

**§2214. Trust agreements or other documents**

**1. Trust agreements or other documents.** At the discretion of the agency, revenue obligation securities may be issued under this subchapter pursuant to a trust agreement or other document. The trust agreement or other document may:

- A. Pledge or assign the revenues or proceeds of the project or projects or other eligible collateral; [PL 1989, c. 585, Pt. A, §7 (NEW).]
- B. Set forth the rights and remedies of the security holders and other persons and contain any reasonable and legal provisions for protecting the rights and remedies of the security holders; [PL 1989, c. 585, Pt. A, §7 (NEW).]
- C. Restrict the individual right of action by security holders; and [PL 1989, c. 585, Pt. A, §7 (NEW).]
- D. Include covenants setting forth the duties of the agency and user in relation to:
  - (1) Acquisition of property or eligible collateral;
  - (2) Construction, reconstruction, renewal, replacement and insurance of the project or eligible collateral;
  - (3) Rents to be charged or other payments to be made for use;
  - (4) Payment for the project or eligible collateral; and
  - (5) Custody, safeguarding and application of all money. [PL 1989, c. 585, Pt. A, §7 (NEW).]

Any financial institution may furnish indemnifying bonds or pledge the securities as may be required by the agency.

[PL 1989, c. 585, Pt. A, §7 (NEW).]

**2. Mortgages.** To further secure the payment of the revenue obligation securities, the trust agreement or other document may mortgage or assign the mortgage of the project, or any part of the project, and create a lien on or security interest in any or all of the project. In the event of a default with respect to the revenue obligation securities, the trustee, mortgagee or other person may be authorized by the trust agreement or other document containing a mortgage or assignment of a mortgage to take possession of, hold, manage and operate all or any part of the mortgaged property and, with or without taking possession, to sell or from time to time lease the property in accordance with law. Any security interest granted by the authority under this chapter may be created and perfected in accordance with the Uniform Commercial Code, Title 11, Article 9-A.

[PL 1999, c. 699, Pt. D, §29 (AMD); PL 1999, c. 699, Pt. D, §30 (AFF).]

**3. Additional provisions.** Any trust agreement or other document may contain provisions which shall be a part of the contract with holders of revenue obligation securities as to:

- A. Pledging any specified revenues or assets of the agency to secure the payment of the securities, subject to agreements with existing holders of securities; [PL 1989, c. 585, Pt. A, §7 (NEW).]
- B. Pledging all or any part of the unencumbered revenues or assets of the agency to secure the payment of securities, subject to agreements with existing holders of securities; [PL 1989, c. 585, Pt. A, §7 (NEW).]
- C. Setting aside, regulating and disposing of reserves or sinking funds; [PL 1989, c. 585, Pt. A, §7 (NEW).]
- D. Limitations on the purpose to which the proceeds of sale of securities may be applied and the pledge of the proceeds to secure the payment of the securities or of any issue of securities; [PL 1989, c. 585, Pt. A, §7 (NEW).]

E. Limitations on the issuance of additional securities; [PL 1989, c. 585, Pt. A, §7 (NEW).]

F. The terms on which additional securities may be issued and secured and the refunding of outstanding or other securities; [PL 1989, c. 585, Pt. A, §7 (NEW).]

G. The procedure, if any, by which the terms of any contract with holders of securities may be amended or abrogated, including the proportion of the holders which must consent and the manner in which the consent may be given; [PL 1989, c. 585, Pt. A, §7 (NEW).]

H. Limitations on the amount of money to be expended by the agency for operating expenses of the agency; [PL 1989, c. 585, Pt. A, §7 (NEW).]

I. Vesting in a trustee or trustees such property, rights, powers and duties in trust as the agency may determine, which may include any or all of the rights, powers and duties of the trustee appointed by the holders of the securities under this subchapter, and limiting or abrogating the right of the holders of the securities to appoint a trustee under this chapter or limiting the rights, powers and duties of the trustee; [PL 1989, c. 585, Pt. A, §7 (NEW).]

J. Defining the acts or omissions to act which will constitute a default in the obligations and duties of the agency to the holders of the securities and providing for the rights and remedies of the holders of the securities in the event of default, including, as a matter of right, the appointment of a receiver, but only if the rights and remedies are not inconsistent with the laws of the State and other provisions of this subchapter; and [PL 1989, c. 585, Pt. A, §7 (NEW).]

K. Any other matters, of like or different character, which in any way affect the security or protection of the holders of the securities. [PL 1989, c. 585, Pt. A, §7 (NEW).]  
[PL 1989, c. 585, Pt. A, §7 (NEW).]

**4. Expenses; pledges.** All expenses incurred in carrying out a trust agreement or financial document may be treated as a part of the cost of the operation of the project. All pledges of revenue or eligible collateral under this subchapter shall be valid and binding from the time when the pledge is made. All the revenues or eligible collateral pledged and later received by the agency shall immediately be subject to the lien of the pledges without any physical delivery or further action under the Uniform Commercial Code or otherwise. The lien of the pledges shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise, against the agency, irrespective of whether the parties have notice thereof.  
[PL 1989, c. 585, Pt. A, §7 (NEW).]

**5. Other provisions.** A trust agreement or financial document may contain other provisions the agency deems reasonable and proper for the security of the security holders.  
[PL 1989, c. 585, Pt. A, §7 (NEW).]

## SECTION HISTORY

PL 1989, c. 585, §A7 (NEW). PL 1999, c. 699, §D29 (AMD). PL 1999, c. 699, §D30 (AFF).

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