

ANY AGREEMENT, ARRANGEMENT, OR UNDERSTANDING OR UPON THE EXERCISE OF CONVERSION RIGHTS, EXCHANGE RIGHTS, WARRANTS OR OPTIONS, OR OTHERWISE; OR

(II) THE RIGHT TO VOTE STOCK PURSUANT TO ANY AGREEMENT, ARRANGEMENT, OR UNDERSTANDING; OR

(3) THAT HAS ANY AGREEMENT, ARRANGEMENT, OR UNDERSTANDING FOR THE PURPOSE OF ACQUIRING, HOLDING, VOTING, OR DISPOSING OF STOCK WITH ANY OTHER PERSON THAT BENEFICIALLY OWNS, OR WHOSE AFFILIATES OR ASSOCIATES BENEFICIALLY OWN, DIRECTLY OR INDIRECTLY, SUCH SHARES OF STOCK.

(G) ~~(4) "CHARTER" HAS THE MEANING STATED IN § 1-101(E) OF THIS ARTICLE.~~

~~(2)~~ "CHARTER" INCLUDES THE DECLARATION OF TRUST OF A REAL ESTATE INVESTMENT TRUST.

(H) "CONTROL", INCLUDING THE TERMS "CONTROLLING", "CONTROLLED BY", AND "UNDER COMMON CONTROL WITH", MEANS THE POSSESSION, DIRECTLY OR INDIRECTLY, OF THE POWER TO DIRECT OR CAUSE THE DIRECTION OF THE MANAGEMENT AND POLICIES OF A PERSON, WHETHER THROUGH THE OWNERSHIP OF VOTING SECURITIES, BY CONTRACT, OR OTHERWISE, AND THE BENEFICIAL OWNERSHIP OF 10 PERCENT OR MORE OF THE VOTES ENTITLED TO BE CAST BY A CORPORATION'S STOCK CREATES A PRESUMPTION OF CONTROL.

(I) "CORPORATION" INCLUDES A REAL ESTATE INVESTMENT TRUST AS DEFINED IN TITLE 8 OF THIS ARTICLE.

(J) "DIRECTOR" INCLUDES A TRUSTEE OF A REAL ESTATE INVESTMENT TRUST.

(K) "EQUITY SECURITY" MEANS:

(1) ANY STOCK OR SIMILAR SECURITY, CERTIFICATE OF INTEREST, OR PARTICIPATION IN ANY PROFIT SHARING AGREEMENT, VOTING TRUST CERTIFICATE, OR CERTIFICATE OF DEPOSIT FOR AN EQUITY SECURITY;

(2) ANY SECURITY CONVERTIBLE, WITH OR WITHOUT CONSIDERATION, INTO AN EQUITY SECURITY, OR ANY WARRANT OR OTHER SECURITY CARRYING ANY RIGHT TO SUBSCRIBE TO OR PURCHASE AN EQUITY SECURITY; OR

(3) ANY PUT, CALL, STRADDLE, OR OTHER OPTION OR PRIVILEGE OF BUYING AN EQUITY SECURITY FROM OR SELLING AN EQUITY SECURITY TO ANOTHER WITHOUT BEING BOUND TO DO SO.

(L) "REAL ESTATE INVESTMENT TRUST" HAS THE MEANING STATED IN TITLE 8 OF THIS ARTICLE.

(M) "STOCKHOLDER" INCLUDES A SHAREHOLDER OF A REAL ESTATE INVESTMENT TRUST.