

and the Trustee to comply fully with all applicable rules, rulings, policies, procedures, Regulations or other official statements promulgated, proposed or made by the United States Department of the Treasury or the Internal Revenue Service pertaining to obligations, the exemption of the interest on which is subject to compliance with Section 103(b)(4)(A) of the Code; and

(c) it will file or record such documents and take such other steps as are necessary, in the written opinion of Bond Counsel filed with the Developer, the Authority and the Trustee, in order to ensure that the requirements and restrictions of this Agreement will be binding upon all owners of the Project, including, but not limited to, the execution and recordation of this Agreement in the real property records of the county in which the Project is located.

The Developer shall notify the Trustee and the Authority of the occurrence of any event of which the Developer has notice and which event, to the knowledge of the Developer, would cause the interest on the Bonds to become subject to federal income taxation.

Section 12. Legal Action Upon Violation. In the event the Developer fails to promptly cure any violation hereof after notice by or on behalf of the Authority, such violation of any of these Covenants may be enjoined, abated, restrained or otherwise remedied by appropriate legal or equitable proceedings. In the event of proceedings brought by any party or parties to enforce or restrain violation of any of these Covenants, or to determine the rights or duties of any person hereunder, the prevailing party in such proceedings may recover reasonable attorneys' fees to be fixed by the court, in addition to court costs and any other relief awarded by the court in such proceedings. However, enforcement of these Covenants shall not result in any claim against the mortgaged property, the mortgage proceeds, any reserve or deposit made with the mortgagee or any other person or entity in connection with the mortgage transaction, or against the rents or other income from the Project.

Section 13. Enforceability. The Covenants shall bind the Developer and its heirs, successors and assigns, and shall inure to the benefit of and be enforceable by the Authority and its successors and assigns. The failure of the Authority to enforce any of the Covenants shall not be deemed a waiver of the right to enforce the same thereafter. There shall be no waiver of any of the Covenants except in accordance with Section 10(c) hereof.