

RESB

(j) It will, from time to time, upon request of Trustee, deliver to Trustee an opinion of counsel satisfactory to Trustee to the effect that, on the basis of the most recent said certificate filed by Company (or any principal user, or both) with the Internal Revenue Service, the capital expenditures made by Company and any principal user do not cause the interest payable on the Bonds to be subject to federal income taxation;

(k) It will not (a) use any of the proceeds of Bonds for any purpose other than to pay the costs specified in the Agreement, (b) request, approve, or permit to be approved on its behalf, any payment of the proceeds of Bonds if, as a result of such payment, less than "substantially all" of the proceeds of Bonds expended at that time would be considered as having been used for the acquisition, construction and installation of land or property of a character subject to the allowance for depreciation within the meaning of Section 103(b)(6)(A) of the Code, or (c) take any other action with respect to the use of the proceeds of the Bonds that would result in the loss of the exemption of interest on the Bonds from federal income taxation under Section 103(b)(6) of the Code; and

(l) It will not use any of the proceeds of the Bonds to (i) provide a facility the primary purpose of which is retail food or beverage services, automobile sales or service, or the provision of recreation or entertainment, (ii) nor to provide any of the following facilities: any private or commercial golf course, country club, massage parlor, tennis club, skating facility (including roller skating, skateboard and ice skating), racquet sports facility (including any handball or racquetball court), hot tub facility, suntan facility, racetrack, airplane, skybox (or other private luxury box), health club facility, facility primarily used for gambling or store whose principal business is the sale of alcoholic beverages for consumption off premises.

(9) Covenants Regarding Operation and Maintenance of Facilities: Company expressly covenants and agrees that it shall pay all costs of operating and maintaining the Facilities and further:

(a) That it shall operate and maintain the Facilities and each and every portion thereof, including all additions and improvements and all facilities adjoining and/or appurtenant thereto and otherwise in good operating order and condition,

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