

MORTGAGE RECORD 85

moneys received by the New York Trustee as proceeds of the sale of or insurance upon any part of the Trust Estate, and all other moneys elsewhere herein provided to be held and applied as in this Article provided, and all moneys, if any (but in no event including Deposited Cash as defined in Section 31), received by the New York Trustee whose disposition is not elsewhere herein otherwise specifically provided for,--(herein sometimes called "Trust Moneys", whether the same be Bonded Cash or Unbonded Cash) shall be held by the New York Trustee as a part of the Trust Estate, and, upon default in the payment of the principal of any of the Bonds when and as the same shall become due and payable, whether by the terms thereof or by declaration or otherwise, as herein provided, said moneys shall, unless and until such default shall be remedied, be applicable only to the purposes specified in, and in accordance with the provisions of, Section 114; but, unless, to the knowledge of the New York Trustee, a default on the part of the Company under any of the provisions of this Indenture shall have happened and shall not have been remedied, all or any part of said Trust Moneys, at the request and election of the Company, may be withdrawn from and shall be applied by the New York Trustee from time to time as provided in Section 56, 57, 58 or 59.

Section 56. Trust Moneys may be withdrawn and shall be paid by the New York Trustee upon the Written Order of the Company at any time and from time to time, upon receipt by and deposit with the New York Trustee of the following:

A. A RESOLUTION OF THE BOARD, requesting the withdrawal and payment of a specified amount of Trust Moneys, and designating the Trust Moneys so to be withdrawn.

B. A CERTIFICATE OF THE COMPANY, stating whether any of the Trust Moneys so to be withdrawn is Bonded Cash.

C. THE CERTIFICATES, OPINIONS AND OTHER INSTRUMENTS which the Company would be required to furnish to the New York Trustee, upon an application for the authentication and delivery of Bonds on the basis of Property Additions under Article Four, but with the following variations and omissions of the instruments specified in Section 25, to wit:

(1) Clause (1) of the Property Additions Certificate shall contain an additional statement to the effect that none of the Property Additions therein described has been acquired by the Company more than 30 days prior to the date when the New York Trustee received the Trust Moneys whose withdrawal is then requested (or in the case of Trust Moneys representing the proceeds of purchase money or governmental obligations, the date when the New York Trustee received such obligations);

(2) There shall be an additional statement in Clause (2) of the Property Additions Certificate, to the effect that none of the Property Additions therein described has in any other previous or then pending application been made the basis for the release of any Unbonded Property from the lien of this Indenture, or for the withdrawal of any Unbonded Cash from the New York Trustee or other holder of a Prior Lien and that none of said Property Additions includes any property acquired or constructed by the Company in performance of its duty to replace old, inadequate, obsolete or worn out Unbonded Property disposed of pursuant to Paragraph A of Section 40, or to repair, replace, or restore insured Unbonded Property which shall have been damaged or destroyed but the proceeds of the insurance on which shall not have been required to be paid to the New York Trustee pursuant to the provisions of Section 77; and said Property Additions Certificate need not contain the statements required by Clauses (11) and (12) thereof;

(3) It shall not be necessary for the Company to deliver to the New York Trustee the Resolution required by Paragraph A, the Retirements Certificate required by Paragraph E, the Earnings Certificate required by Paragraph F, or any of the Certificates or parts of the Opinion of Counsel referred to in Clauses (5), (6) and (7) of Paragraph 1, of Section 25;

(4) The Summary Certificate required by Paragraph G of Section 25 shall show only Gross Additions Before Replacement Deductions, and shall not include any Additions Credit.

D. AN OPINION OR OPINIONS OF COUNSEL, stating that the instruments which have been or are therewith delivered to the New York Trustee conform to the requirements of this Indenture and constitute sufficient authority under this Indenture for the New York Trustee to pay over the Trust Moneys applied for, and that upon the basis of the acquisition of the Property Additions described in the Property Additions Certificate delivered to the New York Trustee pursuant to Paragraph C of this Section, the Trust Moneys whose withdrawal is then requested may be lawfully paid over under this Section.

Subject to the provisions of Section 60, upon compliance with the foregoing provisions of this Section, the Company shall be entitled to withdraw and the New York Trustee shall pay upon the Written Order of the Company an amount of Trust Moneys up to, but not exceeding, the amount of the Gross Additions Before Replacement Deductions so certified to the New York Trustee pursuant to Paragraph C of this Section.

Section 57. At any time and from time to time whenever the Company shall become entitled to the authentication and delivery of Bonds on the basis of Net Bondable Additions under any of the provisions of Article Four, Trust Moneys may be withdrawn and shall be paid by the New York Trustee on the Written Order of the Company at any time and from time to time upon receipt by and deposit with the New York Trustee of the following:

A. A RESOLUTION OF THE BOARD, requesting the withdrawal and payment of a specified amount of Trust Moneys and designating the Trust Moneys so to be withdrawn.

B. A CERTIFICATE OF THE COMPANY, stating whether any of the Trust Moneys so to be withdrawn is Bonded Cash.

C. THE CERTIFICATES, OPINIONS AND OTHER INSTRUMENTS which the Company would be required to furnish to the New York Trustee, upon an application for the authentication and delivery of Bonds on the basis of Net Bondable Additions under Article Four, but with the following variations and omissions of the instruments specified in Section 25, to wit:

(1) Clause (1) of the Property Additions Certificate shall contain an additional statement to the effect that none of the Property Additions therein specified has been acquired by the Company more than three years prior to the date when the New York Trustee received the Trust Moneys whose withdrawal is then requested (or in the case of Trust Moneys representing the Proceeds of purchase money or governmental obligations, the date when the New York Trustee received such obligations);

(2) There shall be an additional statement in Clause (2) of the Property Additions Certificate to the effect that none of the Property Additions therein described has in any other previous or then pending application been made the basis for the release of any Unbonded Property from the lien of this Indenture or for the withdrawal of any Unbonded Cash from the New York Trustee or from the trustee or other holder of a Prior Lien and that none of said Property Additions includes any property acquired or constructed by the Company in the performance of its duty to replace old, inadequate, obsolete or worn out Unbonded Property disposed of pursuant to Paragraph A of Section 40, or to repair, replace or restore insured Unbonded Property which shall have been damaged or destroyed but the proceeds of the insurance on which shall not have been required to be paid to the New York Trustee pursuant to the Provisions of Section 77.

(3) It shall not be necessary for the Company to deliver to the New York Trustee the Resolution required by Paragraph A, the Earnings Certificate required by Paragraph F, or any of the certificates or parts of the Opinion of Counsel referred to in Clauses (5), (6) and (7) of Paragraph 1 of Section 25.

(4) The Summary Certificate required by Paragraph G of Section 25 shall not include any Additions Credit.

D. AN OPINION OR OPINIONS OF COUNSEL, stating that the instruments which have been or are