

FEB 25 '13 -2 39 PM

**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 NEXT DAY AIR**

February 22, 2013

Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E St, S.W., Suite 100  
Washington, DC 20423-0001

**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 February 21, 2013, 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 on March 1, 2006 at 2:38 p.m. with primary recordation number 26231, September 26, 2008 at 2:44 p.m. with recordation number 26231-A and January 4, 2010 at 2:12 p.m. having recordation number 26231-B.

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:	Performance Minerals Corporation 13535 South Torrence Avenue Chicago, IL 60633
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A description of the railroad equipment covered by the enclosed document is for forty-eight (48) hopper 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 Termination**

Also enclosed is a check in the amount of \$42.00 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 Documentation Specialist

Enclosures

(PEM1001-003)

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## MEMORANDUM OF LEASE TERMINATION

SURFACE TRANSPORTATION BOARD

THIS MEMORANDUM OF LEASE TERMINATION (the "Memorandum") dated as of February 21, 2013 is made by First Union Rail Corporation (the "Lessor"), a North Carolina corporation, and pertains to that certain Lease Agreement dated as of October 4, 2004 (the "Lease"), between Lessor and Performance Minerals Corporation (the "Lessee"), an Alabama corporation.

**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 was filed at the Surface Transportation Board on March 1, 2006 at 2:38 p.m. with primary recordation number 26231, September 26, 2008 at 2:44 p.m. with recordation number 26231-A and January 4, 2010 at 2:12 p.m. having recordation number 26231-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 interests of the Lessee, its successors and assigns, in the Equipment listed on Exhibit A arising pursuant to the Lease have 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 party hereto has caused this Memorandum to be duly executed by their respective officers duly authorized as of the date and year first above written (and 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: Rick Grossman

Title: Vice President, Equipment

Signature: 

**EXHIBIT A**  
**TO**  
**MEMORANDUM OF LEASE TERMINATION**

**NUMBER OF CARS:**           Forty-eight (48)

**DESCRIPTION OF CARS:**   Open Top Hopper Cars

<b>CAR NUMBERS:</b>	FURX 922801	FURX 922858
	FURX 922802	FURX 922859
	FURX 922803	FURX 922860
	FURX 922805	FURX 922862
	FURX 922809	FURX 922865
	FURX 922813	FURX 922866
	FURX 922817	FURX 922868
	FURX 922824	FURX 922871
	FURX 922825	FURX 922872
	FURX 922830	FURX 922874
	FURX 922834	FURX 922876
	FURX 922835	FURX 922877
	FURX 922837	FURX 922878
	FURX 922838	FURX 922880
	FURX 922839	FURX 922882
	FURX 922840	FURX 922885
	FURX 922841	FURX 922887
	FURX 922844	FURX 922889
	FURX 922848	FURX 922890
	FURX 922849	FURX 922893
	FURX 922850	FURX 922894
	FURX 922851	FURX 922896
	FURX 922852	FURX 922900
	FURX 922857	FURX 922906