTY OF Macon

I, REBECCA J. MOORE, a Notary Public of the County and State aforesaid, certify that RANDY JESS 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 21<sup>st</sup> day of July, 2011.

Rebecca J Moore  
Notary Public

Commission Expires:

05/29/2013  
(Notary Public)

**EXHIBIT A to MEMORANDUM OF LEASE**

NUMBER OF CARS: Nineteen (19)

DESCRIPTION OF CARS: Hopper Cars.

CAR NUMBERS:

DMIX 005066  
DMIX 005067  
DMIX 005068  
DMIX 005069  
DMIX 005070  
DMIX 005071  
DMIX 005072  
DMIX 005073  
DMIX 005074  
DMIX 005075  
DMIX 005076  
DMIX 005077  
DMIX 005079  
DMIX 005080  
DMIX 005081  
DMIX 005082  
DMIX 005083  
DMIX 005084  
DMIX 005085