

combined capital and surplus of such corporation at any time 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 Trustee shall cease to be eligible in accordance with the provisions of this § 14.02, the Trustee shall resign immediately in the manner specified in § 9.04 hereof and with the effect specified in § 14.03 hereof.

§ 14.03. In case at any time any of the following shall occur—

(1) the Trustee shall fail to comply with the provisions of § 14.01 (a) hereof after written request therefor by the Companies or by any Bondholder who has been a bona fide holder of a Bond or Bonds for at least six months, or

(2) the Trustee shall cease to be eligible in accordance with the provisions of § 14.02 hereof and shall fail to resign after written request therefor by the Companies or by any such Bondholder, or

(3) the Trustee shall become incapable of acting, or shall be adjudged a bankrupt or insolvent, or a receiver of the Trustee or of its property shall be appointed, or any public officer shall take charge or control of the Trustee or of its property or affairs for the purpose of rehabilitation, conservation or liquidation,

then, in any such case, the Companies may remove the Trustee and appoint a successor trustee by written instrument, in duplicate, executed by order of the Boards of Directors of the Companies, one copy of which instrument shall be delivered to the Trustee so removed and one copy to the successor trustee, and shall publish notice of any such appointment as provided in § 9.04 hereof, or, subject to the provisions of the last paragraph of § 8.13 hereof any Bondholder who has been a bona fide holder of a Bond for at least six months may, on behalf of himself and all others similarly situated, petition any court of competent jurisdiction for the removal of the Trustee and the appointment of a successor trustee. Such court may thereupon, after such notice, if any, as it may deem proper and prescribe, remove the Trustee and appoint a successor trustee.

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