

TEREX CORP
Form 8-K
August 14, 2006

UNITED STATES

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

FORM 8-K

CURRENT REPORT

**PURSUANT TO SECTION 13 OR 15(d) OF THE
SECURITIES EXCHANGE ACT OF 1934**

Date of report (Date of earliest event reported) August 14, 2006

TEREX CORPORATION

(Exact Name of Registrant as Specified in Charter)

Delaware
**(State or Other Jurisdiction
of Incorporation)**

1-10702
**(Commission
File Number)**

34-1531521
**(IRS Employer
Identification No.)**

500 Post Road East, Suite 320, Westport, Connecticut
(Address of Principal Executive Offices)

06880
(Zip Code)

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Registrant's telephone number, including area code (203) 222-7170

NOT APPLICABLE

(Former Name or Former Address, if Changed Since Last Report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2. below):

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
 - Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
 - Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
 - Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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Item 1.02. Termination of a Material Definitive Agreement.

Pursuant to its previously announced plans, on August 14, 2006, Terex Corporation (Terex or the Company) exercised its early redemption option and repaid the remaining outstanding \$200 million principal amount of its 10-3/8% Senior Subordinated Notes due 2011 (the Notes). The total cash paid was \$218.0 million, and included a call premium of 5.188% as set forth in the indenture for the Notes plus accrued interest of \$38.33 per \$1,000 principal amount at the redemption date. The Bank of New York, trustee under the indenture for the Notes, acted as the paying agent for the Company in connection with this redemption. The Company utilized cash on hand and proceeds from its revolving credit facility for the redemption of the Notes.

As a result of the redemption, the related indenture dated March 29, 2001, by and among Terex, the subsidiary guarantors named therein and The Bank of New York (formerly United States Trust Company of New York), as trustee, terminated automatically as of August 14, 2006.

The Bank of New York may, from time to time, be a party to other agreements with the Company and its subsidiaries, including the provision of commercial banking, investment banking, trustee and/or other financial services in the ordinary course of business of the Company and its subsidiaries, including acting as trustee for the Company s 9-1/4% Senior Subordinated Notes due 2011.

Terex issued a press release on August 14, 2006, announcing that it has completed the foregoing redemption of the Notes. A copy of this press release is included as Exhibit 99.1 to this Form 8-K.

Item 9.01. Financial Statements and Exhibits.

(c) Exhibits

99.1 Press release of Terex Corporation issued on August 14, 2006, with respect to redemption of \$200 million principal amount of 10-3/8% Senior Subordinated Notes.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Date: August 14, 2006

TEREX CORPORATION

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By: /s/ Jonathan D. Carter
Jonathan D. Carter
Vice President, Controller and
Chief Accounting Officer

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