

not constitute a voidable preference in the event of the occurrence of an Act of Bankruptcy, or (iv) the proceeds from investment of moneys qualifying as Available Moneys under clause (i), (ii), or (iii) above, and (b) with respect to any payment date not occurring during the term of the Letter of Credit, any moneys held by Trustee and the proceeds from the investment thereof. Moneys in the Acquisition and Construction Fund are not included within this definition of "Available Moneys." Notwithstanding the foregoing, when used with respect to payment of any amounts due in respect of any Pledged Bonds, the term "Available Moneys" shall mean any moneys held by Trustee and the proceeds from the investment thereof, except for moneys drawn under the Letter of Credit.

"Bank" means (i) Bankers Trust Company, a New York banking corporation organized and existing under the laws of New York.

"Banks' Mortgage" means, collectively, the Mortgage dated June 29, 1984 and the Security Agreement dated June 27, 1984, both given by Company, in part securing the Loan Agreement and benefitting the lenders named therein.

"Bond Fund" means the fund created in Section 6.01 of the Indenture.

"Bonds Registrar of Issuer" means the Trustee as described in Section 2.08 of the Indenture.

"Bonds" means the Bonds issued by Issuer pursuant to the Indenture.

"Capital Expenditures" and "Capitalized Leases" shall have the meanings ascribed thereto in the Loan Agreement.

"Co-Bond Registrar of Issuer" means the Tender Agent as described in Section 2.08 of the Indenture.

"Business Day" means a day other than Saturday or Sunday on which Agent, Trustee and Tender Agent are generally open for the purpose of conducting a commercial banking business.

"Code" means the Internal Revenue Code of 1954, as amended from time to time.

"Company" means (i) Edgcomb Metals Company, a Delaware corporation, formerly Edgcomb Acquisition Company and New Edgcomb Corp., and (ii) any surviving, resulting or transferee entity.

"Company Representative" means the person or persons at the time designated to act on behalf of Company by written certificate furnished to Issuer and Trustee containing the