

this Indenture or any covenant, condition or provision herein contained; and all such covenants, conditions and provisions are and shall be held to be for the sole and exclusive benefit of the Company, the Trustee and the holders of the Bonds.

SECTION 11.3. Illegal Provisiion. In case any one or more of the provisions herein or in the Bonds contained shall be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Indenture shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein or therein.

SECTION 11.4. Notices. Any notice to the holders of Bonds shall be in writing. Any notice to or request or demand upon the Trustee shall be in writing and may be given or presented, and such demand may be made, at the principal corporate trust office of the Trustee. Any notice to or demand upon the Company shall be in writing and shall be deemed to have been sufficiently given or served for all purposes by being deposited, postage prepaid, in a post office letter box addressed to the Company, with a copy thereof, similarly mailed, to the Krystal Company, P.O. Box 1299, 701 Cherry Street, Chattanooga, Tennessee 37401, Attention of President, or, in any such case, at such other address as may be filed in writing by the Company with the Trustee. Whenever, pursuant to the provisions of this Indenture, notice in writing is required to be given or sent to the holders of the Bonds, such requirement shall be satisfied if such notice be given or sent, in the manner prescribed, to the holders of the Bonds, at the respective addresses appearing on the Register.

SECTION 11.5. Waiver of Notice. Whenever in this Indenture the giving of notice is required, the giving thereof may be waived in writing by the person or persons entitled to receive such notice.

SECTION 11.6. Maximum Interest Payable. No provision of this Indenture or of the Bonds shall require the payment or permit the collection of interest in excess of the maximum permitted by law. If any excess of interest in such respect is herein or in the Bonds provided for, or shall be adjudicated to be so provided for herein or in the Bonds, neither the Company nor its successors or assigns shall be obligated to pay such interest in excess of the amount

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