

CUSHING & MORRIS

ATTORNEYS AT LAW

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RECORDATION NO 16523 FILED 1425

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SEP 15 1989 -1 10 PM

TELEPHONE  
404 521-2323

September 13, 1989

INTERSTATE COMMERCE COMMISSION

TELECOPIER  
404 658-9865

9-258A033

Interstate Commerce Commission  
12th & Constitution Avenue, N.W.  
Washington, D.C. 20423

Attention: Ms. Mildred Lee  
Room 2303

Re: Lease Agreement between Railcar Management, Inc., as  
agent for owners, and Chicago, Missouri & Western  
Railway Company

Dear Ms. Lee:

Enclosed are two originally executed and notarized copies of a summary Lease Agreement between Railcar Management, Inc., a Georgia corporation acting as agent for the owners of the subject railroad cars, as Lessor, and Chicago, Missouri & Western Railway Company, an Illinois corporation, as Lessee. The lease is for twenty-five (25) 100-ton, 4,750-cubic-foot covered hoppers bearing the reporting marks and car numbers CMNW (formerly IHRC) 5016-5024, inclusive, CMNW (formerly IHRC) 16002-16010, inclusive, CMNW (formerly IHRC) 16014, CMNW (formerly IHRC) 16017-16019, inclusive, and CMNW (formerly IHRC) 60157-60160, inclusive.

The addresses of the parties are as follows:

Railcar Management, Inc.  
1819 Peachtree Road, N.E., Suite 303  
Atlanta, Georgia 30309-1847

Chicago, Missouri & Western Railway Company  
625 North Michigan, 23rd Floor  
Chicago, Illinois 60611

I would greatly appreciate your recording the enclosed summary Lease Agreement and returning a copy to me. I am enclosing a check for \$13.00 to cover the filing fee.

Thank you for your assistance.

Very truly yours,

*Kevin R. Armbruster*  
Kevin R. Armbruster

KRA/dlp  
Enclosures  
cc: Mr. Wilds L. Pierce

**Interstate Commerce Commission**  
Washington, D.C. 20423

9/21/89

OFFICE OF THE SECRETARY

Kevin R. Armbruster  
Cushing & Morris  
2323 Peachtree CenterCain Tower  
229 Peachtree Street N.E.  
Atlanta, Georgia 30303

Dear Sir:

The enclosed document(s) was recorded pursuant to the provisions of Section 11303 of the Interstate Commerce Act, 49 U.S.C. 11303, on 9/15/89 at 1:10pm and assigned recordation number(s). 16523

Sincerely yours,



Noreta R. McGee  
Secretary

Enclosure(s)

LEASE AGREEMENT

1. This Lease Agreement is made and entered into as of September 13, 1988, by and between RAILCAR MANAGEMENT, INC., a Georgia corporation acting as agent for owners, and the CHICAGO, MISSOURI & WESTERN RAILWAY COMPANY, an Illinois corporation.

2. Railcar Management, Inc. agrees to lease to Chicago, Missouri & Western Railway Company and Chicago, Missouri & Western Railway Company agrees to and does hereby lease from Railcar Management, Inc. the following:

Twenty-Five (25) 100-ton 4,750-cubic-foot covered hoppers bearing the reporting marks and car numbers CMNW (formerly IHRC) 5016-5024, inclusive, CMNW (formerly IHRC) 16002-16010, inclusive, CMNW (formerly IHRC) 16014, CMNW (formerly IHRC) 16017-16019, inclusive, and CMNW (formerly IHRC) 60157-60160, inclusive.

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INTERSTATE COMMERCE COMMISSION

3. The addresses of the parties are as follows:

Railcar Management, Inc. (Lessor/Agent for owners)  
1819 Peachtree Road, N.E., Suite 303  
Atlanta, Georgia 30309-1847

Chicago, Missouri & Western Railway Company (Lessee)  
625 North Michigan, 23rd Floor  
Chicago, Illinois 60611

4. The term of this Lease Agreement is two (2) years terminating approximately on December 29, 1990, subject to continuing annual options to extend the term for an additional period of one (1) year.

5. The terms and provisions of this Lease Agreement are more particularly set forth in a Lease Agreement of even date by and between Railcar Management, Inc. and the Chicago, Missouri & Western Railway Company.

IN WITNESS WHEREOF, the parties hereto have executed this Lease Agreement as of the day and year first above written.

RAILCAR MANAGEMENT, INC  
(Lessor/Agent for owners)

By: Wilds L. Pierce  
Wilds L. Pierce, President

[CORPORATE SEAL]

CHICAGO, MISSOURI & WESTERN  
RAILWAY COMPANY  
(Lessee)

By: Daniel R. Murray  
Daniel R. Murray, Trustee

STATE OF GEORGIA  
COUNTY OF FULTON

)  
) SS.  
)

On this 10<sup>th</sup> day of August, 1989, before me personally appeared Wilds L. Pierce, to me personally known who, being by me duly sworn, says that he is the President of Railcar Management, Inc., that one of the seals affixed to the foregoing instrument is the seal of said organization, that said instrument was signed and sealed on behalf of said organization by authority of its governing body, and he acknowledged that the execution of the foregoing instrument was the free act and deed of said organization.

IN WITNESS WHEREOF, I hereunder set my hand and official seal.

*Joyce E. Cornelius*  
NOTARY PUBLIC  
Notary Public, Clayton County, Georgia  
My Commission Expires May 30, 1992

(Notarial Seal)

STATE OF ILLINOIS  
COUNTY OF Cook

)  
) SS.  
)

On this 6<sup>th</sup> day of September, 1989, before me personally appeared Daniel R. Murray, to me personally known, who, being by me duly sworn, says that he is the Trustee of Chicago, Missouri & Western Railway Company, and that said instrument was signed on behalf of said organization by authority of its governing body, and he acknowledged that the execution of the foregoing instrument was the free act and deed of said organization.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

*Margarita Llamas*  
NOTARY PUBLIC

(Notarial Seal)

"OFFICIAL SEAL"  
MARGARITA LLAMAS  
Notary Public, State of Illinois  
My Commission Expires Feb 8, 1993