

MORTGAGE RECORD T

SKAMANIA COUNTY, WASHINGTON

Section 75. So long as the Company is not in default in the payment of the interest on any bonds then outstanding hereunder and none of the completed defaults specified in Section 82 hereof shall have occurred and be continuing, the Company may obtain the release of any of the mortgaged and pledged property, except cash then held by the Corporate Trustee (provided, however, that (a) prior lien bonds deposited with the Corporate Trustee shall not be released except as provided in Section 41 hereof or under the provisions of Article IX hereof; (b) not less than all the shares of the capital stock together with all the indebtedness (except prior lien bonds) of a subsidiary company subject to the lien hereof shall be released from such lien; and (c) no subsidiary property additions or prior lien bonds secured by a lien on the property of a subsidiary company shall be used in any respect as the basis for the release of any of the mortgaged and pledged property other than shares of stock and indebtedness aforesaid of a subsidiary company under any of the provisions of this Section), and the Trustees shall release the same from the lien hereof upon the application of the Company and receipt by the Corporate Trustee of

(1) a resolution describing in reasonable detail the property to be released and requesting such release;

(2) a Treasurer's certificate stating that the Company is not in default in the payment of the interest on any bonds then outstanding hereunder and that none of the completed defaults specified in Section 82 hereof shall have occurred and be continuing;

(3) an engineer's certificate, made and dated not more than ninety (90) days prior to the date of such application, stating: (a) the full value, in the opinion of the signers, of the property to be released; (b) that such a release is in the opinion of the signers desirable; and (c) the full value of any portion thereof that is funded property;

(4) An amount in cash, to be held by the Corporate Trustee as part of the mortgaged and pledged property, equivalent to the amount, if any, by which the full value of the property to be released, as specified in the engineer's certificate provided for in subdivision (3) above, exceeds the aggregate of the following items:

(a) the principal amount of any obligations delivered to the Corporate Trustee, to be held as part of the mortgaged and pledged property, consisting of obligations secured by purchase money mortgage upon the property released (except that the provisions of this clause (a) shall not apply to the release of the shares of stock together with the indebtedness, as aforesaid, of a subsidiary company);

(b) one hundred thirty-three and one-third per centum ($133\frac{1}{3}\%$) of the principal amount of each bond or fraction of a bond to the authentication and delivery of which the Company shall be entitled under any of the provisions of this Indenture (other than those contained in Section 33 hereof) by virtue of compliance with all applicable provisions of this Indenture (except in all cases any earnings requirements or net earnings certificates) relating to such authentication and delivery but which have not been authenticated and delivered; provided, however, that the application for such release shall, to the extent, and to the extent only, that the property to be so released is funded property, operate as a waiver by the Company of such right to the authentication and delivery of each such bond or fraction thereof, and to such extent no such bond or fraction thereof may thereafter be authenticated and delivered hereunder and, to such extent, any property additions and/or subsidiary property additions made the basis of such right to the authentication and delivery of bonds so waived shall have the status of funded property; and

(c) One hundred thirty-three and one-third per centum ($133\frac{1}{3}\%$) of the principal amount of any bonds outstanding hereunder simultaneously delivered to the Corporate Trustee and/or of any outstanding prior lien bonds simultaneously delivered to the Cor-