

(10) For any definition, limitation, or denial of the preemptive rights of stockholders to acquire additional stock in the corporation.

(b) Any of the preferences, conversion or other rights, voting powers, restrictions, limitations as to dividends, qualifications, or terms or conditions of redemption of any class or series of stock may be made dependent upon facts ascertainable outside the charter and may vary among holders thereof, provided that the manner in which such facts or variations shall operate upon the preferences, conversion or other rights, voting powers, restrictions, limitations as to dividends, qualifications, or terms or conditions of redemption of such class or series of stock is clearly and expressly set forth in the charter.

(C) THE BOARD OF DIRECTORS OF A CORPORATION THAT IS REGISTERED OR INTENDS TO REGISTER AS AN OPEN-END COMPANY UNDER THE INVESTMENT COMPANY ACT OF 1940, AFTER THE REGISTRATION AS AN OPEN-END COMPANY TAKES EFFECT, MAY INCREASE OR DECREASE THE AGGREGATE NUMBER OF SHARES OF STOCK OR THE NUMBER OF SHARES OF STOCK OF ANY CLASS THAT THE CORPORATION HAS AUTHORITY TO ISSUE, UNLESS A PROVISION HAS BEEN INCLUDED IN THE CHARTER OF THE CORPORATION AFTER JULY 1, 1987 PROHIBITING AN ACTION BY THE BOARD OF DIRECTORS TO INCREASE OR DECREASE THE AGGREGATE NUMBER OF SHARES OF STOCK OR THE NUMBER OF SHARES OF STOCK OF ANY CLASS THAT THE CORPORATION HAS AUTHORITY TO ISSUE.

2-208.1.

(A) IF THE BOARD OF DIRECTORS OF A CORPORATION REGISTERED AS AN OPEN-END COMPANY UNDER THE INVESTMENT COMPANY ACT OF 1940 INCREASES OR DECREASES THE AGGREGATE NUMBER OF SHARES OF STOCK OR THE NUMBER OF SHARES OF STOCK OF ANY CLASS THAT THE CORPORATION HAS AUTHORITY TO ISSUE IN ACCORDANCE WITH § 2-105(B) OF THIS SUBTITLE, THE BOARD, BEFORE ISSUING ANY OF THE NEWLY-AUTHORIZED STOCK, SHALL FILE ARTICLES SUPPLEMENTARY FOR RECORD WITH THE DEPARTMENT.

(B) ARTICLES SUPPLEMENTARY SHALL INCLUDE:

(1) BOTH AS OF IMMEDIATELY BEFORE THE INCREASE OR DECREASE AND AS INCREASED OR DECREASED:

(I) THE TOTAL NUMBER OF SHARES OF STOCK OF ALL CLASSES THAT THE CORPORATION HAS AUTHORITY TO ISSUE;

(II) THE NUMBER OF SHARES OF STOCK OF EACH CLASS;

(III) THE PAR VALUE OF THE SHARES OF STOCK OF EACH CLASS OR A STATEMENT THAT THE SHARES ARE WITHOUT PAR VALUE; AND