

MORTGAGE RECORD 88

Section 11.05. No recourse shall be had for the payment of the principal of, or the interest on, any bond, or for the payment of any coupon, secured by this indenture, or for any claim based thereon or otherwise in respect thereof, or of this indenture or any indenture supplemental hereto, against any incorporator or against any stockholder, director, or officer, past, present, or future, of the company, as such, or of any predecessor or successor corporation, either directly or through the company, or any such predecessor or successor corporation, whether for amounts unpaid on stock subscriptions or by virtue of any constitution, statute, or rule of law or equity, or by the enforcement of any assessment or penalty or otherwise howsoever, all such liability being hereby expressly waived and released as a condition of and as a part of the consideration for the execution of this indenture and for the issue of the bonds and coupons secured hereby.

Section 11.06. Nothing in this indenture expressed or implied is intended or shall be construed to give to any person or corporation other than the company, the trustees, the paying agent or agents, if any, and the holders of the bonds and coupons issued hereunder, any right, remedy, or claim under or in respect to this indenture, or any indenture supplemental hereto, or any covenant, condition, or provision herein or therein contained; and all such covenants, conditions and provisions are and shall be held to be for the sole and exclusive benefit of the company, the trustees, the paying agent or agents, if any, and the holders of the bonds and coupons issued hereunder.

Section 11.07. Wherever reference is made in this indenture to "counsel", legal counsel is meant, and such counsel may at the same time be counsel to the company and to the trustees or either of them.

Section 11.08. Whenever any moneys are delivered by the company or the trustees to a paying agent (or to a trustee if it is acting as paying agent) for the purpose of paying interest, interest coupons or the principal of any of the bonds, the holders of the claims for interest, the coupons or the bonds as the case may be, shall look only to the sums so deposited for the payment thereof, and to the extent such sums are so deposited, the company shall be released from all further liability for the payment thereof to the person(s) entitled thereto.

Section 11.09. In order to facilitate transactions hereunder, this mortgage indenture may be executed in any number of counterparts, and each of such counterparts shall for all purposes be deemed to be an original, and all such counterparts, or as many of them as the company and the trustees shall preserve undestroyed, and all indentures supplemental hereto which likewise may be executed in any number of counterparts, shall together constitute but one and the same instrument.

The company hereby acknowledges receipt from the trustees of a full, true, and complete copy of this mortgage indenture.

IN WITNESS WHEREOF, THE CENTRAL WEST UTILITY COMPANY has caused this mortgage indenture to be signed in its name by its president or a vice president, and its corporate seal to be hereunto affixed and attested by its secretary or an assistant secretary; THE FIRST NATIONAL BANK OF KANSAS CITY, Kansas City, Missouri, as TRUSTEE, has caused this mortgage indenture to be signed in its name by its president or a vice president and its corporate seal to be hereunto affixed and attested by its cashier or secretary; and said REECE A. GARDNER, as INDIVIDUAL TRUSTEE, has hereunto set his hand and seal, all on this 31 day of December, 1941.

Attest:
Louis H Ehrlich, Jr. (CORP. SEAL)
Secretary.

THE CENTRAL WEST UTILITY COMPANY,
By Lyman H. Bell
President

Attest:
Sidney Silverman (CORP. SEAL)
Secy

THE FIRST NATIONAL BANK OF KANSAS CITY,
By G P Reichel
Vice President.

Reece A. Gardner

THE OMAHA NATIONAL BANK, of Omaha, Nebraska, a corporation organized and existing pursuant to the National Banking Laws of the United States of America, in acceptance of the office of PAYING AGENT for Series A bonds, as herein provided for, and of the trusts, duties, and rights as such paying agent, has caused this instrument to be signed in its name by its president or a vice president and its corporate seal to be hereunto affixed and attested by its secretary or cashier on this 2nd day of January, 1942.

Attest:
C. O. Darnar (CORP. SEAL)
CASHIER

THE OMAHA NATIONAL BANK,
By Daniel J Moren
Title: Vice President

STATE OF MISSOURI)
COUNTY OF JACKSON) ss.

On this 31st day of December, 1941, before me, the undersigned, a notary public, appeared LYMAN H. BELL and LOUIS H. EHRLICH, JR., who being by me duly sworn, did say that they are respectively the president and secretary of THE CENTRAL WEST UTILITY COMPANY, a corporation duly organized, incorporated, and existing under and by virtue of the laws of the state of Kansas, said LYMAN H. BELL and LOUIS H. EHRLICH, JR., being personally known to me to be the same persons who executed, as such officers, the within instrument in writing on behalf of said corporation, and each of such persons did say that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and each duly acknowledged the execution of said instrument for and in behalf of said corporation, and stated that said instrument was signed and sealed in behalf of said corporation by authority of its board or directors, and each of said persons duly acknowledged to me said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.
(SEAL) My commission expires: May 25, 1942.

M. Spurlock
Notary Public.

STATE OF MISSOURI)
COUNTY OF JACKSON) ss.

On this 31st day of December, 1941, before me, the undersigned, a notary public, appeared G. P. Reichel and Sidney Silverman, who being by me duly sworn, did say that they are respectively the Vice-President and Secretary of THE FIRST NATIONAL BANK OF KANSAS CITY, a corporation duly organized, incorporated, and existing under and by virtue of the National Banking Laws of the United States of America, said G. P. Reichel and Sidney Silverman being personally known to me to be the same persons who executed, as such officers, the within instrument in writing on behalf of said bank, and each of such persons did say that the seal affixed to the foregoing instrument is the corporate seal of said bank and each duly acknowledged the execution of said instrument for and in behalf of said bank, and stated that said instrument was signed and sealed in behalf of said bank by authority of its board of directors, and each of said persons duly acknowledged to me said instrument to be the free act and deed of said bank.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.
(SEAL) My commission expires: August 4, 1943.

Josephine Cummings
Notary Public.

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

On this 2nd day of January, 1942, before me, the undersigned, a notary public, appeared Daniel J Moren and C. O. Darnar, who being by me duly sworn, did say that they are respectively the Vice President and Cashier of THE OMAHA NATIONAL BANK, of Omaha, Nebraska, a corporation duly organized, incorporated, and existing under and by virtue of the National Banking Laws of the United States of America, said Daniel J Moren and C. O. Darnar being personally known to me to be the same persons who executed, as such officers, the within instrument in writing on behalf of said bank, and each of such persons did say that the seal affixed to the foregoing instrument is the corporate seal of said bank and each duly acknowledged the execution of said instrument for and in