

all such liability of incorporators, stockholders, directors or officers being released by the registered holder hereof by the acceptance of this Bond and being also waived and released by the terms of the Indenture.

This Bond shall not be entitled to any benefit under the indenture or become valid or obligatory for any purpose until the certificate endorsed hereon shall have been signed by the Trustee.

IN WITNESS WHEREOF, EMPIRE GAS AND FUEL COMPANY has caused this Bond to be signed by its president or a vice-president, and its corporate seal to be hereunto affixed and attested by its secretary or an assistant secretary, all in the City and State of New York as of the -----day of -----, 19-----.

EMPIRE GAS AND FUEL COMPANY,

by -----

Vice-President.

Attest:

Assistant Secretary.

(FORM OF TRUSTEE'S CERTIFICATE)

This is one of the Bonds, of the series mentioned therein, described in the within mentioned Indenture.

THE EQUITABLE TRUST COMPANY OF NEW YORK,
Trustee,

by -----

Assistant Secretary.

and

WHEREAS, the execution of the Bonds and of this Indenture has in all respects been duly authorized and all things necessary to make the Bonds, when signed and sealed by the Company and authenticated from time to time by the Trustee, the valid, binding and legal obligations of the Company, and to constitute this Indenture a valid, binding and legal Mortgage and Indenture of Trust and agreement for the security of the Bonds and coupons in accordance with its terms, have been done and performed and have happened;

NOW, THEREFORE, THIS INDENTURE WITNESSETH:

That the Company, party hereto of the first part, in consideration of the premises, and to secure the payment of the principal and interest of the Bonds to be issued as herein provided, and the performance by the Company and the parties of the second part hereto of all the covenants and agreements contained in said bonds and this Indenture, does hereby grant, bargain, sell, convey, assign, mortgage, pledge, transfer, set over and confirm unto THE EQUITABLE TRUST COMPANY OF NEW YORK, the party hereto of the third part, as Trustee, and to its successors and assigns forever, in trust, as herein provided, ALL and singular the real and personal property of the Company now owned or hereafter acquired, and wheresoever situate, including the property more particularly described as follows:

(1) ALL those several parcels of land with the buildings and improvements thereon, situate in Butler County, Kansas, and described as follows:

1ST PARCEL: Beginning at the quarter section corner between Sections 13 and 24, T. 28, S.R. 3 E., thence East along the section line 900 feet, thence North 850 feet, more or less, to the intersection of the Southeast right of way line of the A.T. & S.F.Ry., thence in a South westerly direction along said right of way line to the intersection with the North and South center line of Sec. 13, thence South along said center line to the