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(b) In respect of all Transactions other than those described in subsection (a) above, it is fully eligible for the benefits of the "Business Profits" or "Industrial and Commercial Profits" provision, as the case may be, the "Interest" provision, "Dividends" provision or the "Other Income" provision (if any) of the Specified Treaty with respect to any payment described in such provision and received or to be received by it in connection with this Agreement and no such payment is attributable to a trade or business carried on by it through a permanent establishment in the Specified Jurisdiction.

"*Specified Treaty*" means the income tax treaty, if any, between Germany and the jurisdiction from which Party B is making payment.

"*Specified Jurisdiction*" means the jurisdiction from which Party B is making payment.

(4) In respect of all Transactions where payments made by Party B to Party A are subject to United States Dividend Equivalent Tax, other than payments made to Party A's New York branch or payments made with respect to Transactions entered into by Party A's London branch acting through Deutsche Bank Securities Inc. or Deutsche Bank AG, New York branch, it is fully eligible for the benefits of the "Business Profits" or "Industrial and Commercial Profits" provision, as the case may be, the "Interest" provision, "Dividends" provision or the "Other Income" provision of the Income Tax Convention between the United States and Germany with respect to any payment described in such provisions and received or to be received by it in connection with this Agreement.

(b) *Payee Tax Representations.*

For purposes of Section 3(f) of this Agreement, Party B makes the following representations:

~~(1) In relation to Darren K. Indyke acting as trustee for and on behalf of The Haze Trust (and Southern Financial LLC and Southern Trust Company Inc.):~~

~~[It is a U.S. person, and it is a corporation that is the beneficial owner of all payments to be made to it under this Agreement, or it is a [corporation/partnership/trust/other _____], organized under the State of Tennessee, and its taxpayer identification number is [_____].]~~

Or

(1) In relation to Southern Financial LLC and Southern Trust Company Inc.: SEE NOTE ABOVE

~~It is (A) a "foreign person" within the meaning of the applicable U.S. Treasury Regulations concerning information reporting and backup withholding tax, (B) organized under the laws of _____, and (C) treated as a [corporation/partnership/trust/other _____] for U.S. federal income tax purposes. No payment received or to be received by it in connection with this Agreement is effectively connected with the conduct of a trade or business conducted in the United States.]~~

~~Please confirm which of the above reps would be appropriate in relation to Southern Financial LLC and Southern Trust Company Inc.~~

(2) It is fully eligible for the benefits of the "Business Profits" or "Industrial and Commercial Profits" provision, as the case may be, the "Interest" provision, "Dividends" provision or the "Other Income" provision (if any) of the Specified Treaty with respect to any payment described in such provisions and received or to be received by it in connection with this Agreement and no such