

Series Bonds or Second Series Bond.

ARTICLE VIII

OBLIGATION OF LESSEE FURTHER DEFINED

Section 12.3 of the Lease Agreement is hereby amended by deleting it entirely and substituting in lieu thereof the following:

"SECTION 12.3. Obligation of Lessee Further Defined. The parties recognize that the First Series Bonds and Second Series Bond are being issued as tax free obligations by virtue of elections made under Section 103(c)(6)(D) of the Internal Revenue Code of 1954, and that circumstances (not now contemplated or anticipated) may hereafter result in a determination as provided in Section 12.2 (which may be disputed) that interest on the First Series Bonds or Second Series Bond is subject to Federal Income Tax by reason of a violation (actual or claimed) of the capital expenditures limitation prescribed in Section 103(c)(6)(D) of the Internal Revenue Code of 1954. It is the intention of the parties hereto that subject to the proviso in the paragraph following (b) of Section 12.2, the Lessee, in the event of such a determination, shall provide each person who is a holder of a First Series Bond or Second Series Bond on the occasion as of which interest on the First Series Bonds or Second Series Bond becomes (or is determined as provided in Section 12.2 to be) taxable, as a result of any actual or claimed violation of Section 103(c)(6)(D) of the Internal Revenue Code of 1954, with the relief prescribed in Section 12.2 and Section 12.4 hereof, without regard to the final outcome of any dispute, and such determination as prescribed in Section 12.2 shall be conclusive even though it might be thereafter determined by Court order, ruling or otherwise that interest on the First Series Bonds or Second Series Bond was, in fact, not

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