

and on the basis of which the withdrawal of cash is then requested, provided, however, that if

(A) within six months prior to the date of acquisition of said Permanent Additions by the Obligors, such Permanent Additions have been used or operated by a person or persons other than the Obligors in a business similar to that in which they have been or are to be used or operated by the Obligors, and

(B) the fair value to the Obligors of said Permanent Additions as set forth in said appraiser's certificate is not less than \$25,000 and not less than one per cent. (1%) of the aggregate principal amount of Bonds at the time outstanding

such certificate shall be made by an independent appraiser;

(3) an opinion of counsel, dated not more than thirty (30) days prior to the date of the filing thereof with the Trustee, specifying the instruments of conveyance, assignment and transfer necessary to vest in the Trustee, to hold as part of the mortgaged property, the Permanent Additions described in the Officers' Certificate mentioned in paragraph (1) of this Section 6.13 and on the basis of which the withdrawal of cash is then requested, or stating that no such instruments are necessary, for such purpose, and also stating (a) that the Obligors have title to such Permanent Additions, subject to no lien, charge or encumbrance thereon prior to the lien of this Indenture (except the lien of taxes and assessments for the then current year or not then due and of taxes and assessments specified in said opinion to be contested in good faith and as to which judgment shall not have been entered or which shall not have become subject to execution or as to which execution shall have been stayed), (b) that the instruments of conveyance, assignment and transfer above specified, if any, are sufficient to subject such Permanent Additions to the lien of this Indenture, subject to no lien, charge or encumbrance thereon prior to the lien of this Indenture (except as aforesaid), and that such instruments have been duly recorded, filed and/or registered or that it is not necessary to record, file and/or register such instruments in order to make effective the lien intended to be created thereby, and (c) that all conditions precedent provided for in this Indenture, in respect of the withdrawal of cash then requested, have been complied with by the Obligors; and