

5. Taxes, Other Governmental Charges and Utility Charges. The Industry will pay, as the same become due, all taxes and governmental charges of any kind whatsoever that may at any time be lawfully assessed or levied against or with respect to the Mortgaged Property or any machinery, equipment or other property installed or brought by the Industry therein or thereon, which, if not paid, will become a lien on the Mortgaged Property prior to or on a parity with the lien of this Mortgage, all utility and other charges incurred in the operation, maintenance, use, occupancy and upkeep of the Mortgaged Property and all assessments and charges lawfully made by any governmental body for public improvements that may be secured by lien on the Mortgaged Property.

If the Industry shall first notify the Bank of its intention so to do, the Industry may, in good faith contest any such taxes, assessments and other charges and, in the event of any such contest, may permit the taxes, assessments or other charges so contested to remain unpaid during the period of such contest and any appeal therefrom unless the Bank shall notify the Industry that, in the opinion of Independent Counsel, by non-payment of any such items the lien of this Mortgage will be materially endangered or the Mortgaged Property or any part thereof will be subject to loss or forfeiture, in which event such taxes, assessments or charges shall be paid promptly. In the event that the Industry shall fail to pay any of the foregoing items