

ARTICLE 11

Miscellaneous

Section 11.1. Immunity from Liability. No recourse shall be had for the payment of the principal of or interest or premium, if any, on the Notes or for any claim based thereon or otherwise in respect thereof or based on or in respect of this Indenture, against (i) any incorporator or any past, present or future subscriber to the capital stock, stockholder, officer or director of the Company (together with any predecessor or successor corporation); (ii) any corporation, partnership (or any partner thereof) or individual to which the Trust Estate or any part thereof shall have been transferred, or (iii) any person other than the Company on the ground that in entering into the transactions evidenced hereby and by the Notes, the Company was acting as an agent for the account and benefit of such person and that such person was the principal of the Company, in any such case, under any rule of law, statute or constitution, or by the enforcement of any assessments or penalty, or otherwise; provided, however, that nothing herein or in the Notes contained shall be taken to (i) prevent recourse to and the enforcement against the Company and the Trust Estate of all liabilities, obligations and undertakings herein and in the Notes contained, (ii) prevent recourse to and the enforcement of any liability, obligation or undertaking of any stockholder or subscriber to capital stock upon or in respect of shares of capital stock not fully paid up, or (iii) prevent recourse to and enforcement against any corporation, partnership (or any general partner thereof) or individual to which the Trust Estate or any part thereof shall have been transferred, of the obligations undertaken and/or assumed by such corporation, partnership (or any general partner thereof) or individual pursuant to Section 4.6.

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