

## (c) For purposes of this subsection (37):

(i) Additional consideration is not nominal if (i) when the option to renew the lease is granted to the lessee the rent is stated to be the fair market rent for the use of the goods for the term of the renewal determined at the time the option is to be performed, or (ii) when the option to become the owner of the goods is granted to the lessee the price is stated to be the fair market value of the goods determined at the time the option is to be performed. Additional consideration is nominal if it is less than the lessee's reasonably predictable cost of performing under the lease agreement if the option is not exercised;

(ii) "Reasonably predictable" and "remaining economic life of the goods" are to be determined with reference to the facts and circumstances at the time the transaction is entered into; and

(iii) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate is not manifestly unreasonable at the time the transaction is entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

(38) "Send" in connection with [any writing] A WRITING, RECORD, or notice means:

(A) [to] TO deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed [and] AND, in the case of an [instrument] INSTRUMENT, to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances[.]; OR

(B) [The receipt of any writing] IN ANY OTHER WAY TO CAUSE TO BE RECEIVED ANY RECORD or notice within the time [at which] it would have arrived if properly sent [has the effect of a proper sending].

(39) "Signed" includes any symbol executed or adopted by a party with present intention to authenticate a writing.

(40) "Surety" includes guarantor.

(41) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(42) "Term" means that portion of an agreement which relates to a particular matter.

(43) "Unauthorized signature" means one made without actual, [implied] IMPLIED, or apparent authority and includes a forgery.

(44) "Value." Except as otherwise provided with respect to negotiable instruments and bank collections (§§ 3-303, 4-208 and 4-209) a person gives "value" for rights if he acquires them: