**ERBUD S.A.**

*Current Report No. 58/2011*
*Date of Report: 2011-12-22*

*Topic:*

Signing of a significant construction agreement
Legal basis: Article 56 section 1 item 2 of the Act on Public Offering - current and periodic information

*Content of report:*

The Management Board of ERBUD S.A. (the Issuer) announces that on 21.12.2012 it concluded a construction agreement under the following terms and conditions:

1. Builder: Auchan Polska Sp. z o.o. based in Piaseczno.
2. Contract value: PLN 179,500,005.00 net (say: one hundred seventy nine million five hundred thousand and five zlotys).
3. Contract subject: Design and building of shell & core of Auchan Bronowice project in accordance with the design documents of the Builder.
4. Duration of works:
   a) Site delivery: 2 January 2012
   b) Completion of the shell - 1 March 2013
   c) Commissioning - 1 June 2013.
5. Penalties:
   a) In case of delay or non-performance or improper performance of the contract subject, as well as in case of non-removal or improper remedy of defects, the Investor is entitled to remuneration due to penalties amounting 0.1% of remuneration for each day of delay. The maximum amount of penalties may not exceed 10% of contract value.
   b) In case the Contractor shall fail to comply with the agreed date to remove defects as stated in the acceptance certificate or during the quality guarantee or warranty period, the Contractor shall pay the contractual penalty amounting to 0.025% of net remuneration for each day of delay.
   c) Regardless of the above-described contractual penalties, the Contractor shall pay to the Builder a penalty for breaching labour law and health and safety regulations of PLN 1.500 for each day of violation. This penalty may not exceed 1% of net remuneration.
6. Other agreement terms do not differ from the market conditions specific to this type of agreement.