

MORTGAGE RECORD No. 79

shall have power (1) to assent to and authorize any waiver, modification or compromise of the rights of the bondholders and of the Trustee against the Company or against any property subject to this Mortgage, whether such right shall arise under these presents or otherwise, and (2) to assent to and authorize any modification of the provisions of this Mortgage that shall be proposed by the Company and recommended by the Trustee, and any action herein authorized to be taken with the assent and authority given as aforesaid of the holders of fifty per cent (50%) in amount of the Bonds hereby secured for the time being outstanding, shall be binding upon the holders of all of the bonds hereby secured and upon the Trustee as effectively as though such action were specifically and expressly authorized by the terms of this Mortgage; provided, always, that the obligation of the Company to pay the principal of the bonds at maturity (as fixed in said bonds or in any instrument executed by the bondholders as herein provided assenting to the extension of such maturity) with interest thereon shall continue unimpaired. Any modifications of the provisions of this Mortgage so made as aforesaid shall be set forth in a supplemental Mortgage between the Trustee and the Company, which shall be recorded in the same manner as this mortgage.

Section 3. The Company may from time to time by a supplemental Mortgage executed by the Company pursuant to a resolution evidencing appropriate corporate action, and by the Trustee, (a) impose upon the Company conditions or restrictions additional to those contained in this Mortgage with respect to releasing the property from the lien of this Mortgage or the proceeds of insurance money and the proceeds of released property or (b) undertake covenants additional to, but not inconsistent with, those contained in this Mortgage, or (c) create one or more additional sinking funds for the benefit of all the bonds hereby secured.

From and after the execution of any such supplemental Mortgage, the covenants and conditions contained therein shall be deemed a part of this Mortgage and shall bind the Company and the Trustee as effectively as the covenants and conditions in this Mortgage at the time of its execution and the Trustee and the bondholders shall have the same remedies for breach thereof as are provided with respect to breach of the provisions and covenants now contained in this Mortgage.

Section 4. Stern Brothers & Co., a Delaware corporation with an office in Kansas City, Missouri, is hereby appointed and designated as the Fiscal Agent of the Company for the purpose of paying the principal and interest on the bonds issued under this Mortgage with funds which the Company agrees to furnish for that purpose. Any funds deposited with the Fiscal Agent for the purpose of paying or retiring principal or interest of the bonds shall be deemed to be a trust fund and held as such by Stern Brothers & Co., and upon the due date of said principal or interest the holders of the bonds and coupons, for the payment of which such funds have been deposited, shall only look to said funds for the payment of such principal or interest, and the Company and its mortgaged property shall be released from any liability therefor, and such bonds and coupons shall not thereafter be entitled to the benefit of the lien created hereby.

In the event Stern Brothers & Co. resigns as Fiscal Agent (which it may do by written notice to the Trustee and the Company), then The First National Bank of Kansas City shall be successor Fiscal Agent with all of the rights, duties and powers of its predecessor Fiscal Agent, and Stern Brothers & Co., concurrently with its resignation, shall deliver to its successor all funds held by it as such Fiscal Agent with a verified statement of the purposes for which the same were deposited with it by the Company.

IN TESTIMONY WHEREOF, The Central West Utility Company (of Kansas) has caused these presents to be signed in its name and behalf by its President or a Vice-President and its corporate seal to be hereto affixed, and attested by its Secretary or an Assistant Secretary, and The First National Bank of Kansas City, in token of its acceptance of the trusts hereby created, has caused this instrument to be duly executed by its authorized officers this 1st day of June, 1936.

THE CENTRAL WEST UTILITY COMPANY (OF KANSAS)

(Corp. Seal.)

BY: Howard Flagg,

President.

THE FIRST NATIONAL BANK OF KANSAS CITY

(Corp. Seal.)

BY: G. P. Reichel

Trustee Vice President

ATTEST:

Louis H. Ehtish, Jr.

.....

Secretary

ATTEST:

Sidney Silverman

.....

Secretary

STATE OF MISSOURI)

COUNTY OF JACKSON) ss

BE IT REMEMBERED, That on this 1st day of June, A.D., 1936, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Howard Flagg, President of The Central West Utility Company (of Kansas), a corporation duly organized, incorporated and existing under and by virtue of the laws of Kansas, and Louis H. Ehtish, Jr. Secretary of said corporation, who are personally known to me such officers, and who are personally known to me to be the same persons who executed, as such officers, the within instrument of writing on behalf of said corporation, and such persons duly acknowledge the execution of the same to be the act and deed of said corporation.

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

My commission expires May 25, 1938.

H. Spurlock

..... Notary Public

(Seal)

STATE OF MISSOURI)

COUNTY OF JACKSON) ss

BE IT REMEMBERED, That on this 1st day of June A.D., 1936, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came G. P. Reichel - Vice-President of The First National Bank of Kansas City, a corporation duly organized, incorporated and existing and by virtue of the laws of the United States, and Sidney Silverman Secretary of said corporation, who are personally known to me to be such officers, and who are personally known to me to be the same persons who executed, as such officers, the within instrument of writing on behalf of said corporation, and such persons duly acknowledge the execution of the same to be the act and deed of said corporation.

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

My commission expires August 7, 1936

Helen G. Dean

..... Notary Public

(Seal)

Recorded June 5, 1936, 8:00 A.M.

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Nancy R. Beck
Register of Deeds.

Copies of this instrument are on file in the office of the Register of Deeds, Kansas City, Mo. at 1-14-36 (No. 4 266 8/62)