

office or position, or by reason of any action alleged to have been taken or omitted by any such Person as Trustee, officer, employee, agent, investment adviser, or independent contractor, including any action taken or omitted that may be determined to constitute negligence, whether or not the Trust would have the power to indemnify such Person against such liability.

**SECTION 2.23. Pension and other Plans.** The Trustees shall have the power to pay pensions, as deemed appropriate by the Trustees, and to adopt, establish and carry out pension, profit-sharing, bonus, option, purchase, savings, thrift and other retirement, incentive and benefit plans, trusts and provisions, including the purchasing of life and health insurance and annuity contracts as a means of providing such retirement and other benefits, for any or all of the Trustees, officers, employees and agents of the Trust, subject to Section 4.3(i) hereof.

**SECTION 2.24. Dividends.** Subject to the provisions of any series of Preferred Shares at the time outstanding, the Trustees shall have power to declare and pay dividends in cash, Shares or otherwise and make other distributions to Shareholders, whether out of earnings, profits or surplus, including capital surplus or otherwise.

**SECTION 2.25. Seal.** The Trustees shall have the power to adopt and use a seal for the Trust, but, unless otherwise required by the Trustees, the seal shall not be necessary to be placed on, and its absence shall not impair the validity of, any document, instrument or other paper executed and delivered by or on behalf of the Trust.

**SECTION 2.26. Charitable Contributions.** The Trustees shall have power to make donations, irrespective of benefit to the Trust, for the public welfare or for community fund, hospital, charitable, religious, educational, scientific, civic or similar purpose, and in time of war or other national emergency, in aid thereof.

**SECTION 2.27. Indemnification.** In addition to the mandatory indemnification provided for in Section 5.3, the Trustees shall have power to the extent permitted by law to indemnify or enter into agreements with respect to indemnification with any Person with whom the Trust has dealings, including, without limitation, any investment adviser, including the Adviser, or independent contractor, to such extent as the Trustees shall determine.

**SECTION 2.28. Remedies.** Notwithstanding any provision in this Declaration of Trust, when the Trustees deem that there is a significant risk that an obligor to the Trust may default or is in default under the terms of any obligation to the Trust, the Trustees shall have power to pursue any remedies permitted by law which, in their sole judgment, are in the interests of the Trust, and the Trustees shall have the power to enter into any investment, commitment or obligation of the Trust resulting from the pursuit of such remedies or necessary or desirable to dispose of property acquired in the pursuit of such remedies.

**SECTION 2.29. Further Powers.** The Trustees shall have power to do all such other acts and things and execute all such instruments as they deem necessary, proper or desirable in order to carry out, promote or advance the interests of the Trust although such acts or things are not herein specifically mentioned. Any determination as to what is in the interests of the Trust made by the Trustees in good faith shall be conclusive. Any construction of this Declaration of Trust or any determination of the purposes of the Trust or the existence of any power or authority hereunder, made in good faith by the Trustees, shall be conclusive to the extent consistent with law. In construing the provisions of this Declaration of Trust, the presumption shall be in favor of a grant of power to the Trustees. The Trustees will not be required to obtain any court order to deal with the Trust Property.