

Restrictive Covenant

(a) At Closing, Seller shall deliver to Buyer a legally sufficient special warranty deed (or the equivalent of such form of deed), suitable for recording ("Deed") in form reasonably satisfactory to Buyer, sufficient to vest in Buyer title to the Property in accordance with this Agreement. Seller shall pay all documentary taxes and taxes due as a result of any abatement of taxes, for prior agricultural or farm use of the Property, if applicable. At Closing, Seller shall (i) execute and deliver such customary affidavits and certifications as Escrow Agent, which shall be Buyer's title insurance company, shall require, including certificates necessary to delete standard title insurance exceptions, and (ii) all documents required by the Escrow Agent which are reasonably necessary in order for Escrow Agent to issue a title insurance policy to Buyer insuring title to the Property in accordance with this Agreement.

(b) The Deed shall be prepared by Seller and recorded at the expense of the Buyer. Buyer covenants and agrees that the Deed shall contain a restriction whereby the Property shall not be occupied or used for a convenience food store, coffee store, doughnut store, sandwich store, fuel dispensing facility, quick service restaurant or any combination of such uses. The term "convenience food store" means any store generally recognized by the retail food industry as being a convenience food store, including but not limited to, the type of store operated by Seller, Sheetz, 7-Eleven, Turkey Hill, Hess, QuikCheck, Royal Farms, Circle K, Exxon-Mobil (On the Run), Race Trac or Hess Express. The term "coffee store" means a store primarily engaged in the sale of coffee and related coffee drinks, including without limitation, Starbucks, Seattle's Best, Einstein's, Caribou Cafe or Bucks County Coffee. The term "doughnut store" means a store primarily engaged in the sale of doughnuts or pastries, including, without limitation, Dunkin' Donuts or Krispy Kreme. The term "sandwich store" means a store that is primarily engaged in the sale of hot or cold sandwiches for on-site or off-site consumption, including, without limitation, Subway, Blimpie's, Quizno's, Panera, Cosi or Firehouse Subs. The term "fuel dispensing facility" means a fuel service station including a self-service station. The term "quick service restaurant" means any establishment generally recognized by the retail food industry as being a quick service restaurant, including, but not limited to, McDonald's, Burger King, Sonic, KFC, Taco Bell, Chick-fil-A, Salad Gallery, Saladworks or Wendy's. The restrictions above shall run with the land and be binding upon Buyer's successors and assigns and successors in title and shall be incorporated in any deed covering the sale or other disposition of the Property. In the event of a breach of the foregoing covenant, Seller is authorized to seek injunctive or other relief to enforce this covenant, and Buyer (or Buyer's successors, assigns or successors in title) shall be liable for all costs of enforcement.