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rent during each year of the term hereof, a sum equal to _____% of such an amount as the gross sales (as hereinafter defined) made upon the leased premises during said year may exceed the sum of \$ _____. Such percentage rental to be paid on a semi-annual basis within one month after the expiration of each six month period of the term of the lease, provided, however, that at the end of each lease year there shall be an adjustment between the Landlord as the case may require, to the end that the Landlord shall receive for the entire lease year such an amount as would constitute the percentage rental computed on an annual lease year basis.

"Gross Sales" as used in this lease shall mean the entire amount of the actual sales price, whether for cash or otherwise, of all sales of merchandise or services, and all other receipts whatsoever of all business conducted at, in, from or upon the leased premises, including mail or telephone orders received or filled in said premises, and including all deposits not refunded to purchasers, orders taken (although said orders may be filled elsewhere) and sales by any sublessee, concessionaire or licensee or otherwise, at, in, from or upon said premises. No deduction shall be allowed for uncollected or uncollectible credit accounts. Said term shall not include any sums collected and paid out for any sales or excise tax imposed by duly constituted governmental authority nor shall it include the exchange of merchandise between stores of the Tenant made solely for the convenience of operation of business by the Tenant and not for the purpose of consummating a sale which has been theretofore made at, in, from or upon the leased premises and/or for the purpose of depriving Landlord of the benefit of a sale which otherwise would be made at, in, from or upon the leased premises, nor any amount of returns to shippers or manufacturers nor the amount of any cash or credit refund, other than trade-in allowances, made in good faith upon any sale made on or from the premises where the merchandise sold, or some part thereof, is thereafter returned

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Conduct

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