

PATENT ASSIGNMENT

Electronic Version v1.1

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SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	Termination and Release of Security Interest in Patents
CONVEYING PARTY DATA	
Name	Execution Date
Bank of America, N.A. (as successor to a merger with Fleet National Bank)	09/15/2006
RECEIVING PARTY DATA	
Name:	Peabody Development Company (successor in interest to Peabody Coal Company)
Street Address:	701 Market Street
City:	St. Louis
State/Country:	MISSOURI
Postal Code:	63101
PROPERTY NUMBERS Total: 4	
Property Type	Number
Patent Number:	4100034
Patent Number:	4409067
Patent Number:	4417528
Patent Number:	4469557
CORRESPONDENCE DATA	
Fax Number:	(212)455-2502
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Phone:	(212) 455-7609
Email:	ksolomon@stblaw.com
Correspondent Name:	Kirstie Howard, Esq.
Address Line 1:	Simpson Thacher & Bartlett LLP
Address Line 2:	425 Lexington Avenue
Address Line 4:	New York, NEW YORK 10017
ATTORNEY DOCKET NUMBER:	072735/0010
NAME OF SUBMITTER:	Kirstie Howard

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PATENT
REEL: 018407 FRAME: 0930

Total Attachments: 4

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PATENT

REEL: 018407 FRAME: 0931

TERMINATION AND RELEASE OF SECURITY INTEREST IN PATENTS

This RELEASE OF SECURITY INTEREST IN PATENTS, dated as of September 15, 2006 (the "Release"), is made by BANK OF AMERICA, N.A. ("BofA"), pursuant to the termination of that certain Second Amended and Restated Credit Agreement dated as of March 21, 2003, by and among the Borrower, Fleet Securities, Inc., Wachovia Securities, Inc. and Lehman Brothers Inc., each as arranger, Wachovia Bank, National Association and Lehman Commercial Paper Inc., each as syndication agent, Morgan Stanley Senior Funding, Inc. and U.S. Bank National Association, each as documentation agents and Fleet National Bank, as administrative agent for the Agents and the lenders party thereto on the Effective Date (the "Original Lenders"), as amended through the date hereof (the "Original Credit Agreement").

WITNESSETH

WHEREAS, pursuant to the Original Credit Agreement, that certain Notice of Successor Administrative Agent dated as of December 19, 2001, by and among PEABODY DEVELOPMENT COMPANY, a Delaware corporation, and FLEET NATIONAL BANK ("Fleet", now known as BofA), that certain Notice of Successor Administrative Agent dated as of December 19, 2001, by and among PEABODY COAL COMPANY, a Delaware corporation, and Fleet, and that certain Notice of Successor Administrative Agent dated as of December 19, 2001, by and among EASTERN ASSOCIATED COAL CORP., a Delaware corporation, and Fleet (collectively, the "Notices"; PEABODY DEVELOPMENT COMPANY, PEABODY COAL COMPANY AND EASTERN ASSOCIATED COAL CORP. being referred to collectively herein as the "Pledgors"), the Pledgors granted BofA (as successor administrative agent upon the resignation of Bank One, N.A. (f/k/a The First National Bank of Chicago) as administrative agent on December 31, 2001), for the equal and ratable benefit of the Agents and the Lenders, a first priority security interest in all of Pledgors' right, title and interest in, to and under each of the Patents and Patent Licenses, if any, described in Schedule A, as well as the rights of Pledgors to collect royalties under such Patent Licenses;

WHEREAS, BofA acknowledges full payment, complete performance and satisfaction of all obligations pursuant to the Original Credit Agreement and the Notices;

WHEREAS, the Pledgors have requested that BofA release its security interest in the Patents, as defined in the Original Credit Agreement and the Notices in connection with the termination of the Original Credit Agreement (the "Released Collateral").

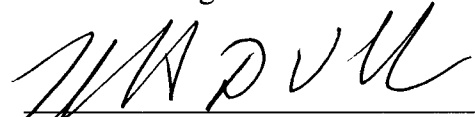
NOW, THEREFORE, in consideration of the foregoing, and for good and valuable consideration including the satisfaction of all obligations, indebtedness and liabilities secured by the Patents and Patent Licenses pursuant to the Original Credit Agreement and the Notices, the receipt and adequacy of which are hereby acknowledged, BofA hereby TERMINATES, RELEASES, and DISCHARGES without recourse, all of its security interest in

the Patents and Patent Licenses listed on Schedule A attached hereto and incorporated herein by reference, and any right, title or interest of BofA in such Patents and Patent Licenses shall hereby cease and become void.

BofA agrees to provide the Pledgors with any information and additional authorization, and to do such other acts as may be reasonably necessary to effect the release of its security interest in the Released Collateral as contemplated hereby.

IN WITNESS WHEREOF, BofA has executed this Release as of the date first set forth above.

BANK OF AMERICA, NATIONAL ASSOCIATION,
as successor to a merger with Fleet National Bank

By: 

Name: ROBERT D. VALZONA

Title: MANAGING DIRECTOR

SCHEDULE A

Peabody Development Company

PATENTS

4,100,034	Quenching Method
4,409,067	Quenching Method and Apparatus
4,417,528	Coal Gasification Process and Apparatus
4,469,557	Process for Calcining and Carbonizing Petroleum Coke

PATENT LICENSES

None