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or in any certificate of the Lessee required to be delivered under this Agreement or in connection with the issuance, sale or delivery of the Bonds, which such act or omission or misrepresentation has the effect of causing the interest payable on the Bonds to become includable in the gross income for Federal income tax purposes of the holders or former holders of the Bonds.

At the closing of any purchase of the Project pursuant to this Section, the County shall deliver to the Lessee the documents referred to in Section 11.4. The purchase price shall be applied, together with other available moneys in the Bond Fund, to the redemption of the Bonds on the earliest possible date after notice as provided in the Indenture, whether or not such date is an interest payment date, and to the payment of any redemption premium required by Section 12.2 on account of previously paid Bonds.

SECTION 12.3. Obligation of Lessee Further Defined. The parties recognize that the Bonds are being issued as tax free obligations by virtue of an election made under Section 103(b)(6)(D) of the Internal Revenue Code of 1954, and that circumstances (not now contemplated or anticipated) may hereafter result in a determination as provided in Section 12.2 (which may be disputed) that interest on the Bonds is subject to Federal Income Tax by reason of a violation actual or claimed) of the capital expenditures limitation prescribed in Section 103(b)(6)(D) of the Internal Revenue Code of 1954. It is the intention of the parties hereto that subject to the proviso in the second paragraph of Section 12.2, the Lessee, in the event of such a determination, shall provide each person who is a holder of a Bond on the occasion as of which interest on the Bonds becomes (or is determined as provided in Section 12.2 to be) taxable, as a result of any actual or claimed violation of Section 103(b)(6)(D) of the Internal Revenue Code of 1954, with the relief prescribed in Section 12.2 hereof.

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