

construction costs specified in said accompanying Engineer's Certificate furnished pursuant to *paragraph (A)(1)* of this § 9.03, free and clear of any mortgage or other lien prior to the lien of the Indenture except construction liens and permitted liens, and except specified judgment liens, if any, and free and clear of any easements or similar encumbrances except such as in the opinion of such counsel do not impair the use by the Company of such real estate, easements or rights-of-way for the purposes for which they were acquired.

(B) Prior to or simultaneously with the delivery to the Trustee of the first such written order or request, and concurrently with the delivery to the Trustee of the written order or request of the Company with respect to the first moneys requested to be paid over or applied by the Trustee after an aggregate of \$50,000,000 shall have been so paid over or applied pursuant to this § 9.03, an Independent Engineer's Certificate, dated within 30 days before the date of the filing thereof, stating the additional cost, as estimated by the signer of said certificate, of completing the initial stage of pipe line development, including in such additional cost the amount of all obligations theretofore incurred by or on behalf of the Company and then outstanding in respect of the construction, acquisition or development of the initial stage of pipe line development. At least 45 days prior to the date when the second of the two Independent Engineer's Certificates required by this *Subparagraph (B)* is to be delivered to the Trustee, the Company shall, in writing, advise all holders of registered Bonds of the 1975 Series and the Trustee of the independent engineer whose certificate is proposed to be filed, specifying the capacities, if any, in which such engineer has theretofore been retained by the Company, and the certificate so required to be filed shall be the certificate of such engineer unless the holders of 66⅔% in principal amount of such Bonds shall by a written notice delivered to the Company and the Trustee within 15 days designate two other independent engineers, in which event the certificate to be filed shall be the certificate of the engineer selected by the Company from the two so designated by such holders of Bonds.

(C) With each such written order or request delivered to the Trustee:

(1) An Engineer's Certificate, dated within 30 days before the date of the filing thereof, stating in substance that a stated amount of expenditures and/or obligations have been made or