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ARTICLE VIII

POSSESSION, USE AND PARTIAL RELEASE OF THE PROJECT

SECTION 8.01. Subordination to Rights of the Tenant. As provided in Sections 10.02 and 12.01 of the Lease, this Indenture and the rights and privileges hereunder of the Trustee and the holders of the Bonds are specifically made subject and subordinate to the rights and privileges of the Tenant set forth in the Lease. So long as not otherwise provided in this Indenture the County shall be suffered and permitted to possess, use and enjoy the Project so as to carry out its obligations under the Lease.

SECTION 8.02. Release of Land. Reference is made to the provisions of the Lease, including without limitation specifically Sections 8.07 and 8.08 thereof, whereby the County and the Tenant have reserved the right to withdraw from the Project part of the Leased Land included therein. The Trustee, upon request of the County or the Tenant, shall certify that any real property so removed is no longer part of the Project for purposes of this Indenture upon compliance with the provisions of the Lease.

SECTION 8.03. Release of Facilities. Reference is made to the provisions of the Lease, including without limitation specifically Section 6.02 thereof, whereby the Tenant may withdraw from the Project certain items of machinery and equipment included in the Facilities, defined in the Lease as Leased Equipment. The Trustee, at the request of the County or the Tenant, shall certify that any such Leased Equipment is free from any provision of this Indenture upon compliance with the provisions of the Lease.

SECTION 8.04. Granting of Easements. Reference is made to the provisions of the Lease, including without limitation Section 8.08 thereof, whereby the County may grant or release certain easements, licenses, rights-of-way, and other rights or privileges in the nature of easements with respect to the Project. The Trustee, upon request of the County or the Tenant, shall certify that the rights or privileges so granted or released are no longer part of the Project for purposes of this Indenture upon compliance with the requirements of the Lease.

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