

ARTICLE EIGHT.

IMMUNITY OF INCORPORATORS, STOCKHOLDERS,
OFFICERS AND DIRECTORS.

No recourse shall be had for the principal of, or the premium, if any, or interest on, any Bond, or any part thereof, or for any claim based thereon or otherwise in respect thereof or of the indebtedness represented thereby, or based on or in respect of this Indenture or any indenture supplemental hereto, against any incorporator, or any past, present or future stockholder, officer or director of the Company or of any successor corporation, as such, either directly or through the Company or any successor corporation or any other person, whether by virtue of any constitution, statute or rule of law or by the enforcement of any assessment or penalty or otherwise, it being expressly understood and agreed that this Indenture and the obligations hereby secured are solely corporate obligations and that no personal liability whatever shall attach to or be incurred by any incorporator, stockholder, officer or director of the Company or of any successor corporation, as such, because of the incurring of the indebtedness hereby secured or under or by reason of any of the obligations, covenants or agreements contained in this Indenture or any supplemental indenture or any of the Bonds or coupons, any and all such personal liability, whether presently existing or hereafter arising, being hereby expressly waived and released as a part of the consideration for the execution of this Indenture and the issue of the Bonds.

ARTICLE NINE.

BONDHOLDERS' ACTS, HOLDINGS AND APPARENT AUTHORITY.

SECTION 9.01. Whenever in this Indenture it is provided that the holders of a specified percentage in aggregate principal amount of the Bonds may take any action (including the making of any demand or request, the giving of any notice, consent or waiver or the taking of any other action), the fact that at the time of taking any such action the holders of such specified percentage have joined therein may be evidenced (a) by any instrument or any number of instruments of similar tenor executed by bondholders in person or by agent or proxy appointed in writing, or (b) by the record of the holders of Bonds voting in favor thereof at any meeting of bondholders