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In case the plants, properties and equipment so acquired as an entirety or substantially as an entirety, or the property of such public utility corporation, as the case may be, are not subject to an existing mortgage, notes may be assued against expenditures for such acquisition to an amount not to exceed eighty-five per cent (85%) of the fair value of the physical property, as set forth in said certificate, subject, however, to the further restrictions in this Article contained.

VI. Such supplemental mortgage or indenture or instruments of further assurance as may be necessary to subject any such extensions and additions of the Companies, or any of them, to the lien of this Indenture, or to secure the notes issued hereunder by a lien upon the property of any subsidiary corporation, accompanied by the opinion of counsel satisfactory to the Trustee, that such supplemental mortgage or indenture or instruments of further assurance are sufficient for such purpose, or, in the alternative, the opinion of such counsel that no such supplemental mortgage or indenture or instruments of further assurance are necessary; provided, however, that nothing herein shall be construed to be in derogation of or a limitation upon the provisions hereinbefore contained for the vesting under the terms of this Indenture of all property of the Companies or any of them hereafter acquired, it being the intention of the parties hereto that all properties of the Companies now owned or hereafter acquired are covered by the granting and pledging clauses hereunder.

VII. A certified copy of such order or approval of such commission, official or officials as may have jurisdiction in the premises, and as may be required by law to make the notes applied for valid, binding and legal obligations, or in the alternative, the opinion of counsel satisfactory to the Trustee, that no such order or approval is required by law.

VIII. Evidence satisfactory to the Trustee establishing the payment of any recording or other tax or taxes required by law in connection with the issuance of such notes, or in the alternative, the opinion of counsel satisfactory to the Trustee that no such recording or other tax or taxes are required by law.

IX. The certificate of the Treasurer or Assistant Treasurer of the Oklahoma Company, stating the aggregate principal amount of additional Bond Secured Eight Per Cent Convertible Gold Notes of the Oklahoma Company which shall then be issuable by the Oklahoma Company under the provisions of the Trust Agreement made as of February 1, 1921, between the Oklahoma Company and The New York Trust Company, as Trustee, or stating that no such additional notes are then issuable. In case the certificate shall state that any such additional notes are then issuable, there shall be deposited with the Trustee hereunder a principal amount of such notes as so stated, with all unmatured coupons thereto attached.

The sworn statements required under subdivisions II and IV of this Section 4 may each be made jointly by the Companies to show the combined expenditures of the Companies and of the subsidiary corporations, if any, and their combined earnings and interest charges, respectively.

SECTION 5. In case the Companies, or any of them, or any subsidiary corporation, shall acquire the physical property of any public utility corporation as an entirety or substantially as an entirety, or shall acquire a public utility corporation as a subsidiary corporation, and the physical property of such public utility corporation shall be subject to an existing mortgage or mortgages or similar lien or liens, the Oklahoma Company covenants that it will forthwith file with the Trustee (1) a certificate of the President or a Vice President and the Secretary or an Assistant Secretary of the Oklahoma Company, stating that the Companies, or one of them, or such subsidiary corporation, have made such acquisition, and the amount of the bonds, notes, or other obligations secured by any such existing mort-