

SUPPLEMENTAL MORTGAGE—Duke Power Co. to Guaranty Trust Co.

THIS INDENTURE, Made and entered into this the 1st day of April, A.D., 1944, by and between DUKE POWER COMPANY, a corporation organized and existing under and by virtue of the laws of the State of New Jersey (hereinafter sometimes called the "Company"), party of the first party, and GUARANTY TRUST COMPANY OF NEW YORK, a corporation organized and existing under and by virtue of the laws of the State of New York, and having its principal place of business in the Borough of Manhattan, City and State of New York, (hereinafter sometimes called the "Trustee"), party of the second part, WITNESSETH:

WHEREAS, the Company did, on or about the 1st day of December, 1927, make, execute and deliver unto the party of the second part as Trustee, a first and refunding mortgage (hereinafter sometimes called the "Mortgage"), dated as of that day, to secure the bonded indebtedness of the Company therein referred to and described, which mortgage is recorded in the public registries of the various counties in North Carolina and South Carolina where the mortgaged property is located; and,

WHEREAS, by the terms of the Mortgage of December 1, 1927, it is the duty of the Company to execute, acknowledge and deliver such further deeds, transfers, assurances and assignments, for the better assuring, conveying and confirming to the Trustee, all and singular the mortgaged property, as the Trustee may reasonably direct for the purpose of expressly and specifically subjecting the same to the lien of said indenture; and,

WHEREAS, since the execution of the Mortgage of December 1, 1927, the Company has acquired or constructed certain property located in various counties in North Carolina and South Carolina, and the Trustee has requested the Company to execute and deliver a supplemental mortgage for the purpose of expressly and specifically subjecting said property to the lien of the Mortgage;

NOW, THEREFORE, THIS INDENTURE WITNESSETH:

That for and in consideration of the premises and of the sum of Ten (\$10.00) Dollars in hand paid to the party of the first part by the party of the second part, the receipt of which is hereby acknowledged, the party of the first part has granted, bargained, sold, released, conveyed, assigned, transferred, mortgaged, pledged, set over, warranted and confirmed, and by these presents does grant, bargain, sell, release, convey, assign, transfer, mortgage, pledge, set over, warrant and confirm unto the party of the second part as Trustee, all of the following described property, to-wit:

All of the lands, rights, easements and properties referred to and described as follows, to-wit:

Parcel No. 1

PROPERTY FORMERLY OWNED BY DURHAM PUBLIC SERVICE COMPANY

(1) The property formerly known as the Office Building Property of Durham Public Service Company, located in the City of Durham, County of Durham, State of North Carolina, and described as follows:

Beginning at a copper pin at the point where the sidewalk curbing on the easterly side of Mangum Street, extended, intersects the sidewalk curbing on the southerly side of Parrish Street, extended; and running thence along the sidewalk curbing on said easterly side of Mangum Street south 34 deg. 59 min. west 66 feet 6 inches to a copper pin; thence in an easterly direction along the northerly side of an alleyway, south 55 deg. 55 min. east 100 feet 6 inches to an iron; thence north 34 deg. 59 min. east 66 feet 6 inches to a copper pin in the outside line of the sidewalk on the southerly side of Parrish Street; thence along the outside line of said sidewalk north 55 deg. 55 min. west 100 feet 6 inches to the *Beginning*; and being shown on plat made by George C. Love, Engineer and Surveyor, dated February 10, 1939, on file in the office of the Register of Deeds of Durham County in Plat Book 15 at page 22, together with all right, title, interest and estate which the party of the first part has in or to an alleyway on the southerly side of said lot of land, which alleyway is 6 feet 6 inches in width.

(2) The property formerly known as the Power House Property of Durham Public Service Company, located in the City of Durham, County of Durham, State of North Carolina, and described as follows:

Beginning at a stake at the point of intersection of the inside line of the sidewalk on the easterly side of Blackwell Street with the inside line of the sidewalk on the southerly side of Vivian Street; running thence along the inside line of the sidewalk on the southerly side of Vivian Street south 56 deg. 42 min. east 176 feet to a stake; thence continuing along said inside line of said sidewalk south 56 deg. 42 min. east 81.18 feet to a stake in the inside line of the sidewalk on the westerly side of South Street; thence along the inside line of the sidewalk on the westerly side of South Street south 22 deg. 23 min. west 488.40 feet to a stake; thence continuing along said inside line of said sidewalk south 22 deg. 23 min. west 104.94 feet to a stake, the northeasterly corner of the Johnson property (formerly Thos. B. Morris); thence along the northerly line of said Johnson property north 67 deg. 37 min. west 209.22 feet to a stake in the easterly line of Lot No. 5 (formerly Thos. B. Morris Estate); thence along the easterly line of said lot No. 5 and of Lot No. 4 North 22 deg. 23 min. east 104.94 feet to a stake in the easterly line of the J. L. Morehead lot, being Lot No. 4 of the Thos. B. Morris Estate; thence continuing along the easterly line of