

TEREX CORP
Form 8-K
October 02, 2012

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) September 28, 2012

TEREX CORPORATION

(Exact Name of Registrant as Specified in Charter)

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|---|--|--|
| Delaware (State or Other Jurisdiction of Incorporation) | 1-10702 (Commission File Number) | 34-1531521 (IRS Employer Identification No.) |
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|--|---------------------|
| 200 Nyala Farm Road, Westport, Connecticut (Address of Principal Executive Offices) | 06880 (Zip Code) |
|--|---------------------|

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 September 28, 2012, Terex Corporation (“Terex” or the “Company”) repaid the \$300.0 million principal amount outstanding of its 10-7/8% Senior Notes due 2016 (the “Notes”). The total cash paid to redeem the Notes was \$347.3 million and included a make whole call premium of 12.27% as set forth in the indenture for the Notes, plus accrued and unpaid interest of \$35.34 per \$1,000 principal amount at the redemption date. HSBC Bank USA, National Association (“HSBC”), 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 for the redemption of the Notes.

As a result of the redemption, the related supplemental indenture dated as of June 3, 2009 by and among Terex, the subsidiary guarantors named therein and HSBC as trustee, terminated automatically as of September 28, 2012.

HSBC 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.

Terex issued a press release on October 1, 2012, 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 and is incorporated herein by reference.

Item 9.01. Financial Statements and Exhibits.

(d) Exhibits

99.1 Press release of Terex Corporation issued on October 1, 2012.

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: October 2, 2012

TEREX CORPORATION

By: /s/ Phillip C. Widman
Phillip C. Widman
Senior Vice President and
Chief Financial Officer