

ARTICLE VIII

ALTERATIONS

Section 8.01. Alterations. The Developer and Federated may make such exterior alterations to their respective Facilities as are permitted pursuant to the terms of Section 8.03 of the Operating Agreement.

ARTICLE IX

ADVERTISING AND PROMOTIONAL SERVICE

Section 9.01. Advertising and Promotional Service. On or before one (1) year after the Opening Date and thereafter, at the option of the Developer, the Developer shall either (i) establish an advertising and 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 advertising and 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. Federated shall participate in said advertising and promotional service or become and remain a member of the merchants' association whichever service is provided by the Developer for a period of three (3) years after the date on which said service or association is formed by the Developer provided (i) the Developer makes an annual contribution with respect thereto in an amount equal to twenty-five percent (25%) of the aggregate annual contributions required to be made by all other members of the merchants' association or participants in said