

to be paid to the Industry and used in one or more of the following ways:

(i) To the restoration of the Mortgaged Property to substantially the same condition thereof as existed prior to the exercise of the said power of eminent domain; or

(ii) To the acquisition, by construction or otherwise, of improvements consisting of a building or buildings, facilities, machinery, equipment or other properties suitable for the Industry's operations at the Mortgaged Property which improvements shall become subject to the lien and security interest of this Mortgaged, such improvements shall be acquired by the Industry subject to no liens or encumbrances prior to or on a parity with the lien of this Mortgage, other than Permitted Encumbrances.

(b) Any balance of the proceeds of the award in such eminent domain proceedings shall be paid to the Industry.

(c) The Bank shall cooperate fully with the Lessee in the handling and conduct of any prospective or pending condemnation proceeding with respect to the Mortgaged Property or any part thereof.

11. Release of Certain Land. In addition to the rights granted by Section 12 hereof, the Industry reserves the right at any time and from time to time to amend this Mortgage for the purpose of effecting the release of and removal from this Mortgage of any part (or interest in such

0.40.3

4328 RV-2