

(u) *REIT Provisions of the Internal Revenue Code.* "REIT Provisions of the Internal Revenue Code" shall mean Sections 856 through 858, of the Internal Revenue Code of 1954, as now enacted or hereafter amended or successor statutes, and regulations and rulings promulgated thereunder.

(v) *Securities.* "Securities" shall mean any stock, shares, voting trust certificates, bonds, debentures, notes, or other evidences of indebtedness or in general any instruments commonly known as "securities" or any certificates of interest, shares or participations in temporary or interim certificates for, receipts for guarantees of, or warrants, options or rights to subscribe to, purchase or acquire any of the foregoing.

(w) *Shares.* "Shares" shall mean the shares of beneficial interest of the Trust as described in Section 6.1.

(x) *Shareholders.* "Shareholders" shall mean as of any particular time all holders of record of outstanding Shares at such time.

(y) *Short-term.* "Short-term" in relation to loans shall mean loans other than long-term loans.

(z) *Total Assets of the Trust Estate.* "Total Assets of the Trust Estate" shall mean the value of all of the assets of the Trust Estate as such value appears on the most recent quarterly balance sheet of the Trust available to the Trustees, without deduction for mortgages or other security interests to which such assets are subject but after deduction for depreciation and other asset valuation reserves.

(aa) *Trust.* "Trust" shall mean the Trust created by this Declaration.

(bb) *Trustees.* "Trustees" shall mean, as of any particular time, the original signatories hereto as long as they hold office hereunder and additional and successor trustees and shall not include the officers, employees or agents of the Trust or the Shareholders. Nothing herein shall be deemed to preclude the Trustees from also serving as officers, employees or agents of the Trust or owning Shares.

(cc) *Trust Estate.* "Trust Estate" shall mean as of any particular time any and all property, real, personal or otherwise, tangible or intangible, which is transferred, conveyed or paid to the Trust or Trustees and all rents, income, profits and gains