

cause the Notes not to qualify as, or not to continue to be qualified as, an exempt small issue under the provisions of Section 103(b)(6)(A) and (D) of the Code, and (ii) would cause interest on the Notes to become subject to Federal Income Taxes by virtue of the provisions of Section 103(b)(1) of the Code; nor will Lessee (b) fail to take any action necessary to be taken in order that (i) the Notes shall qualify as, and continue to be, an exempt small issue under the provisions of said Section 103(b)(6)(A) and (D) of the Code, and (ii) interest on the Notes will continue to be exempt from Federal Income Taxes by virtue of the provisions of Section 103(a)(1) of the Code, as amended;

(3) That annually, concurrent with its filing thereof with the Internal Revenue Service, the Lessee will furnish to the Mortgagee a true and correct copy of statements filed by the Lessee pursuant to Section 1.103-10(b)(2)(vi)(C) of the Income Tax Regulations applicable to Section 103 of the Code, together with a certificate of its chief financial officer or treasurer to the effect that cumulative Section 103(b)(6)(D) capital expenditures together with the outstanding principal amount of the Notes and the principal amount outstanding of any other similar obligations which are includible in the capital expenditures limitation

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