

pursuant to subparagraph (1) was a Prior Lien Indenture as herein defined, prior to the satisfaction and release thereof; there are no Prior Liens on the property which was covered by such Prior Lien Indenture; and such property has (or upon the authentication and delivery of the Bonds applied for will) become subject to the lien hereof subject only to Excepted Encumbrances and Equipment Agreements.

§ 3.08. Whenever the authentication and delivery of any Bonds shall be applied for pursuant to § 3.04 hereof, there shall be delivered to the Trustee, in addition to the documents specified in § 3.06 hereof, the following:

(1) If the authentication and delivery of Bonds is applied for on the basis of Bondable Expenditures for Equipment, an Officers' Certificate stating

(a) the amount of such Bondable Expenditures for Equipment being made the basis of the application and describing in reasonable detail in such Certificate or in an exhibit thereto (in the manner specified in § 3.08(2)(b)(iv)) the Equipment for which such Expenditures have been made and stating that such Equipment is not subject to any Equipment Agreement,

(b) that the expected life of such Equipment as specified in § 3.04 has not expired and, if such Equipment is other than new rolling stock Equipment or Rebuilt Equipment newly rebuilt, stating such expected life thereof,

(c) that such Bondable Expenditures for Equipment have not theretofore been Bonded, and

(d) that none of such equipment has been acquired from an Affiliate or specifying any of such Equipment which has been acquired from an Affiliate.

(2) If the authentication and delivery of Bonds is applied for on the basis of Bondable Expenditures other than for Equipment, an Officers' Certificate substantially in the form and in accordance with the requirements set forth below: