

RECORDATION NO. 20965-C FILED

MAR 07 '12 -9 54 AM

SURFACE TRANSPORTATION BOARD

# FIRST UNION RAIL

One O'hare Centre  
6250 River Rd, Suite 5000  
Rosemont, IL 60018

Tel 847.318.7575  
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VIA UPS NEXT DAY AIR

March 2, 2012

Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W., Suite 100  
Washington, DC 20024

**Re: Memorandum of Lease Termination**

Dear Section Chief:

Enclosed for recordation pursuant to the provisions of 49 U.S.C. Section 11301(a) are three (3) originals of a Memorandum of Lease Termination dated March 1, 2012, a secondary document as defined in the Board's Rules for the Recordation of Documents. The enclosed document relates to the Memoranda of Lease duly filed on October 28, 1997, March 22, 2001 and January 28, 2004 with the Surface Transportation Board under Recordation Numbers 20965, 20965-A and 20965-B respectively. The names and addresses of the parties to the enclosed document are:

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

Lessee: Martin Marietta Aggregates  
3019 Riverwatch Parkway  
Augusta, GA 30907

The enclosed document is for twenty (20) hopper cars with COOX and FURX marks, (see Exhibit A 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 Lease Termination**

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  
(MMA001-003)

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## MEMORANDUM OF LEASE TERMINATION

SURFACE TRANSPORTATION BOARD

**THIS MEMORANDUM OF LEASE TERMINATION** (the "Memorandum") dated as of March 1, 2012 is made by First Union Rail Corporation (the "Lessor"), a North Carolina corporation, and pertains to that certain Lease Agreement dated as of January 17, 1997, Rider No. 1 dated September 18, 1997, Rider No. 2 dated November 30, 2000 and Rider No. 3 dated December 22, 2003 (collectively, the "Lease"), between Lessor and Martin Marietta Aggregates, a division of Martin Marietta Materials, Inc. (the "Lessee").

**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**, Lessor and Lessee entered into certain Memoranda of Lease, evidencing the above-described Lease of such Equipment, which were filed at the Surface Transportation Board on October 28, 1997 at 10:29 a.m. with recordation number 20965, March 22, 2001 at 10:01 having recordation number 20965-A, and January 28, 2004 at 3:07 p.m. with recordation number 20965-B.

**WHEREAS**, certain Equipment has been released and is no longer covered under the Lease; and,

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

1. This Notice serves as notice that the Equipment listed on the attached Exhibit A as evidenced by the Memorandum of Lease filed with the Surface Transportation Board, has been terminated in all respects.
2. All of the interest of the Lessee, its successors and assigns, in the Equipment listed on Exhibit A arising pursuant to the Lease has been terminated.
3. Lessor wishes to record this Notice of Termination of Lease and Termination of Memoranda of Lease so as to release the lien with respect to the Equipment.

**IN WITNESS WHEREOF**, the parties hereto have each caused this Memorandum to be duly executed by their respective officers duly authorized as of the date and year first above written (and each of the undersigned declares under penalty of perjury that he or she holds the title indicated below and that the execution of this Memorandum was the free act and deed of its corporation).

**LESSOR:**

FIRST UNION RAIL CORPORATION

Name: Richard F. Seymour

Title: Vice President Sales & Marketing

Signature: Richard F. Seymour

**EXHIBIT A  
TO  
MEMORANDUM OF LEASE TERMINATION**

NUMBER OF CARS: Twenty (20)

DESCRIPTION OF CARS: Automatic discharge hopper cars

CAR NUMBERS:

COOX 1099	remarked to FURX 911000
COOX 1101	remarked to FURX 911079
COOX 1102	
COOX 1103	remarked to FURX 911081
COOX 1104	remarked to FURX 911082
COOX 1114	remarked to FURX 911001
COOX 1115	remarked to FURX 911092
COOX 1116	
COOX 1119	remarked to FURX 911096
COOX 1123	
COOX 1125	remarked to FURX 911102
COOX 1126	
COOX 2027	
COOX 2033	
COOX 2038	
COOX 2040	
COOX 2042	
COOX 2044	
COOX 2050	
COOX 2056	