

4. Fee Mortgagee agrees, notwithstanding any contrary provision in the Fee Mortgage, that any condemnation award shall be allocated and applied in accordance with the provisions of Article XIV of the Lease (provided, however, that the provisions of Article XIV which state that certain sums be paid to Lessee shall not preclude Lessee and Fee Mortgagee from agreeing that such sums be paid to Fee Mortgagee or a designee of Fee Mortgagee) and further that a Partial Taking of the Property, as that term is defined in the Lease, shall not constitute a default under the Fee Mortgage, the promissory note secured thereby or any instrument collateral thereto nor shall it permit the acceleration of the indebtedness secured thereby.
  
5. Fee Mortgagee agrees, notwithstanding any contrary provision of the Fee Mortgage, that in the event of damage to or destruction of the Property, or any part thereof, the insurance proceeds with respect thereto shall be paid and applied in accordance with the provisions of Article XVI of the Lease (provided, however, that the provisions of Article XVI which state that certain sums be paid to Lessee shall not preclude Lessee and Fee Mortgagee from agreeing that such sums be paid to Fee Mortgagee or a designee of Fee Mortgagee rather than to Lessee nor shall the provisions of Section 16.04 preclude the payment of insurance proceeds into an escrow fund to be used for such restoration in accordance with the provisions of the Operating Agreement dated July 26, 1978 as amended by First Amendment to Operating Agreement dated August 30, 1978 which operating Agreement constitutes a lien on the Property) and that the damage to or destruction of the Property or any part hereof shall not constitute a default under the Fee Mortgage, promissory note secured thereby or any instrument collateral thereto nor shall it permit the acceleration of the indebtedness secured thereby.
  
6. Fee Mortgagee agrees not to assert and Lessor shall not have any personal liability for the payment of any sum secured by the Fee Mortgage nor shall the Fee Mortgage include or create any obligation