

(3) easements, rights of way, restrictions and other minor defects, encumbrances and irregularities in the title to any such property which do not materially impair the use or affect the value of such property for the purposes for which it is held by the Lessee thereof;

(4) rights reserved to or vested in any municipality or public authority to control or regulate such property, or to use such property in any manner which does not materially impair the use or affect the value of such property for the purposes for which it is held by the Lessee thereof; and

(5) any rights granted pursuant to Section 4.05.

(e) "Person" shall include an individual, a partnership, a corporation, a trust, an unincorporated association or organization and a government or any department or agency thereof.

(f) "Principal office of the Trustee" shall mean the office of the Trustee where its corporate trust department is at the time located.

SECTION 11.07. In case any one or more of the provisions contained in this Indenture or in the Notes shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Indenture, but this Indenture shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

SECTION 11.08. Any notice upon the Trustee or the Individual Trustee may be served or presented, and such demand may be made, at the principal office of the Trustee. Any notice to or demand upon the Company shall be deemed to have been sufficiently given or served for all purposes by being deposited, postage prepaid, in a post-office letter box addressed to the Company, in care of The Corporation Trust Company, 100 West 10th Street, Wilmington 99, Delaware, or to the Company at such other address as may be filed in writing by the Company with the Trustee. Any notice to or demand upon any Lessee shall be deemed to have been sufficiently given or served for all purposes by being deposited, postage prepaid, in a post-office letter box addressed to said Lessee, in care of the Treasurer, Kinney Shoe Corporation, 221 Park Avenue South, New York, New York, or to said Lessee at such other address as may be filed in writing by said Lessee with the Trustee.

SECTION 11.09. This Indenture may be executed in any number of counterparts and each of such counterparts shall for all purposes be deemed to be an original; and all such counterparts shall together constitute but one and the same Indenture.