delivery by the Trustees of such disclaimer, quitclaim, waiver, consent or confirmation.

(b) An officers' certificate, dated within 5 days of the date of the application, reciting the transfer or other disposition, describing in reasonable detail the property to be transferred or disposed of, stating that such property is not subject to the lien hereof, or that the transfer or other disposition thereof is authorized by § 9.02; stating that a written disclaimer, quitclaim, waiver, consent or confirmation by the Trustees is appropriate.

(c) An opinion of counsel, dated within 5 days of the date of the application, stating that such property is not subject to the lien hereof or required to be subjected thereto by any of the provisions hereof, or that the transfer or other disposition thereof is authorized by § 9.02; and stating that the execution of such disclaimer, quitclaim, waiver, consent or confirmation is appropriate.

ARTICLE 10.

Application of Moneys Received by the Trustee.

§ 10.01. Any moneys held by the Trustee as a part of the trust estate [other than moneys (*i*) in the Pipe Line Construction Fund, (*ii*) deposited with the Trustee pursuant to § 5.03 or on account of construction liens or judgment liens or other liens prior to the lien of this Indenture, and (*iii*) received by the Trustee pursuant to Article 8] shall be paid over from time to time by the Trustee upon the application of the Company in amount equal to the cost to the Company, or the fair value to the Company if the fair value is less than the cost, of gross property additions purchased, constructed or otherwise acquired by the Company during the period specified pursuant to § 10.01(b)(1), but only upon the receipt by the Trustee of:

(a) A certified resolution authorizing the application for the withdrawal from the trust estate of cash in the amount therein specified.

(b) An engineer's certificate, dated within 30 days prior to the date of the application, stating in substance:

(1) The cost to the Company of the gross property additions purchased, constructed or otherwise acquired by the Company during the period specified in such certificate, commencing:

(*a*) in the case of withdrawal of moneys received by the Trustee pursuant to § 9.03, § 9.04, or § 9.05 upon the release of any property from the lien of this Indenture, on a date not earlier than the date of the application for such release or the date of the receipt by the Trustee of such moneys, whichever is earlier,

(*b*) in the case of withdrawal of moneys deposited with the Trustee pursuant to § 6.06, on the date of the loss or destruction of the property with respect to which such moneys were deposited, and

(*c*) in the case of withdrawal of any other moneys which may be withdrawn pursuant to this § 10.01, on a date not earlier than the date of the receipt by the Trustee of such moneys;

also the fair value to the Company of the property additions included in the certificate, which fair value, if it is less than the cost thereof to the Company, shall be used in determining the amount at which such property additions are included in the certificate. Such gross property additions shall be described, the cost and fair value shall be stated, and the total of such property additions shall be determined, in the manner provided in § 5.02(a)(2) except that there shall not be included in the certificate any property additions which have been retired.

(2) The amount of cash theretofore withdrawn pursuant to this § 10.01 on the basis of such gross property additions.

(3) The amount of the gross property additions available as the basis for the granting of the application then being made, which shall be computed by taking the amount stated pursuant to paragraph (1) of this § 10.01(b) and subtracting therefrom the amounts stated pursuant to paragraph (2) of this § 10.01(b).

(4) That the gross property additions described in such certificate are property additions as defined in Article 1; that the distribution made by the signers of the cost or fair value to the Company of any such property additions is, in the opinion of the signers, proper; that no portion of such gross property additions has theretofore been included in a certifi-