

in Section 4.3(h). Any amounts recovered by way of damage, refunds, adjustments or otherwise in connection with the foregoing prior to the Completion Date, less legal expenses incurred in order to collect the same, shall be paid into the Construction Fund and after the Completion Date shall be applied to the payments as they become due on the Notes.

SECTION 4.9. Investment of Construction Fund Moneys Permitted - Limitation on Investments. Any moneys (including investment earnings) held as a part of the Construction Fund shall at the written request and direction of the Authorized Lessee Representative be invested or reinvested by the Construction Fund Trustee for the account and risk of the Lessee in such of the following as the Authorized Lessee Representative shall specify:

(i) obligations of the United States and agencies thereof or unconditionally guaranteed as to principal and interest by the United States or any such agencies;

(ii) Deposits of Savings and Loan Associations to the extent that the same are secured by the Federal Savings and Loan Insurance Corporation; or

(iii) certificates of deposit where such certificates of deposit are collaterally secured by securities of the type described in (i) above held by a third party as escrow agent or custodian, of a market value not less than the amount of the certificates of deposit so secured, including interest.

The Lessee further covenants and agrees that:

(a) it will not direct the investment of any moneys held as a part of the Construction Fund in a manner which shall be contrary to any policy or rules or regulations of the Internal Revenue Service with respect to "arbitrage bonds" within the meaning of Section 103(c)(2) of the Code, and the applicable regulations issued thereunder (the Regulations);

(b) it will furnish to the County accurate information to enable the appropriate County officers and bond counsel to make all necessary certifications required by the Regulations; and

(c) investments in the Construction Fund shall have maturities consonant with the need for moneys to make disbursements out of the Construction Fund.

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