

tempted to be taken by any Person other than the Company and (i) the same shall not have been vacated within 60 days of the issuance thereof, or (ii) the Company shall not have been furnished adequate security, in such amounts and form and with such sureties as shall be satisfactory to the Company;

(g) if the Partnership or Color Tile shall make an assignment for the benefit of creditors, or shall admit its inability to pay its debts as they become due or shall file a voluntary petition in bankruptcy, or shall be adjudicated a bankrupt or insolvent or shall file any petition or answer seeking for itself any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any present or future statute, law or regulation, or shall file any answer admitting the material allegations of a petition filed against it in any such proceedings, or shall seek or consent to or acquiesce in the appointment of any trustee, receiver or liquidator of it or all or any substantial part of its properties;

(h) if within 60 days after the commencement of any proceeding against the Partnership or 90 days after the commencement of any proceeding against Color Tile, seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any present or future statute, law or regulation, such proceeding shall not have been dismissed or if within 60 days (in the case of Color Tile, 90 days) after the appointment without the consent or acquiescence of such corporation, of any trustee, receiver or liquidator of such corporation or of all or any substantial part of its properties, such appointment shall not have been vacated or stayed, or if within 60 days (in the case of Color Tile, 90 days) after the expiration of any such stay, such appointment shall not have been vacated;

(i) if a final judgment which, with other outstanding final judgments against the Partnership or against Color Tile exceeds an aggregate of \$250,000.00 shall be rendered against such corporation or partnership and if within 90 days after entry thereof, such judgment shall not have been discharged or bonded, or execution thereof stayed pending appeal or, if, within 90 days after the expiration of any such stay, such judgment shall not have been discharged.

For a notice of default hereunder to be effective as notice thereof, the notice must be given to both the Partnership and Supermart; and, if there is a successor or assign to either all or part of the interest in the Property of either the Partnership or Supermart, notice need not be given in any case to such successor or assign unless such party has first notified the Company of its interest pursuant to Section 46 hereof and written waiver of the assignor or transferor party