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Doc#: 0828433000 Fee: \$42.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 10/10/2008 08:07 AM Pg: 1 of 4

1. **Title of Document:** Partial Release and Discharge of Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing

2. **Date of Document:** as of October 6, 2008

3. **Mortgagor:** Electro-Motive Diesel, Inc.

4. **Mortgagee:** Wachovia Capital Finance Corporation (Central), as Agent

5. **Mailing Address:**  
**Mortgagor:**  
9301 West 55<sup>th</sup> Street  
LaGrange, Illinois 60525

**Mortgagee:**  
150 South Walker Drive  
Chicago, Illinois 60606

6. **Legal description:** See **Exhibit A** annexed to the document.  
Property Tax Numbers: 18-10-300-005-0000, 18-10-300-014-0000, 18-10-300-028-0000 & 18-10-400-009-0000

7. **Reference(s) to Book(s) and Page(s) or Document No(s):**  
Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing recorded on April 6, 2005 as Document No. 0509634140 of the Cook County Recorder's Office.

8. **Prepared By:** Daniel P. Greenstein, Esq.  
Otterbourg, Steindler, Houston & Rosen, P.C.  
230 Park Avenue  
New York, NY 10169

9. **and After Recording Return To:**  
  
Jonathan E. Rothschild  
Rothschild, Barry & Myers LLP  
55 West Monroe Street, St. 3900  
Chicago, Illinois 60603

Box 400-CTCC

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## PARTIAL RELEASE AND DISCHARGE OF MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FIXTURE FILING

THIS PARTIAL RELEASE AND DISCHARGE OF MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FIXTURE FILING, dated as of October 6, 2008, is by WACHOVIA CAPITAL FINANCIAL CORPORATION (CENTRAL), an Illinois corporation, as Agent ("Mortgagee"), having an office at 150 South Wacker Drive, Chicago, Illinois 60606, to ELECTRO-MOTIVE DIESEL, INC., a Delaware corporation ("Mortgagor"), having an office at 9301 West 55<sup>th</sup> Street, LaGrange, Illinois 60525.

### WITNESSETH:

WHEREAS, Mortgagor delivered to Mortgagee the Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing, dated as of April 4, 2005 (the "Mortgage"), recorded in the real estate records of Cook County, Illinois on April 6, 2005 bearing Document Number 0509634140, pursuant to which Mortgagor granted to Mortgagee a mortgage on certain real property, improvements and other related property, as set forth in the Mortgage, described on Exhibit A attached thereto (the "Mortgaged Property");

WHEREAS, Mortgagor has requested that Mortgagee release and discharge the Mortgage with respect to a portion of the Mortgaged Property described on Exhibit A attached hereto (the "Released Parcels"), and Mortgagee is willing to release and discharge the Mortgage with respect to the Released Parcels;

NOW THEREFORE, Mortgagee, does hereby release, discharge, and forever quitclaim to Mortgagor all of the right, title and interest of Mortgagee in and to the Released Parcels which Mortgagee may have by virtue of the Mortgage; it being understood and agreed that Mortgagee reserves and retains in full force and effect the lien of the said Mortgage on the remaining property covered thereby.

[THE REMAINDER OF THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK]

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IN WITNESS WHEREOF, Mortgagee has caused its name to be subscribed to this instrument by its duly authorized officer as of the day and year first written.

WACHOVIA CAPITAL FINANCE CORPORATION (CENTRAL), as Agent

By: *[Signature]*  
 Name: Vicky Geist  
 Title: Director

Property of Cook County Clerk's Office

ACKNOWLEDGMENT

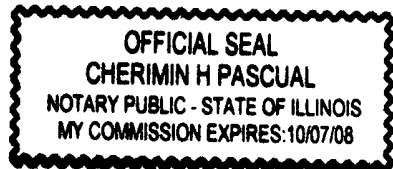
STATE OF ILLINOIS )  
 ) SS.:  
 COUNTY OF COOK )

On this 2nd day of October, 2008, before me, the undersigned, a Notary Public, in and for the county and State aforesaid, personally appeared Vicky Geist, know to be the identical person who subscribed the name of Wachovia Capital Finance Corporation (Central) thereof to the foregoing instrument as a Director, and acknowledged to me that she executed the same as of her own free and voluntary act and deed as such officer, and as the free and voluntary act and deed of such corporation, for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.

*[Signature]*  
 Notary Public

My Commission Expires: 10/07/08



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## EXHIBIT A

Parcel 1:

Lot 1 in McCook Business Park Subdivision of part of the South half of Section 10, Township 38 North, Range 12 East of the Third Principal Meridian in Cook County, Illinois

Parcel 2:

Lot 2 in McCook Business Park Subdivision of part of the South half of Section 10, Township 38 North, Range 12 East of the Third Principal Meridian in Cook County, Illinois

Real Estate Tax Parcel Nos.: 18-10-300-005-0000, 18-10-300-014-0000, 18-10-300-028-0000 & 18-10-400-009-0000

9301 W 95th St.  
Labroni IL

Property of Cook County Clerk's Office