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ARTICLE 5

CONDITIONS PRECEDENT TO PURCHASE

The City's duty to purchase the Pier Avenue School is conditioned upon the occurrence of all the following events:

5.01 The conditions set forth in the escrow instructions as modified by Article 4 above, and

5.02 The execution by the parties of all the agreements attached hereto as exhibits, and

5.03 The acceptance and receipt by the City of the Department of Housing and Urban Development Grant monies (HUD) (Fiscal years 1976-77, 1977-78) pursuant to the terms and conditions set forth by HUD, and

5.04 The approval by Title Insurance and Trust Company of the provisions set forth in the deed restrictions as identified in Articles 9 and 10.

ARTICLE 6

MISCELLANEOUS CONDITIONS AND WARRANTY

6.01 If the City receives the grant monies from the Department of Housing and Urban Development (Fiscal Years 1976-77, 1977-78) and the City is permitted under the terms of the grant to use the funds for the purchase of the Pier Avenue School, and thereafter elects not to purchase Pier Avenue School but to use the funds for some other purpose, the City shall pay to the District, as liquidated damages, forthwith, the sum of Twenty-four Thousand Dollars (\$24,000.00).

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