

IN ORDER TO SECURE PAYMENT TO THE STATE OF ANY STATE SALES, USE, AND INCOME WITHHOLDING TAX, UNLESS THE COMPTROLLER IN HIS DISCRETION IS SATISFIED THAT A BOND OR DEPOSIT IS UNNECESSARY TO PROTECT THE STATE, THE REAL ESTATE INVESTMENT TRUST SHALL:

(1) FILE WITH THE STATE COMPTROLLER A BOND IN THE AMOUNT HE DETERMINES WHICH IS ISSUED BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE; OR

(2) DEPOSIT WITH THE COMPTROLLER CASH OR SECURITIES APPROVED BY HIM IN THE AMOUNT HE DETERMINES.

(B) WAIVER OF SECURITY.

IF THE COMPTROLLER WAIVES THE REQUIREMENT OF A BOND OR DEPOSIT, HE SHALL NOTIFY THE DEPARTMENT IN WRITING OF HIS DECISION.

(C) PROCEEDS USED FOR PAYMENT OF TAXES.

AT ANY TIME, WITHOUT NOTIFYING THE REAL ESTATE INVESTMENT TRUST, THE COMPTROLLER MAY APPLY THE CASH OR SELL THE SECURITIES AND APPLY THE PROCEEDS TO THE PAYMENT OF ANY TAX DUE OR ANY INTEREST AND PENALTIES DUE ON THE TAX.

REVISOR'S NOTE: This section is new language derived without substantive change from the last clause of the third, fourth, and fifth sentences of Art. 78C, §2(a).

SUBTITLE 3. POWERS AND INVESTMENT RESTRICTIONS.

8-301. POWERS.

A REAL ESTATE INVESTMENT TRUST HAS THE POWER TO:

(1) UNLESS THE DECLARATION OF TRUST PROVIDES OTHERWISE, HAVE PERPETUAL EXISTENCE UNAFFECTED BY ANY RULE AGAINST PERPETUITIES;

(2) SUE, BE SUED, COMPLAIN, AND DEFEND IN ALL COURTS;

(3) TRANSACT ITS BUSINESS, CARRY ON ITS OPERATIONS, AND EXERCISE THE POWERS GRANTED BY THIS TITLE IN ANY STATE, TERRITORY, DISTRICT, OR POSSESSION OF THE UNITED STATES AND IN ANY FOREIGN COUNTRY;

(4) MAKE CONTRACTS, INCUR LIABILITIES, AND BORROW MONEY;

(5) SELL, MORTGAGE, LEASE, PLEDGE, EXCHANGE,