

(2) That all Bonds so to be redeemed or purchased have been originally issued by the Company by way of *bona fide* sale other than to an Affiliate, or, in the case of Bonds of the first eight series, by way of *bona fide* pledge;

(3) Whether any of the Bonds so to be redeemed or purchased are owned legally or equitably by the Company or any Affiliate and, if so, that they were acquired by the Company otherwise than from an Affiliate, or by such Affiliate otherwise than from the Company, not more than 30 days prior to the date when the New York Trustee received the Trust Moneys whose application to such redemption or purchase 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);

(4) That the Company is not in default in the performance of any of the covenants on its part to be performed under this Indenture.

D. AN OPINION OF COUNSEL, stating that it is proper for the New York Trustee, under the provisions of this Section, to apply Trust Moneys in accordance with such Resolution of the Board.

Subject to Sections 61, 62 and 63, upon compliance with the foregoing provisions of this Section, the New York Trustee may apply Trust Moneys as requested by said Resolution of the Board, up to, but not exceeding, the principal amount of the Bonds so redeemed or purchased, using the cash deposited pursuant to Paragraph B of this Section, to the extent necessary, to pay any accrued interest and premium required in connection with any such redemption or purchase.

Section 59. To the extent that any Trust Moneys are proceeds of insurance upon any part of the Trust Estate, they may be paid over upon the Written Request of the Company to reimburse the Company for expenditures made for the purpose of repairing, restoring or replacing the property de-