

MORTGAGE RECORD 75

585

STATE OF KANSAS
DOUGLAS COUNTY, SS.

BE IT REMEMBERED, That on this 21st day of August A. D. 1929 Before me, the undersigned, a Notary Public in and for said County and State, came George C. Foster President and I. C. Stevenson Secretary, of the Lawrence Building and Loan Association who are personally known to me to be the same persons who executed the within release, and such persons duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year last above written.

Legal Seal

L. E. Eby
Notary Public, Douglas County, Kansas

Term Expires April 21, 1930.

Recorded August 22, 1929 A. D. at 3:00 P. M.

E. C. Armstrong Register of Deeds

MORTGAGE

SUPPLEMENTAL INDENTURE, dated as of the first day of November, 1928, by and between Cities Service Gas Company, a corporation organized and existing under the laws of the State of Delaware (hereinafter called the Company), party of the first part, Central Hanover Bank and Trust Company (formerly Central Union Trust Company of New York), a corporation organized and existing under the laws of the State of New York and Commerce Trust Company, a corporation organized and existing under the laws of the State of Missouri and having its principal place of business in Kansas City, Mo., as Trustees under the Mortgage and Indenture of Trust hereinafter mentioned (hereinafter called respectively the "Central Company" and the "Commerce Company," and together the "Trustees"), parties of the second part:

WITNESSETH:

WHEREAS, the Company has heretofore executed and delivered a Mortgage and Indenture of Trust (hereinafter referred to as the "Original Indenture"), dated as of May 1, 1927, to the Trustees (the name of Central Company then being Central Union Trust Company of New York), to secure Bonds of the Company without limit as to aggregate authorized principal amount; and

WHEREAS, the Original Indenture provides that said Bonds shall be issuable in one or more series and makes provision therein for the issuance of an initial series of Bonds to be designated as the First Mortgage Pipeline $5\frac{1}{2}\%$ Gold Bonds, Series of 1927, of the Company, for an aggregate principal amount not exceeding \$25,000,000 and further makes provision that in the event of the authorization of any subsequent series of such Bonds, the Company shall execute and deliver to the Trustees a Supplemental Indenture providing for the issuance of such series and that the Bonds of such subsequent series shall be in such form and shall contain such provisions, and the Supplemental Indenture providing for the issuance thereof shall contain such provisions as may be determined by the Board of Directors of the Company and as shall not be in conflict with any of the provisions of the Original Indenture; and

WHEREAS, the Company, in the exercise of the powers and authority conferred upon and reserved to it under and by virtue of the provisions of the Original Indenture, and pursuant to the resolutions of its Board of Directors, has duly resolved and determined to make, execute and deliver to the Trustees a Supplemental Indenture in the form hereof for the purposes herein provided; and

WHEREAS, the conditions and requirements necessary to make this Supplemental Indenture a valid, binding and legal instrument in accordance with its terms, have been done, performed and fulfilled and the execution and delivery hereof have been in all respects duly authorized;

NOW, THEREFORE, THIS INDENTURE WITNESSETH:

That the Company for itself and its successors in consideration of the premises and of One Dollar, to it duly paid by the Trustees at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, and of other good and valuable considerations, hereby jointly and severally covenants and agrees to and with the Trustees and their respective successors in trust under the Original Indenture, as follows:

ARTICLE I.

Form And Execution Of Bonds.

Section 1.--A new series of Bonds to be issued under and secured by the Original Indenture is hereby created to be designated as the First Mortgage Pipeline $5\frac{1}{2}\%$ Gold Bonds, Series of 1928, of the Company (hereinafter called the Bonds of the 1928 Series). The amount of Bonds of 1928 Series which may be executed by the Company and which may be authenticated by the Central Company is not limited, except as otherwise provided in the Original Indenture or this Supplemental Indenture. Bonds of the 1928 Series shall be due May 1, 1942, and shall bear interest at the rate of $5\frac{1}{2}\%$ per annum, payable semi-annually on the first day of May and the first day of November in each year. Bonds of the 1928 Series shall consist of coupon Bonds, to be issued in the denominations of \$100, \$500 and \$1,000 and to be numbered respectively from C1, D1 and M1 consecutively upwards; and of registered Bonds without coupons, to be issued in denominations of \$1,000 numbered consecutively from R1 upwards and of any multiple of \$1,000, each such denomination being numbered consecutively from R1 upwards, with such appropriate distinctive letter prefixed to the number as the officers of the Company may select for each denomination above \$1,000.

Coupon Bonds of the 1928 Series shall be dated November 1, 1928, irrespective of the date of the actual execution and issue thereof, and shall bear interest from such date.

Upon the issuance of any registered Bond of the 1928 Series there shall, if required by the rules of the New York Stock Exchange, be reserved unissued a coupon Bond or Bonds of the same series of a like aggregate principal amount, and the serial numbers of the coupon Bond or Bonds so reserved unissued shall be endorsed on such registered Bond in such appropriate manner as may be necessary or advisable to comply with the rules of the New York Stock Exchange.

Section 2.--The Bonds of the 1928 Series and the coupons to be annexed thereto and the Central Company's Certificate to be endorsed thereon are to be substantially in the following forms respectively, with appropriate insertions, omissions and variations as in this Supplemental Indenture provided, to wit:

(Form Of Coupon Bond)

No.....

UNITED STATES OF AMERICA
State Of Delaware

CITIES SERVICE GAS COMPANY

\$.....

First Mortgage Pipeline $5\frac{1}{2}\%$ Gold Bond, Series of 1928, Due May 1, 1942.

See Release and Book 13 page 534