

Title Exceptions set forth in Exhibit H-1, and that there is no law, ordinance, agreement, lease, regulation or zoning affecting ENTIRE PREMISES or any portion thereof which prevents or restricts the use of any portion of ENTIRE PREMISES as herein contemplated. DEVELOPER has delivered to MERCANTILE, a title insurance policy (on ALTA Form A-1970) issued by a title insurance company acceptable to MERCANTILE, to the effect that DEVELOPER has marketable title in fee simple to ENTIRE PREMISES free and clear of any mortgage, deed of trust, decree, easement, encroachment, lease, delcaration, restriction, lien, license, or encumbrance except for the Title Exceptions and that there is no law, ordinance, agreement, lease, regulation or zoning affecting ENTIRE PREMISES or any portion thereof which prevents or restricts the use of any portion of ENTIRE PREMISES as herein contemplated. DEVELOPER warrants that on or before April 1, 1977 DEVELOPER will remove each of the Title Exceptions as an encumbrance on ENTIRE PREMISES and that on such date ENTIRE PREMISES will be free and clear from all encumbrances except the Title Exceptions set forth in Exhibit H-2, and utility easements agreeable to MERCANTILE. If by December 1, 1977 the number of parking spaces to be provided by DEVELOPER is not in accordance with 2.1 of this AGREEMENT, or if DEVELOPER fails to remove the Title Exceptions in Exhibit H-1 on or before April 1, 1977, then and in either such event MERCANTILE may, at its option, exercisable in writing to DEVELOPER pursuant to 14.7 herein, terminate this AGREEMENT.

1.3 SURVEY DEVELOPER warrants to MERCANTILE that the plat of survey (the PLAT OF SURVEY) of ENTIRE PREMISES and MERCANTILE TRACT are attached hereto as Exhibit I:

- (i) Has been prepared, certified, and sealed by a surveyor registered in the state in which ENTIRE PREMISES is located;
- (ii) Shows the exact location, metes, bounds, courses and distances of all boundary lines of ENTIRE PREMISES, MERCANTILE TRACT and MERCANTILE EASEMENT AREA which shall be all of ENTIRE PREMISES lying west of the easternmost line of MERCANTILE TRACT, as such line is extended north and south to the north and south boundaries of ENTIRE PREMISES;

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[4328 RV.2]