

4. Evans hereby confirms that the foregoing Mortgage shall secure (a) the Note of Evans to Mortgagee referred to above in the principal sum of \$500,000.00; (b) a certain Guaranty executed by Evans contemporaneously herewith and delivered to Mortgagee under which Evans guarantees all existing and future obligations and liabilities of National Icee Corporation and its wholly-owned subsidiary companies to Mortgagee; (c) all other existing and future liabilities of every kind of Evans to Mortgagee; and (d) all interest, costs and expenses, including reasonable attorneys' fees, accruing in connection with the foregoing obligations. Evans therefore agrees that Mortgagee may retain the Mortgage and enforce its rights and remedies thereunder until all liabilities described above of Evans to Mortgagee are paid and satisfied in full. If Evans defaults under the Mortgage, or defaults on any other existing or future obligation to Mortgagee, Mortgagee may accelerate the liabilities of Evans under the Mortgage, declare the same immediately due and payable and proceed to enforce its rights and remedies thereunder.

5. To the extent the Note described above which Evans is issuing to Mortgagee contemporaneously herewith evidences an existing obligation of Evans, such Note is intended merely to reset the payment terms of such present continuing liability to Mortgagee, and shall not be deemed to extinguish any existing indebtedness or evidence any new obligation of Evans to Mortgagee.

6. This Amendment to Mortgage shall be deemed incorporated into and made part of the Mortgage and all terms, conditions and covenants contained in the Mortgage, unless expressly modified herein remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and affixed its seal the day and year first above written.

SIGNED SEALED AND DELIVERED  
IN THE PRESENCE OF

Harvey J. Gorman  
Edward H. Baker

E. B. EVANS, INC.

By: Harvey J. Gorman  
Attest: Edward H. Baker  
(Corporate Seal)

Approved:

PNB COMMERCIAL FINANCE CORPORATION

By: Edward H. Baker

THE PHILADELPHIA NATIONAL BANK

By: Edward H. Baker, Commercial Officer

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

Edward H. Baker  
Harvey J. Gorman  
As to PNB Commercial Finance Corporation

Edward H. Baker  
Harvey J. Gorman  
As to The Philadelphia National Bank

0132

4328 RV-2