At the Frist Closing,developer will deliver to JJSK an agreement executed by the frist deed of trust lender financing the construction of the project providing

that the rights of JJSK under this Agreement ( including the right to be conveyed title to the retail Unit and the Residential Unit at the second Closing)

will survive any foreclosure of such first deed of trust, subject to the terms and conditions of this Agreement (including the performance of JJSK's obligations hereunder).