

Ground Lease, except for any obligations arising prior to such closing.

(f) Costs. All charges incident to the conveyance, transfer and sale of the Property, including counsel fees, escrow fees, recording fees, title insurance premiums, title company costs and all applicable federal, state and local taxes (other than income or franchise taxes levied upon or assessed against the Optionor), which may be incurred or imposed by reason of such conveyance, transfer and sale or by reason of the delivery of any deed or deeds shall be paid by the respective parties hereto in accordance with the custom prevailing in the locality where the Property is located.

(g) Brokerage. The parties agree that no brokerage commission shall be due or payable by the Optionor or BKC in connection with any sale hereunder.

(h) Inability to Convey Title. Notwithstanding anything to the contrary set forth herein or in the PMA, if the Optionor is unable to convey the title called for by Section 2(b), or if the title insurance binder obtained by BKC evidences encumbrances or exceptions not described in Section 2(c) which cannot be removed by the Optionor, BKC's sole remedy will be to refuse to purchase the Property whereupon the parties hereto shall have no further rights or obligations hereunder or under the PMA to purchase or sell the Property and no party hereto shall be liable hereunder

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