

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	Termination and Release of Security Interest in Trademarks		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Bank of America, N.A. (as successor to a merger with Fleet National Bank)		09/15/2006	National Association:
RECEIVING PARTY DATA			
Name:	Peabody Coal Company		
Street Address:	701 Market Street		
City:	St. Louis		
State/Country:	MISSOURI		
Postal Code:	63101		
Entity Type:	CORPORATION: DELAWARE		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Serial Number:	73453064	SENECA	
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		
Signature:	/kh/		

OP \$40.00 73453064

Date:

10/20/2006

Total Attachments: 4

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**TERMINATION AND RELEASE OF SECURITY INTEREST IN
TRADEMARKS**

This RELEASE OF SECURITY INTEREST IN TRADEMARKS, 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").

W I T N E S S E T H

WHEREAS, pursuant to the Original Credit Agreement and that certain Second Notice of Successor Administrative Agent (the "Second Notice"), dated as of March 21, 2003 by and among PEABODY COAL COMPANY, a Delaware corporation (the "Pledgor"), and FLEET NATIONAL BANK (now known as BofA), and recorded with the U.S. Patent and Trademark Office on March 28, 2003 at Reel/Frame No. 2703/0220 , the Pledgor 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 its benefit and the benefit of the other agents and the Original Lenders, a first priority security interest in, all of its right, title and interest in and to each of the Trademarks (as defined below) described in Schedule A;

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

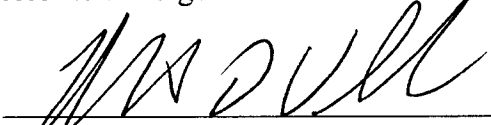
WHEREAS, the Pledgor has requested that BofA release its security interest in the Trademarks, as defined in the Original Credit Agreement and the Second Notice in connection with the termination of the Original Credit Agreement (the "Released Collateral").

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 Trademarks pursuant to the Original Credit Agreement and the Second Notice, the receipt and adequacy of which are hereby acknowledged, BofA hereby TERMINATES, RELEASES, and DISCHARGES without recourse, all of its security interest in the Trademarks listed on Schedule A attached hereto and incorporated herein by reference, and any right, title or interest of BofA in such Trademarks shall hereby cease and become void.

BofA agrees to provide the Pledgor 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 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. VALBINA

Title: MANAGING DIRECTOR

SCHEDULE A

Peabody Coal Company

TRADEMARKS

Trademark	Registration Number
Seneca	73453064