

PERRY COUNTY COURT CLERK

BOOK #/TITLE NAME: 23
Page-SubPage #: 284-1

FISCAL COURT ORDERS

Document Image

284

ORDINANCE NO. _____

ORDINANCE OF THE FISCAL COURT OF THE COUNTY OF PERRY, KENTUCKY, RELATING TO A SUPPLEMENTAL INDENTURE OF TRUST AMENDING CERTAIN PROVISIONS THEREOF PURSUANT TO WHICH THE COUNTY OF PERRY, KENTUCKY HEALTH CARE SYSTEM REVENUE BONDS SERIES 1984 (APPALACHIAN REGIONAL HOSPITALS, INC. PROJECT) WERE HERETOFORE ISSUED.

WHEREAS, the County of Perry, Kentucky (the "County") has heretofore approved, by Ordinance adopted on May 21, 1984, the issuance of the County of Perry, Kentucky Health Care System Revenue Bonds Series 1984 (Appalachian Regional Hospitals, Inc. Project) in the principal amount of \$26,100,000 (the "Bonds"), to finance the acquisition, construction and equipping of a health care facility in Perry County, Kentucky; and

WHEREAS, pursuant to said Ordinance adopted on May 21, 1984, the County has delivered an Indenture of Trust by and between the County and First National Bank of Louisville, Louisville, Kentucky (the "Indenture"), pursuant to which the Bonds have been issued and are presently outstanding; and

WHEREAS, Appalachian Regional Hospitals, Inc. ("ARH"), has requested that the Indenture be amended by a Supplemental Indenture of Trust to permit excess Funded Interest (as defined in the Indenture) held in the Bond Fund created pursuant to the terms of the Indenture to be transferred to the Acquisition Fund created pursuant to the terms of the Indenture to be used for the purpose of acquiring equipment for said health care facility, as permitted by Section 3.6 of the Loan Agreement between the County and ARH (the "Loan Agreement") pursuant to which the health care facility is being acquired, constructed and equipped;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF PERRY, COMMONWEALTH OF KENTUCKY:

PERRY COUNTY COURT CLERK

BOOK #/TITLE NAME: 23

Page-SubPage #: 285-1

FISCAL COURT ORDERS

Document Image

285

1. APPROVAL AND AUTHORIZATION OF EXECUTION OF FIRST SUPPLEMENTAL INDENTURE OF TRUST.

A First Supplemental Indenture of Trust in the form attached to this Ordinance is hereby approved subject to such minor changes, insertions or omissions as may be approved by the County Judge/Executive, in order to effectuate the purposes of this Ordinance, and the County Judge/Executive is hereby authorized to execute and acknowledge same for and on behalf of the County; and the County Clerk is authorized to attest same and to affix thereto the corporate seal of the County. Said document is hereby ordered to be filed with this Ordinance in the official records of the County.

2. PROVISIONS IN CONFLICT REPEALED.

All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

3. EFFECTIVE DATE OF ORDINANCE.

This Ordinance shall take effect from and after its adoption, approval and publication by title and summary, which publication is hereby approved and ordered to be made by the County Clerk, pursuant to KRS 67.077.

INTRODUCED AND GIVEN FIRST READING ON APRIL 28, 1987, GIVEN SECOND READING, PASSED AND ORDERED PUBLISHED BY TITLE AND SUMMARY BY THE FISCAL COURT OF THE COUNTY OF PERRY, KENTUCKY, ON THIS 11TH DAY OF MAY, 1987.

COUNTY OF PERRY, KENTUCKY

By A. Herman Dease
County Judge/Executive

(SEAL)

Attest:

Clarence Howard
County Clerk

PERRY COUNTY COURT CLERK

BOOK #/TITLE NAME: 23

Page-SubPage #: 286-1

FISCAL COURT ORDERS

Document Image

286

CERTIFICATE OF COUNTY CLERK

I, Clarence Howard, hereby certify that I am the duly qualified and acting County Clerk of the County of Perry, Kentucky, that the foregoing Ordinance is a true copy of an Ordinance given first reading by the Fiscal Court of said County on April 28, 1987, and duly enacted by the Fiscal Court of said County, signed by the County Judge/Executive of said County, and attested under seal by me as County Clerk, at a properly convened meeting of said Fiscal Court held on May 11, 1987, as shown by the official records in my custody and under my control, that Notice of Passage and Summary of said Ordinance has been ordered to be published as required by law (KRS 67.077 and KRS 103.210), and that said Ordinance appears as a matter of public record in the County Ordinance Book.

I further certify that said meetings were duly held in accordance with all applicable requirements of Kentucky law, including KRS 61.810, 61.815, 61.820 and 61.825, that a quorum was present at each of said meetings, that said Ordinance has not been modified, amended, revoked or repealed, and that same is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand as County Clerk and the official seal of the County this 11th day of May, 1987.

Clarence Howard
County Clerk

(Seal of County)