

12. That the failure of Grantee to declare a forfeiture upon default in the performance of any of the conditions of this mortgage or upon the happening of any of the events herein mentioned shall not be a waiver of Grantee's rights at any time to declare such forfeiture or estop Grantee from asserting any rights hereunder, and Grantee may enforce any one or more of its rights or remedies successively or concurrently at its option.

NOW, THEREFORE, if Grantor shall well and truly perform all the conditions of this deed and pay said indebtedness and all other liabilities which shall be secured hereby, then this Deed shall be void, otherwise it shall remain in full force and effect.

The covenants herein contained shall bind the heirs, executors, administrators, successors and assigns of Grantor, and any holder hereof shall succeed to all rights, powers and options herein given to Grantee.

IN WITNESS WHEREOF, Grantor has executed this mortgage deed this 23rd day of October, 1979.

Signed and acknowledged in the presence of AMERICAN MONORAIL, INC. - GRANTOR

Henry F. Fischer
Ralph C. Kutz
Witnesses

By Henry F. Fischer EXEC. V.P.
And Bruce J. Hyer

STATE OF OHIO)
CUYAHOGA COUNTY) SS

Before me, a Notary Public in and for said County and State, personally appeared Henry F. Fischer and Bruce J. Hyer the Exec. Vice Pres. and Treasurer respectively of the above-named Grantor, who acknowledged that they did sign the foregoing instrument for and on behalf of said Grantor and that the same is their free act and deed of said Grantor and the free act and deed of each of them personally and as such officers.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal at Cleveland, Ohio, this 23 day of October, 1979.

J. J. Coniglio
NOTARY PUBLIC

This instrument was prepared by
CENTRAL NATIONAL BANK OF CLEVELAND

J. J. CONIGLIO, Notary Public
State of Ohio - Cuyahoga County
My Commission Expires March 19, 1983

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