

6/14/78

VOL 1067 PAGE 020
Section 8.04. Changes to the Common Facilities.

Notwithstanding anything to the contrary contained in this Agreement or in the Supplemental Operating Agreements between the Developer and each of the Department Stores, no change, modification or alteration to the Common Facilities shall be made which shall (i) adversely affect the orderly flow of pedestrian and vehicular traffic in the Shopping Center or render any Site less accessible to such traffic, (ii) change, other than insubstantially, the layout and configuration of the Mall or of the parking spaces, driveways and entrance-exit ways except in the event of a change in the Common Facilities resulting from an addition pursuant to the provisions of Section 8.02 hereof, or (iii) reduce the capacity of the Parking Area on the Site affected by such change, modification or alteration below the parking ratio set forth therefore in Section 1.03(z) hereof.

ARTICLE IX

RIGHT TO TRANSFER, ASSIGN AND MORTGAGE

Section 9.01. Transfer of Site. Except as otherwise provided in this Section 9.01, the sale of all or any part of a Site or the assignment of this Agreement or any portion hereof by either the Developer or any of the Department Stores shall not release such party from any of its obligations hereunder or under the Supplemental Operating Agreements and the General Expense Agreements between the Developer and each of the Department Stores. In the event of any such sale and assignment, the Developer or any of the Department Stores, as the case may be, shall be released from all further liability arising under this Agreement and under the Supplemental Operating Agreement and the General Expense Agreement with respect to any period after the last to occur of (i) the date of such sale, (ii) the date of the termination of the operating covenant of such Department

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