

MORTGAGE RECORD 83

III.

ALSO all real estate, and all interests therein, hereafter acquired by the Company.

IV.

ALSO all gas plants, stations, substations, warehouses, houses, shops, garages, offices and other buildings and structures of whatever description, gas wells, casings, holders, tanks, washers, purifiers, regulators, compressing and reducing stations and gas works of every nature and description whatsoever, together with all and singular the equipment, fixtures, fittings, appliances and apparatus appurtenant thereto of every nature and description whatsoever, now owned by the Company or which it may hereafter acquire, including also all and singular the machinery, engines, boilers, furnaces, generators, dynamos, turbines, motors, condensers, pumps and compressors and all and every character of equipment, fixtures, fittings, appliances and apparatus for obtaining, making, producing, generating, storing or otherwise making available gas, whether artificial or natural, and any other agencies for light, heat, cold or power.

ALSO all gathering, transmission and distribution systems used for the gathering, transmission and distribution of gas, whether artificial or natural, and any other agencies for light, heat, cold or power, whether underground, surface or overhead or otherwise, now owned by the Company or which it may hereafter acquire, including all conduits, mains, pipes, gates, valves, tubes, drains, motors, lamps, junction boxes, services and other equipment, fixtures, fittings, appliances and apparatus of whatever character.

ALSO all inventions and patent rights of every kind now owned by the Company, which it may hereafter acquire.

ALSO all franchises, permits, ordinances, grants, consents, privileges, immunities and licenses, all rights to construct, maintain and operate overhead, surface and underground systems for the gathering, transmission and distribution of gas, whether artificial or natural, and any other agencies for the supply to itself or others of light, heat, cold or power; all rights-of-way and easements; all leaseholds and fixtures appurtenant thereto whether such franchises, permits, ordinances, grants, consents, privileges, immunities, licenses, rights to construct, maintain and operate, rights-of-way, easements, leaseholds and fixtures are now owned or may hereafter be acquired by the Company.

VI.

ALSO all property, real personal and mixed (except as herein expressly excepted) of every nature and kind and wheresoever situate, whether or not hereinabove specifically described, and all interests therein, now owned or hereafter acquired by or belonging to the Company or to which it now is, or may at any time hereafter be, in any manner entitled at law or in equity.

VII.

ALSO any and all property of every kind or description which may at any time or from time to time after the date of this Indenture by delivery or by writing of any kind be conveyed, mortgaged, pledged, assigned or transferred to the Trustees by the Company, or by any person, firm, association or corporation with the consent of the Company, or otherwise as expressly permitted by the terms of this Indenture, and accepted by the Trustees, to be held as part of the mortgaged property; and the Trustees are hereby authorized to accept and receive any such property and any such conveyance, mortgage, pledge, assignment or transfer as and for additional security hereunder, and to hold and apply any and all such property subject to and in accordance with the terms and provisions upon which such delivery, conveyance, mortgage, pledge, assignment or transfer shall be made.

VIII.

TOGETHER with all and singular the tenements, hereditaments and appurtenances belonging or in anywise appertaining to the aforesaid properties or any part thereof, with the reversion and reversions, remainder and remainders, tolls, rents, revenues, issues, income, product and profits thereof, and all the estate, right, title, interest and claim whatsoever, at law as well as in equity, which the Company now has or may hereafter acquire in and to the aforesaid properties and every part and parcel thereof.

EXPRESSLY EXCEPTING AND EXCLUDING, HOWEVER, from this Indenture and from the lien and operation hereof:

(a) all bills, notes and accounts receivable, cash on hand and in bank, contracts, leases to others and operating agreements;

(b) all shares of stock and other certificates or evidences of interest therein and all bonds, notes and other evidences of indebtedness or certificates of interest therein and all other securities not herein or hereafter specifically mortgaged and pledged hereunder by specific delivery and assignment thereof to the Trustees or covenanted so to be;

(c) all equipment, materials, goods, merchandise, appliances and supplies acquired by the Company for the purpose of sale in the ordinary course and conduct of the business of the Company or to its customers or for the purpose of consumption in the operation of any of the properties of the Company; and

(d) all motor cars, motor trucks and other vehicles;

whether now owned or hereafter acquired by the Company, provided, however, and it is hereby expressly agreed, that upon the happening of an event of default specified in Section 85 hereof all the property hereinabove in this paragraph described or included and then possessed by or belonging to the Company shall forthwith become and be, to the extent permitted by law, subject to the lien and operation of this Indenture, and all such property or the evidences of the same, shall forthwith be conveyed, mortgaged, pledged, assigned, transferred and delivered to the Trustees; provided further, however, that if such event of default so happening shall have been duly cured, removed or waived, all of such property shall forthwith cease to be subject to the lien and operation of this Indenture, and all thereof, or the evidences of the same, shall forthwith be reconveyed and redelivered to the Company, and the Company and the Trustees shall be restored to their former positions and rights hereunder.

AND FURTHER EXPRESSLY EXCEPTING AND EXCLUDING from this Indenture and from the lien and operation hereof, all properties, rights and franchises owned by any other corporation of whatever character, shares of stock or other securities whereof, or obligations secured by lien upon the properties, rights or franchises whereof, may be now owned or hereafter acquired or possessed by the Company, notwithstanding the fact that the Company may own or hereafter acquire all or substantially all of the shares of stock or other securities issued by, or obligations secured by lien upon the properties, rights or franchises of, any such corporation, or that any such corporation may be incorporated or organized at the instance of or for the account of the Company, or that all or any part of the shares of stock or other securities or obligations of such corporation may be specifically subjected to the lien hereof by the Company.

TO HAVE AND TO HOLD all said properties, real personal and mixed, mortgaged, pledged or conveyed by the Company as aforesaid, or intended so to be, unto the Trustees and their successors in the trust and their assigns forever;

SUBJECT, HOWEVER, to the exceptions and reservations and matters hereinabove recited, to the lien of taxes for the current year and taxes and assessments not due, to easements, rights-of-way and other similar encumbrances which the Company hereby certifies, in its judgment, do not impair and will not impair the use of said property by the Company in its business, to liens existing upon or claims against the lands underlying easements and rights-of-way now owned or hereafter acquired by the Company