

the cash, amount of additional property, or purchase money obligations required to be delivered or evidenced by applicable certificates and opinions pursuant to § 6.02(3), or § 6.02(4), a certificate of the trustee or other holder of a prior lien on all or any part of the property to be released, stating that a specified amount of cash and/or a specified principal amount of purchase money obligations of the character described in § 6.02(4) and representing proceeds of the sale of such property, have been deposited with such trustee or other holder pursuant to the requirements of such prior lien, *provided, however*, that the aggregate of the cash and principal amount of purchase money obligations, so certified by the trustee or other holder of a prior lien at any one time shall in no event exceed the principal amount of the prior lien obligations secured by such prior lien, and such certificate shall be received by the Trustee in lieu of an amount of cash, additional property or purchase money obligations in an amount equal to the cash and the principal amount of the purchase money obligations so certified to have been deposited with such trustee or other holder of such prior lien.

§ 6.04. Unless interest on any Bonds then outstanding is due and unpaid or a default exists, the Trustee shall release from the lien hereof any of the property subject thereto, upon receipt by the Trustee of

(1) a written request of the Company for the release of any property, describing the same in reasonable detail, and stating that the same is not needed for the use of the Company in its business;

(2) an engineer's certificate, made and dated not more than ninety (90) days prior to the filing of such written request, stating (a) the then fair value, in the opinion of the signer, of the property to be released, and (b) that such release is, in the opinion of the signer, desirable in the conduct of the business of the Company and will not impair the security under this Indenture in contravention of the provisions hereof; and

(3) a certificate of the Company and an opinion of counsel as to compliance with conditions precedent:

provided that the fair value, as shown by any engineer's certificate filed pursuant to this § 6.04, of any property the release of which is requested pursuant to this § 6.04, plus the aggregate fair value of any other property released pursuant to the provisions of this § 6.04, in any period of twelve (12) consecutive calendar months shall not exceed the sum of \$25,000.

The Company covenants that, upon the completion of any sale, exchange or other disposition of property released pursuant to this § 6.04, it will deposit with the Trustee cash in an amount equal to the fair value of the property sold, exchanged or otherwise disposed of, *provided* that to the extent that such cash shall not exceed Ten Thousand Dollars (\$10,000) in the aggregate, deposit thereof may be postponed until May 1 of the next succeeding year.

§ 6.05. Should all or any part of the mortgaged property be taken by exercise of the power of eminent domain or should any municipal or governmental body or agency at any time exercise any right which it may have to purchase or designate a purchaser of, or to order the sale of, all or any part of the mortgaged property, or in case of a sale in lieu of and in reasonable anticipation of any such event, the Trustee may release the property so taken, purchased or sold upon receipt of a certificate of the Company and an opinion of counsel to the effect that such property has been taken by exercise of the power of eminent domain, or purchased or sold as the result of the exercise of a right which a municipal or governmental body had to purchase or designate a purchaser of, or order a sale of, the same, or has been sold in lieu of and in reasonable anticipation of any such event, as the case may be, and as to compliance with conditions precedent. The proceeds of all property so taken, purchased or sold shall be in cash and shall be paid over to the Trustee, unless and except to the extent that the same shall have been paid or delivered to the trustee or other holder of a mortgage or other lien constituting a prior lien, in accordance with the requirements thereof, and a certificate of the Company and an opinion of counsel to that effect shall have been furnished to the Trustee. If such proceeds shall be paid over to the Trustee hereunder, they may