

good, marketable, fee simple title to said real estate, subject only to the lien of current taxes not delinquent, and to said recorded contract; and, within ten (10) days after the simultaneous recording of the above mentioned deed and this lease, Lessor, at Lessor's expense, shall furnish Lessee with a title certificate to the Lessee from a reputable attorney approved by Lessee certifying that Lessor, or Lessor's assignee(s), owns a good, marketable, fee simple title to the demised premises, subject only to the lien of current taxes not delinquent and to this lease, giving the recording data for this lease. In the event of Lessor's failure to comply with any portion of this sub-paragraph, Lessee may terminate this lease by written notice mailed to Lessor any time prior to compliance by Lessor.

C. If title is not acquired as provided in A(iii) above, Lessee may, notwithstanding any provisions of this lease, immediately reimburse Lessee for Lessee's expenses incurred in contemplation of this lease. Lessor also covenants that Lessee shall have full and continuous right to use, and access for loading and unloading purposes to, the railway spur tracks adjoining demised warehouse and also access, as herein provided, to the demised warehouse before March 1, 1960.

D. It is agreed that Lessor may assign this lease, provided that R. M. Caine shall continue to remain liable for the performance of Lessor's obligations under this lease if same are not performed by Lessor's assigns.

XX. SUCCESSORS

The provisions, covenants and conditions of this lease shall bind and inure to the benefit of the legal representatives, successors and assigns of the parties hereto.

This is a lease of realty and is not to be construed as a bailment agreement.

EXECUTED by the duly authorized officers of and under the corporate seal of FOOD-LANE, INCORPORATED, and under the Hand and Seal of R. M. Caine this 22nd day of December, 1959.

Witnesses:

Robert H. Vandover

R. M. Caine (SEAL)

Calvin F. Jaeger

LESSOR

As to Lessor

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