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Doc#: 0529255157 Fee: \$28.50
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
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This document prepared by and when filed, return to:

HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.
320 South Boston, Suite 400
Tulsa, Oklahoma 74103-3708
attn: Matthew T. Crook

MEMORANDUM OF LEASE

This MEMORANDUM OF LEASE is executed this 27 day of September, 2005, by SEMMATERIALS, L.P., an Oklahoma limited partnership ("Lessee").

WHEREAS, The Sanitary District of Chicago, a municipal corporation organized and existing under the laws of the State of Illinois ("Lessor"), and Marine Oil Terminal Company, an Illinois corporation ("Marine Oil"), are parties to that certain Indenture, dated October 24, 1940 (the "Lease") covering certain real property located at 4100 South Cicero Avenue, Stickney, Cook County, Illinois 60804, as more particularly described on Exhibit A attached hereto (the "Premises"); and

WHEREAS, Marine Oil assigned all of its rights and obligations under the Lease to Koch Materials Company, a Delaware corporation ("Koch"), as successor-in-interest to Gustafson Oil Company, a Delaware corporation, and Koch accepted such assignment and assumed the obligations of Marine Oil and agreed to be bound by the terms of the Lease pursuant to that certain Lease Assignment and Acceptance of Assignment between Marine Oil and Koch, dated May 15, 1975; and

WHEREAS, Koch assigned all of its rights and obligations under the Lease to Lessee and Lessee accepted such assignment and assumed the obligations of Koch and agreed to be bound by the terms of the Lease pursuant to that certain Bill of Sale between Koch, KMC Enterprises, Inc., a Delaware corporation, and Lessee, dated May 31, 2005; and

WHEREAS, the undersigned is authorized to file of record, without Lessor's signature, this Memorandum of Lease; and

1. Upon the terms and conditions of the Lease, Lessor leased the Premises to Lessee for a term of ninety-nine (99) years, with the Lease expiring on October 31, 2039.

2. The purpose of this Memorandum of Lease is to give notice of the existence of the Lease and to provide that in the event of conflict the terms of the Lease shall prevail.

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EXHIBIT A

LEGAL DESCRIPTION:

Lot Fifty-four (54) in 'Sanitary District Trustees' Subdivision of right of way from North and South Centerline of Section 30, Township 39 North, Range 14 East of the Third Principal Meridian to Will County Line', except the East fifty (50) feet and the southerly seventeen (17) feet thereof; also, the East Two hundred (200) feet of Lot Fifty-six (56) in the aforesaid subdivision, except the southerly seventeen (17) feet thereof; containing Six and twenty-five hundredths (6.25) acres, more or less.

PIN: 19-04-200-056-0000