

FEB 25 '13 -2 51 PM

SURFACE TRANSPORTATION BOARD

FIRST UNION RAIL

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

VIA UPS NEXT DAY AIR

Tel 847 318.7575
Fax 847.318.7588
www.firstunionrail.com

February 22, 2013

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 Partial 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 Partial 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 Memorandum of Lease evidencing such lease Equipment which was duly filed at the Surface Transportation Board on January 24, 2005 at 2:48 p.m. having recordation number 22538-I.

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: Dakota, Missouri Valley and Western Railroad, Inc
815 W Maple Street
Stanley, WI 54768

The enclosed document is for twenty (20) hopper cars having 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 Partial 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

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NOTICE OF MEMORANDUM OF PARTIAL LEASE TERMINATION

SURFACE TRANSPORTATION BOARD

THIS NOTICE OF MEMORANDUM OF PARTIAL 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 March 24, 1997, (the "Lease"), between Lessor and Dakota, Missouri Valley & Western Railroad, Inc. (the "Lessee").

W I T N E S S E T H:

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 Memorandum of Lease, evidencing the above-described Lease of such Equipment, which was filed at the Surface Transportation Board on January 24, 2005 at 2:48 p m having recordation number 22538-F.

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 Partial Termination of Memorandum 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 officer duly authorized as of the date and year first above written (and the undersigned declares under penalty of perjury that he 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 *Rick Grossman*

EXHIBIT A
to
MEMORANDUM OF PARTIAL LEASE TERMINATION

NUMBER OF CARS. Twenty (20)

DESCRIPTION OF CARS: Open Hopper Cars

CAR NUMBERS

FURX 922804
FURX 922807
FURX 922812
FURX 922816
FURX 922819
FURX 922820
FURX 922826
FURX 922831
FURX 922832
FURX 922842
FURX 922843
FURX 922845
FURX 922846
FURX 922847
FURX 922863
FURX 922881
FURX 922888
FURX 922892
FURX 922895
FURX 922897