

Section 6.03 are met and, so long as such party continues to self-insure, demonstrate, on an annual basis, that said net worth requirements are maintained. The Developer acknowledges that Sears, as of the date hereof, has satisfied the minimum net worth requirement required under this Section 6.03.

ARTICLE VII

ALTERATIONS

Section 7.01. Alterations. The Developer and Sears may make such alterations to their respective Facilities as are permitted pursuant to the terms of Section 8.03 of the Operating Agreement.

ARTICLE VIII

PROMOTIONAL SERVICE

Section 8.01. Promotional Services. On or before one (1) year after the Opening Date and thereafter, at the option of the Developer, the Developer shall either (i) establish a promotional service to furnish and maintain professional advertising and sales promotions for the benefit of the Shopping Center or (ii) form or cause to be formed a merchants' association for the purpose of developing a joint program of public information for and promotion of the Shopping Center. The Developer shall use its best efforts to provide in its leases of portions of the Developer Facilities to national, regional and local retail tenants that each of the tenants thereunder shall participate in said promotional service or become members of the merchants' association, as the case may be, and pay a share of the expenses thereof in accordance with the by-laws thereof. Commencing on the later to occur of (i) the date on which the promotional service is established or the date on which the merchants' association opens its membership rolls or (ii) the Opening Date of the Shopping Center, Sears