

GENERAL SERVICES ADMINISTRATION
PUBLIC BUILDINGS SERVICE
SUPPLEMENTAL LEASE AGREEMENT

SUPPLEMENTAL AGREEMENT
NO. 28
TO LEASE NO. GS-02B-22885

DATE
5/12/11

ADDRESS OF PREMISES: 158-15 Liberty Avenue, Jamaica, NY 11433-1034

THIS AGREEMENT, made and entered into this date by and between FDA Queens, L.P. whose address is c/o Hines GS Properties, 885 3rd Avenue, Suite 2700, New York, NY 10017 hereinafter called the Lessor, and the UNITED STATES OF AMERICA, hereinafter called the Government:

WHEREAS, the parties hereto desire to amend the above Lease, as previously amended;
WHEREAS, the Government has overpaid by \$74,749.08 in annual rent from October 2002 through November 2009;
WHEREAS, the Government has been reimbursed for the overpayment period of October 2002 through November 2005;
WHEREAS, the Government is owed reimbursement for the period of December 2005 through November 2009 in the total amount of \$298,996.32;
WHEREAS, the Government and the Lessor have agreed to repayment terms of 3% interest on the remaining balance due over a 12 month period, which will be accomplished through a withhold in the rent for the next 12 monthly rental payments to the Lessor.

NOW THEREFORE, these parties for the considerations hereinafter mentioned covenant and agree that the said Lease is amended as follows:

- a) The Lessor will reimburse the Government for the overpayment due plus 3% interest which equals \$307,966.12. The reimbursement will be accomplished through a rent withhold of \$25,663.84 in the next 12 monthly rental payments.
- b) The effective period for the rent withhold will be June 1, 2011 through May 31, 2012.
- c) The annual CPI adjustment that is due in December 2011 will be postponed until the repayment has been completed.
- d) The base cost of services for the purpose of operating cost escalations shall remain \$1,499,749.48.

All other terms and conditions of the Lease shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have subscribed their names as of the above date.

LES

BY

IN

Senior Vice President
(Title)

UNITED STATES OF AMERICA - GENERAL SERVICES ADMINISTRATION

BY

Contracting Officer
(Official Title)

RECEIVED
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MAY 11 2011