

TO HAVE AND TO HOLD the above described property for a term of ten (10) years, commencing on the first day of January, 1948, and ending on the thirty-first day of December, 1957, at midnight, to be used and occupied as a motion picture, vaudeville, legitimate, stock company or other theatre, or any or all of the same, and/or for any other theatrical and/or amusement purpose, and for purposes usually connected with the theatrical and amusement business, with the right and option to lease the same for an additional five (5) years upon terms and conditions to be mutually agreed upon between the Lessor and Lessee.

As rental for said property, Lessee agrees to pay the Lessor, and Lessor agrees to accept, a guaranteed annual rental of Fifteen Thousand (\$15,000.00) Dollars, payable in equal monthly installments of Twelve Hundred Fifty (\$1,250.00) Dollars each in advance on the first of each month, plus an additional rental equal to the sum of twenty per cent (20%) of the gross receipts of said theatre in excess of Eighty-five Thousand (\$85,000.00) Dollars per annum, payable at the end of each lease year or as soon thereafter as the calculation can be made by Lessee, not later, however, than thirty (30) days after the close of such lease year.

The term "gross receipts" as used herein, shall mean and be construed to mean the total ticket sales for admission to said Rivoli Theatre, less any admission taxes required to be paid to the State, City or Federal government, and in arriving at gross receipts it is also understood and agreed that should the Lessee use the theatre for added attractions of the type of vaudeville or musical units or other live stage entertainment, the cost of such vaudeville or musical units or other live stage entertainment shall be deducted from the normal gross receipts, and the balance treated as gross receipts for the purpose of calculating the rent hereunder, and provided further, that should the Lessee use the theatre for so-called road shows where the attraction is exhibited on a percentage basis, and is not a motion picture road show, only