

GENERAL SERVICES ADMINISTRATION PUBLIC BUILDINGS SERVICE LEASE AMENDMENT	LEASE AMENDMENT No. 3
ADDRESS OF PREMISES – 99 10th Avenue New York, NY 10011-4713	TO LEASE NO. GS-02-B-24082 PDN Number: N/A

THIS AMENDMENT is made and entered into between Able Empire Group, L.P.

whose address is: 100 Peabody Place
Room 1400
Memphis, TN 38103

hereinafter called the Lessor, and the UNITED STATES OF AMERICA, hereinafter called the Government.

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties covenant and agree that the said Lease is amended, effective upon execution by the Government as follows:

See Rider Attached

CONTINUED ON NEXT PAGE

This Lease Amendment contains 2 pages.

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

IN WITNESS WHEREOF, the parties subscribed their names as of the below date.

FOR THE LESSOR

FOR THE GOVERNMENT

Signature:

Signature:

Name:

Name:

Title:

Title:

Entity Name:

GSA, Public Buildings Service

Date:

Date:

Able Empire Group, L.P.

4/6/2016

Scott Elgart

Lease Contracting Officer

GSA, Public Buildings Service

4/8/16

WITNESSED FOR THE LESSOR BY:

Signature:

Name:

Title:

Date:

Vickie Allen

4/6/2016

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1. The Government is reducing the amount of the Tenant Improvement Allowance by \$18,215.62 so that the new Tenant Improvement allowance will be \$3,491,784.38. The Government is increasing the amount of Building Specific Amortized Capital (BSAC) by \$18,215.62 so that the new BSAC allowance will be \$164,465.62.
2. The overall annual rental amount is not being changed but the BSAC annual amount will increase to \$14,598.39 per annum and the Tenant Improvement Rent will decrease to \$309,939.68 per annum for the entire lease term.
3. The Government has agreed to the overall construction costs of \$7,108,888.76 for the Tenant Improvement construction for floors 5, 6, 7, and 8 as shown on Exhibit "A" attached to this Lease Amendment. This amount does not include the allowance for reimbursable expenses in the amount of \$8,000.00 for the design of the generator for the Title III area on the 8th floor. At completion of the design this amount will be finalized and a subsequent Lease Amendment will be issued memorializing the actual costs. The Government has also agreed to a BSAC construction cost of \$164,465.62 as shown on Exhibit "B".
4. The Government has exceeded the Tenant Improvement Allowance of \$3,491,784.38 by \$3,617,104.38.
5. Upon substantial completion of the work and receipt of a proper invoice from the Lessor, the Government shall make a onetime lump sum payment in the amount of \$3,617,104.38. The invoice must be submitted from Able Empire Group, L.P. and all submitted documents must include PDN# PS0034550 as the reference number. The invoice must be submitted electronically on the Finance Website at www.finance.gsa.gov with a duplicate invoice to the attention of the Contracting Officer, including supporting documentation.
6. The Lessor shall have until December 31, 2016 to complete the emergency generator fuel oil system modifications required pursuant to Paragraph 1.16 line item 17 of the Lease.
7. Under Lease Amendment (LA) #2 it was agreed certain items included in Paragraph 1.16 of the Lease would be done in conjunction with the Tenant Improvements. The following items will also be done in coordination with the Tenant Improvements:
 - a. Replace all existing restrooms with automatic water conservation fixtures, faucets, flush valves, and toilet partitions (Item #3);
 - b. Add one unisex toilet in the basement (Item #4);
 - c. Replace the acoustical ceiling tile on floors 5 & 6 (Item #7);
 - d. Upgrade the building in order to comply with the Architectural Barriers Act Accessibility Standard (ABAAS) as described in the Widden - Silver Inc. ABAAS Compliance Survey attached as Exhibit E (Items #9).
8. If any provisions of this Amendment are inconsistent with the provisions of the Lease as previously amended, the provisions hereof shall prevail.

LESSOR  GOVT 