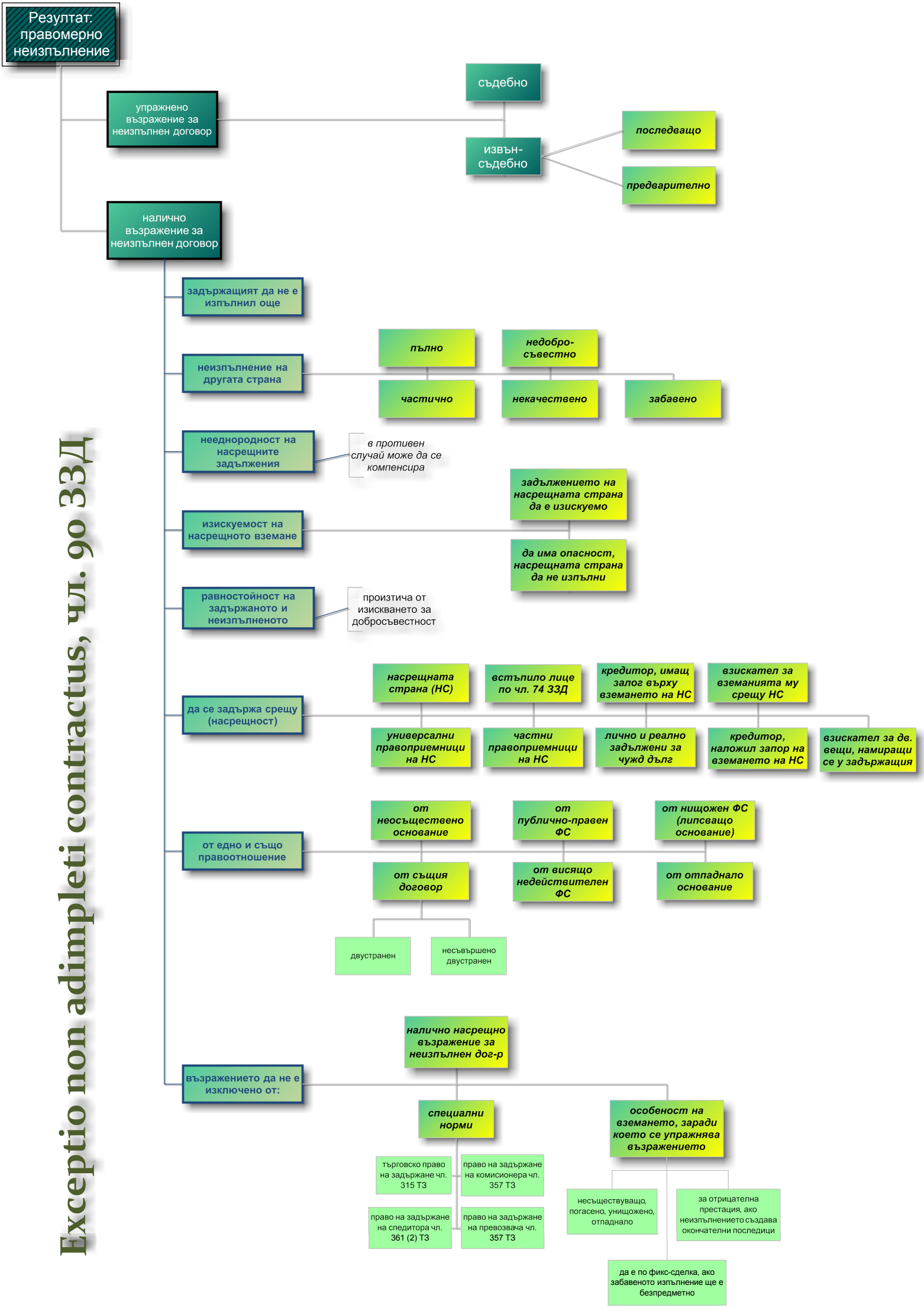Exceptio non adimpleti contractus, чл. 90 ЗЗД