

MORTGAGE RECORD 85

tenor, purport and effect, and to secure the performance and observance of all the covenants and conditions therein and herein contained, and to declare the terms and conditions upon and subject to which the Bonds are to be issued, secured and held, and for and in consideration of the premises and of the mutual covenants herein contained and of the purchase and acceptance of the Bonds by the holders or registered owners thereof and of the sum of One Dollar lawful money of the United States of America duly paid to the Company by the Trustee at or before the encasing and delivery hereof and for other valuable considerations, the receipt whereof is hereby acknowledged, Kansas Public Service Company has executed and delivered this Indenture and has granted, bargained, sold, aliened, remised, released, conveyed, assigned, transferred, mortgaged, pledged, set over and confirmed, and by these presents does grant, bargain, sell, alien, remise, release, convey, assign, transfer, mortgage, pledge, set over and confirm unto The Fourth National Bank in Wichita, Kansas, as Trustee, and to its successors in the trust, and to its assigns forever, all and singular the following described properties, rights, privileges and franchises, real personal or mixed, tangible or intangible (which collectively are hereinafter sometimes called the "trust estate" or the "mortgaged property"), to wit:

I.
The gas distributing plant and system located in and about the City of Lawrence, Douglas County, State of Kansas, together with all the branches and extensions thereof, including the lands and/or interests in land on which the same and every part thereof is situated, and all buildings, structures, gas holders, expansion tanks, gas mains, meters, services, tanks, conduits, regulator pits, regulators, pipes, fittings, valves, connections and all appurtenances, appliances and equipment and all other property real, personal or mixed, within or without said city, owned and forming a part of or used, occupied or enjoyed in connection with or in anywise appertaining to said distributing plant and system, or used for the supplying of gas to any of the patrons of the Company, and all rights of way, easements, permits, privileges, franchises, licenses, consents or rights for or relating to the construction, maintenance or operation thereof, through, over, under or upon any public streets or highways or land, public or private, including particularly, but without thereby limiting the generality of the foregoing, the following described real estate owned by the Company, to wit:

(a) West twenty-five (25) feet of Lot forty-five (45), on New Hampshire Street in the City of Lawrence, in Douglas County, Kansas.

(b) South twelve (12) feet of Lot forty-one (41), in Block two (2) in that part of the City of Lawrence formerly known as North Lawrence, in Douglas County, Kansas.

(c) All that part of Reserve No. 11, in the City of Lawrence, in Douglas County, Kansas, and that part of Lot 1, in Section thirty-one (31), Township Twelve (12), Range twenty (20), in the City of Lawrence, in Douglas County, Kansas, lying south and west of the following described line: Beginning at a point on the north line of Eighth (8th) Street in said City, which lies Three Hundred Twelve and Five-tenths (312.5) feet east of the Northeast Corner of Eighth (8th) and Pennsylvania Streets in said City; thence Northwest to a point in the north line of said Reserve No. 11, which lies Sixteen and one-tenth (16.1) feet east of the Northwest corner of said Reserve No. 11, said line being established by the deed to the Atchison, Topeka & Santa Fe Railway Company recorded in Deed Book 114 at page 341, in Douglas County, Kansas.

(d) Lots five (5), nine (9) and eleven (11), all on Pennsylvania Street in the City of Lawrence, in Douglas County, Kansas.

II.
All of the rights, privileges and franchises of the Company, including particularly, but without thereby limiting the generality of the foregoing, the following:

That certain ordinance No. 1458 passed and approved by the Board of Commissioners of the City of Lawrence, Kansas, on May 6, 1924 granting to Citizens Light, Heat & Power Company, a corporation, its associates, successors and assigns, the right to operate and maintain its plant, and to construct, erect, maintain and operate such further plant as may be necessary for the manufacture and distribution of manufactured or natural gas to the City of Lawrence, Kansas, and the inhabitants thereof, for the period of twenty years from and after the approval of said ordinance.

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, meters, 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 or which it may hereafter acquire.

V.
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 wherever situated, 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 be delivered or by writing of any kind be conveyed, mortgaged, pledged, assigned or transferred to the Trustee by the Company, or by any person, firm, association or corporation with the consent of the Company, or otherwise as expressly permitted or required by the terms of this Indenture, and accepted by the Trustee, to be held as part of the mortgaged property; and the Trustee is 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,