

Facilities unless such change or deviation is approved, in writing, by the Developer, Penney and each of the other Department Stores. The approval of the Design Plan by Penney and the other Department Stores shall not constitute a waiver or estoppel with respect to any claim or cause of action brought by the Developer, Penney and the other Department Stores, or any of them, which has not previously approved the Design Plan, or any phase or portion thereof.

Section 2.07. Changes to Design Plan. Any change in the Design Plan shall be implemented by a change order. In the event any such change involves a change in architectural design or is a change required to be approved pursuant to Section 2.06 hereof, copies of such change order shall be forwarded to the Developer, Penney and the other Department Stores at least twenty (20) days prior to the date such change is to be implemented. The failure of the Developer, Penney and the other Department Stores, or any of them, to notify the party submitting the change order of any objection thereto within fifteen (15) days after the date of receipt of a copy of such change order, shall constitute approval by the party failing to give such notice of objection.

Section 2.08. Standard of Reasonableness; Approval and Submission of Documents. The Developer and Penney shall not unreasonably withhold or delay any consent or approval required under Sections 2.03, 2.04, 2.05 and 2.07 hereof. The failure of Penney to notify the Developer of any objection or proposed change to the Preliminary Drawings or to the Final Drawings for any Phase of Development as originally submitted or as subsequently resubmitted, within thirty (30) days of the date such submission or resubmission, shall constitute approval by Penney of the Preliminary Drawings or the Final Drawings for such Phase of Development, as the case may be. Any document required to be