

Mortgage: this First Mortgage and Deed of Trust, as at the time amended, modified or supplemented, by supplemental mortgage or otherwise.

Mortgaged Property: the properties at the time subject to this Mortgage, the right, title and interest of the Company in, to and under the Lease, and the Assignment and all other properties and moneys at the time subject to the lien of this Mortgage or held by Mortgagee hereunder.

Mortgagee: the Mortgagee named in the first paragraph hereof, and its successors and assigns.

Note Purchase Agreement: the Note Purchase Agreement, dated July 1, 1970, between the Company and New York Life Insurance Company.

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Notes: Notes of the Present Series: as defined in the granting clauses hereof.

Officers' Certificate: a certificate signed by the President or a Vice President and the Treasurer or an Assistant Treasurer of the Company or Lessee, as the case may be.

Permitted Exceptions: (a) the liens, covenants, agreements, stated facts, restrictions, exceptions, reservations, limitations, interests, easements and other matters, if any, set forth immediately following the specific descriptions of the Properties in Schedule A attached hereto;

(b) liens for taxes, assessments, or governmental charges not due or payable;

(c) rights of parties in possession under unrecorded lease agreements which by their terms are expressly subordinate and subject to this Mortgage and the Lease; and

(d) minor encroachments and similar minor encumbrances and defects affecting any Property at the time such Property becomes subject to this Mortgage which do not in the aggregate impair the value of such Property nor impair the good and marketable title of such Property and which do not in the aggregate adversely affect the utility, structural integrity or beneficial enjoyment of such Property or the use to which such Property is being, or is proposed to be, put.

Properties: as defined in the granting clauses hereof.

Take-Out Agreement: the Take-Out Agreement, dated July 1, 1970, between the Lessee and the Mortgagee.