

Provided, that the Lessee may in good faith to the extent permitted by law, contest, at Lessee's expense, any such official determination and the additional amounts required by this Section 12.2 shall not be payable during such contest unless the Mortgagee is required by law to pay Federal income taxes with respect to such interest. If such official determination is reversed or withdrawn by competent authority, Lessee shall be relieved of any further obligation to pay interest at the Taxability Rate.

In addition to the foregoing payments, the Lessee will pay to the Mortgagee any amounts required to be paid by Mortgagee as penalties, additions to tax and additional amounts paid because of the failure to include interest on the Series 1980 Note in the Federal gross income of Mortgagee.

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