

the securities therein shall be valued at their cost or market value, excluding accrued interest, whichever is lower. The interest, including realized increment on securities purchased at a discount, received on all such securities (after deduction for accrued interest, commissions, if any, and premium paid from the Construction Fund, at time of purchase) shall be deposited by the Depositary in the Construction Fund and any loss resulting from such investments will be charged to the Construction Fund. The Depositary shall not be liable or responsible for any loss resulting from any such investment or resulting from the redemption, sale or maturity of any such investment as in this Indenture authorized. If at any time it shall become necessary that some or all of the securities purchased with the moneys in the Construction Fund be redeemed or sold in order to raise moneys necessary to comply with the provisions of this Indenture, the Depositary shall effect such redemption or sale, employing, in the case of a sale, any commercially reasonable method.

SECTION 3.08. Qualification of Depositary. So long as there are moneys on deposit in the Construction Fund, there shall at all times be a Depositary hereunder which shall be a corporation or association organized and doing business under the laws of the United States or any State and authorized under such laws to exercise corporate trust powers, having a combined capital and surplus of at least Twenty-Five Million Dollars (\$25,000,000) and subject to supervision or examination by federal or state authority. If such corporation publishes reports of condition at least annually pursuant to law or to the requirements of any supervising or examining authority above referred to, then for the purposes of this Section 3.08 the combined capital and surplus of such corporation shall be deemed to be its combined capital and surplus as set forth in its most recent report of condition so published. In case at any time the Depositary shall cease to be eligible in accordance with the provisions of this Section 3.08, the Depositary shall resign immediately in the manner and with the effect specified in Section 3.13 hereof.

SECTION 3.09. Duties of Depositary. The Depositary shall perform such duties and only such duties as are specifically set forth in this Article III of this Indenture and use the same degree of care and skill in their performance, as a prudent man would exercise or use under the circumstances in the conduct of his own affairs.

In respect to the disbursement of funds or investment of moneys, the Depositary shall have the right, but shall not be required, to demand, as a condition of such action, any showings, certificates, opinions, appraisals or