

resulting from or in any way related to any use of the Sloan Property or from the operation of a rock quarry, rock crushing plant, asphalt plant and related activities on the Sloan Property.

3. Conditions for Suit.

3.1 It is the true meaning and intent of the parties that notwithstanding the foregoing provisions of Sections 1 and 2, the Grantor shall have the right to institute and maintain a cause of action arising out of the Grantees' operation of the rock quarry, rock crushing plant, asphalt plant and related activities only if the Grantees have failed to comply with such federal, state and local laws, regulations, permits and licenses as are, now or hereafter, applicable or issued, as the case may be, with respect to such operations, provided, however, the only damages recoverable in such cause of action are those determined to have been proximately caused by, and directly related to, Grantees' operation and failure to comply with the statute(s) or regulation(s) governing the activity of which the Grantor complains, and provided further that the Grantor shall have the right to seek injunctive relief only if the Grantees have consistently and repeatedly failed to comply with such federal, state and local laws and regulations, permits and licenses as are, now or hereafter, applicable or

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