

against the successor and in favor of each objecting stockholder party to the proceeding for the value of his stock so determined. If the appraisers' determination of value is rejected, the court (1) may determine the fair value of the stock of the objecting stockholders, in which event judgment shall be entered upon such determination of fair value, or (2) may remit the proceeding to the same or other appraisers, making such directions with respect to further proceedings as it deems proper. Any judgment for the value of stock entered pursuant to this section shall include interest from the date of the stockholders' vote on the action to which objection was made; provided, that no interest shall be allowed to any objecting stockholder, if, taking into consideration the price which the successor offered for such stock, the financial statements and other information furnished, and such other circumstances as the court deems relevant, the court finds that the action of the stockholder in failing to accept the offer was arbitrary and vexatious or not in good faith.

(g) The costs of the proceeding shall be determined by the court and shall be assessed against the successor; provided, that all or any part of the costs may be apportioned and assessed as the court deems equitable against any or all of the objecting stockholders parties to the proceeding if, taking into consideration the price which the successor offered for such stock, the financial statements and other information furnished, and such other circumstances as the court deems relevant, the court finds that the action of the stockholder in failing to accept the offer was arbitrary and vexatious or not in good faith. Costs shall include reasonable compensation to, and reasonable expenses of, the appraisers, but shall exclude the fees and expenses of counsel, and of experts retained by any party; provided, that if no offer was made or the value of the stock as determined in the proceeding materially exceeds the amount the successor offered to pay therefor, the court, in its discretion, may award to any stockholder party to the proceeding such sum as the court determines to be reasonable compensation for any experts retained by such stockholder in the proceeding.

(h) The judgment shall be final and conclusive on all parties and shall have the same force and effect as other decrees in equity, unless and until an appeal is made and perfected. The judgment shall constitute a lien prior to any mortgage or other lien placed on its property or franchises by the successor on or after the effective date of the consolidation, merger or transfer.

(i) Any stockholder demanding payment for stock in accordance with this section shall have no right to receive any