

- (i) Government Securities;
- (j) Certificates of Deposit; and
- (k) Other Mortgage Loans and other property, real or personal.

**4.3 General Policy.** Investments of the Trust may be made in various combinations and may involve participations with other Persons. Such investments may incorporate a variety of real property financing techniques, including, without limitation, sale and leasebacks, land purchase-leases, net lease financings, purchase and installments salebacks, high credit lease-secured mortgages, convertible mortgages and mortgages of special interests, including, without limitation, leaseholds, air rights and condominiums.

The general purpose of the Trust is to seek "real estate investment trust income" as defined in the REIT Provisions of the Internal Revenue Code. The Trustees intend to make investments in such a manner as to comply with the requirements of the REIT Provisions of the Internal Revenue Code in respect of the composition of the Trust's investments and the derivation of its income, provided, however, that no Trustee, officer, employee or agent of the Trust or the Adviser shall be liable to any Person for any act or omission resulting in the loss of tax benefits under the Internal Revenue Code, except for that arising from his or its own bad faith, willful misconduct, gross negligence or reckless disregard of his or its duties or actions not in good faith in the reasonable belief that such action was in the best interest of the Trust.

Subject to the prohibitions contained in Section 4.4 hereof, the Trustees may alter the investment policies set forth in Sections 4.1 and 4.2 if they should determine such change to be in the best interests of the Trust. Subject to the preceding sentence, the Trustees shall endeavor to invest the Trust's assets in accordance with the investment policies set forth in this Article IV, but the failure so to invest its assets shall not affect the validity of any investment made or action taken by the Trustees.

**4.4 Restrictions.** Notwithstanding anything in this Declaration of Trust which may be deemed to authorize the contrary, the Trustees shall not:

- (a) invest in commodities, foreign currencies, bullion or chattels, except as required in the day-to-day business of the Trust or in connection with its investments;
- (b) invest in real estate contracts for sale (except under circumstances wherein the investment of the Trust is substantially equivalent to a mortgagee's interest) in excess of a value of 1% of the Total Assets of the Trust; provided, however, that nothing in this Section 4.4 shall prevent the holding of contracts of sale as security for loans made by the Trust and the acquisition and ownership of such contracts of sale upon foreclosure of, or realization upon, such security interests, and contracts of sale so held or owned shall be excluded from the computation required by this Section 4.4(b);
- (c) engage in any short sale;
- (d) issue equity Securities of more than one class (other than convertible obligations, warrants, rights and options);
- (e) issue "redeemable Securities" as defined in Section 2(a) (31) of the Investment Company Act of 1940;
- (f) hold Securities in any "real estate investment trust" which is then holding investments or engaging in activities prohibited to the Trustees under this Section 4.4;
- (g) engage in trading as compared with investment activities, or engage in the business of underwriting or agency distribution of Securities issued by others, but this