

## Mortgage Record, No. 90, Madison County, Iowa

Iowa Power And Light Company

#5435

To

Fee \$ 2.40 ✓

Filed for record the 22 day of  
November A.D. 1938 at 9:10 o'clock  
A.M.Valda C. Bishop Farver, Reorder  
Pearl E. Shetterly, Deputy

Harris Trust And Savings Bank, et al Trustees

SUPPLEMENTAL INDENTURE

SUPPLEMENTAL INDENTURE dated as of the first day of October, Nineteen hundred and thirty-eight (1938), made by and between IOWA POWER AND LIGHT COMPANY, a corporation organized and existing under the laws of the State of Iowa (hereinafter called the "Company"), party of the first part, and HARRIS TRUST AND SAVINGS BANK, a corporation organized and existing under the laws of the State of Illinois, and HAROLD ECKHART, as Trustees under the Trust Indenture dated March 1, 1928, parties of the second part (hereinafter called the "Trustees"):

WHEREAS, the Company has heretofore executed and delivered its Trust Indenture

Release  
For Assignment of Annexed Mortgage See  
Supplemental Indenture

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J. H. WELCH PRtg. CO., DES MOINES 7640

(hereinafter referred to as the "Original Indenture") dated March 1, 1928, to the Trust Company and M.H.MacLean, as Trustees, for the security of the Bonds of the Company to be issued thereunder, and Harold Eckhart has succeeded M.H.MacLean as Individual Trustee under the Original Indenture; and

WHEREAS, it was provided in and by the Original Indenture that the Company, from time to time, would make, execute, acknowledge and deliver such further and supplemental instruments and take such action as might reasonably be required to effectuate the intention of the Original Indenture or better to assure or confirm unto the Trustees upon the trusts and for the property conveyed and to be conveyed unto the Trustees, or intended the purpose in the Original Indenture expressed/so to be, whether owned by the Company at the time of execution and delivery of the Original Indenture or thereafter acquired by it; and

WHEREAS, the Company has acquired the entire property and business of Des Moines Gas Company, formerly an Iowa corporation and a subsidiary of the Company under the Original Indenture, and pursuant to the provisions of Section 11 of Article VI thereof desires to subject to the lien of the Original Indenture all of the property so acquired from said Des Moines Gas Company except merchandise held for sale to its customers; and

WHEREAS, for the better security and protection of the bonds now or hereafter issued under the Original Indenture, the Company desires to evidence by the execution of this Supplemental Indenture the specific conveyance of certain additional property to the Trustees :and

WHEREAS, the Company, in the exercise of the powers and authority conferred upon and reserved to it under the provisions of the Original Indenture, and pursuant to appropriate resolutions of its Board of Directors, has duly resolved and determined to make, execute and deliver to the Trustees a Supplemental Indenture in the form hereof for the purpose herein provided; and

WHEREAS, all conditions and requirements necessary to make this Supplemental Indenture a valid, binding and legal instrument have been done, performed and fulfilled, and the execution and delivery hereof have been in all respects duly authorized;

NOW, THEREFORE, THIS SUPPLEMENTAL INDENTURE WITNESSETH:

That Iowa Power and Light Company, in consideration of the premises and of One dollar to it duly paid by the Trustees at or before the ensealing and delivery of these presents, and for other good and valuable considerations, the receipt whereof is hereby acknowledged, and in order to effectuate the intention of these presents and to provide for the payment of said bonds and the interest thereon, and to better assure and confirm unto the Trustees the trust property hereby conveyed and transferred to the Trustees, has granted, bargained, sold, warranted, aliened, remised, released, conveyed, confirmed, assigned, transferred, mortgaged, pledged and by these presents does grant, bargain, sell, warrant, alien, remise, release, convey, confirm, assign, mortgage, pledge, and set over/unto Farris Trust and Savings Bank and Harold Eckhart, as Trustees under the Original Indenture, and to their successor or successors in the trust thereby created, all and set over and singular the business and property, except merchandise held for sale to its customers, acquired from Des Moines Gas Company, formerly an Iowa corporation, which properties were conveyed by said Des Moines Gas Company to Iowa Power and Light Company by deeds dated September 28, 1938 and filed October 10, 1938, including specifically the following:

Lots Nos. One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), and Thirteen (13), of Block A; Lots Nos. One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), of Block B; Lots Nos. One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), and Ten (10), of Block C; Lots Nos. One (1), Two (2), Three (3), Four (4), Five (5) and Six (6), of Block K; Lots Nos. Nine (9) and Ten (10) of Block M; Lots Nos. Three (3), Four (4), Five (5), Six (6) and Seven (7) of Block T; all in Scott & Dean's Addition to Fort Des Moines, now included with-in the City of Des Moines, Polk County, Iowa.

Lots Nos. Six (6) and Seven (7) and the South one-half ( $S\frac{1}{2}$ ) of Lot No. Eight (8) in Block No. Seventeen (17) in the Town of Demaine; also a strip of ground Nine and one-half ( $9\frac{1}{2}$ ) feet in width by One Hundred Fifty feet (150) in length lying South of and adjacent to said Lot No. Six (6); also Lots Nos. Three (3), four (4)

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and Five (5) in Block No. Seventeen (17) in the Town of Des Moines; also a strip of ground Nine and one-half ( $9\frac{1}{2}$ ) feet wide by One Hundred Fifty (150) feet in length South of and adjacent to said Lot No. Five (5); all now included within and forming a part of the City of Des Moines, Polk County, Iowa, together with all buildings, structures, betterments and improvements thereon.

Also, Lot No. Nine (9) in Block No. Fifteen (15), in First Addition to Valley Junction, Iowa, now included within the corporate limits of West Des Moines (formerly Valley Junction), Iowa.

The gas distribution systems in the City of Des Moines, Polk County, Iowa, and in the City of West Des Moines, Polk County, Iowa, together with all works, plants, buildings, structures, improvements, machinery and equipment located upon the above described real estate or any portion thereof, also the following gas transmission lines:

One Sixteen inch (16") steel gas main, 21,599 feet in length, extending from the North City Limits of the City of Des Moines, Iowa, at Aurora Avenue and Cornell, to the gas plant at East 1st and Vine Streets, in the City of Des Moines, Iowa, and connected with and appurtenant to said gas plant.

TO HAVE AND TO HOLD all of said properties mortgaged, pledged and conveyed as aforesaid unto the Trustees, and their successor or successors in the trust created by the Original Indenture, but in trust, nevertheless, upon the terms and trusts in the Original Indenture and any indentures supplemental thereto, including this Supplemental Indenture, for the equal and proportionate benefit and security of any and all Bonds issued and to be issued under the Original Indenture, without preference of any Bond over any other Bond by reason of priority in date of issuance, negotiation, time of maturity, or for any other cause whatsoever, except as therein otherwise expressly provided.

IN WITNESS WHEREOF, Iowa Power and Light Company has caused this Supplemental Indenture to be executed on its behalf by its President or one of its Vice Presidents and its corporate seal to be hereto affixed and said seal and this Supplemental Indenture to be attested by its Secretary or one of its Assistant Secretaries; and Harris Trust and Savings Bank, in evidence of its acceptance of the trust hereby created, has caused this Supplemental Indenture to be executed on its behalf by one of its Vice Presidents and its corporate seal to be hereto affixed and said seal to be executed by its Secretary or one of its Assistant Secretaries; and Harold Eckhart, in evidence of his acceptance of the trust hereby created, has hereunto set his hand and seal; all as of the first day of October, One thousand nine hundred and thirty-eight.

Attest:  
H.E. Johnson Secretary (Corporate Seal)  
Executed, signed, sealed and delivered by Iowa Power and Light Company in the presence of:  
(Cannot decipher ..).....

H.A. Hansen

Iowa Power And Light Company  
By H.L. Hanley Vice President

Attest:  
(Corporate Seal) G.A. Glow Assistant Secretary  
HM  
Executed, signed, sealed and delivered by Harris Trust and Savings Bank in the presence of:

T.O. Mann  
Edward L. Moritz

HARRIS TRUST AND SAVINGS BANK  
By Donald C. Miller  
Vice President

Executed, signed, sealed and delivered by Harold Eckhart in the presence of:  
Jewell Shields  
A.G. Wilson

Harold Eckhart (SEAL)

STATE OF ILLINOIS, COUNTY OF ST. CLAIR }SS:

On this 9th day of November, A.D. 1938, before me, a Notary Public in and for said County, personally appeared H.L. Hanley and H.E. Johnson, to me personally known, who being by me duly sworn, did say that they are Vice President and Secretary, respectively, of Iowa Power and Light Company, that the seal affixed to said instrument is the seal of said Corporation, and that said instrument was signed and sealed on behalf of said Corporation by authority of its Board of Directors, and the said H.L. Hanley and H.E. Johnson acknowledged the execution of said instrument to be the voluntary act and deed of said Corporation by

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it voluntarily executed.

(Notarial Seal)

E.L.Nelson  
Notary Public in and for Said County.  
My commission expires December 15, 1938.

STATE OF ILLINOIS, COUNTY OF COOK ) SS.

On this 16th day of November, A.D.1938, before me, a Notary Public in and for said County, personally appeared Donald C. Miller and G.A. GLOW, to me personally known, who, being by me duly sworn, did say that they are Vice President and Assistant Secretary, respectively, of Harris Trust and Savings Bank, an Illinois corporation, and that the seal affixed to said instrument is the seal of said Corporation, and that said instrument was signed and sealed on behalf of said Corporation by authority of its Board of Directors, and the said Donald C. Miller and G.A. Glow acknowledged the execution of said instrument to be the voluntary act and deed of said Corporation by it voluntarily executed.

(Notarial Seal)

H.J.Hammer  
Notary Public in and for said County,  
My commission expires July 18, 1940

STATE OF ILLINOIS, COUNTY OF COOK )ss.

On this 16th day of November, A.D.1938, before me, a Notary Public in and for said County, personally appeared HAROLD ECKHART, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

NOTARIAL  
SEAL

H.J.Hammer  
Notary Public in and for Said County.  
My commission expires July 18- 1940