

GENERAL SERVICES ADMINISTRATION PUBLIC BUILDINGS SERVICE LEASE AMENDMENT	LEASE AMENDMENT No. 5
	TO LEASE NO. GS-02B-24029
ADDRESS OF PREMISES 347 Avenue of the Americas New Windsor, NY12553-0000	PDN Number: PS0028418

THIS AMENDMENT is made and entered into between 347 Avenue of the Americas LLC.

whose address is: 80 Curtwright Drive, Suite 5
Williamsville, NY 14221-7055

APR 1 PM 12:55

hereinafter called the Lessor, and the **UNITED STATES OF AMERICA**, hereinafter called the Government:

WHEREAS, the parties hereto desire to amend the above Lease.

NOW THEREFORE, these parties for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, covenant and agree that the said Lease is amended, effective April 1, 2015 as follows:



1. On April 1, 2015 the Government has deemed that the demised premises are substantially complete and that the term of the Lease shall run from April 1, 2015 through March 31, 2030 at the annual rent of \$680,948.50 at a rate of approximately \$56,745.71 per month in arrears.
2. Under Lease Amendment #3 the Government authorized total construction expenditures in the amount of \$2,088,473.00. During construction the Government made changes to the approved plans and specifications. The agreed upon cost for these changes is \$247,185.55 and is described on the attached "Exhibit A." Therefore, the total amount authorized is \$2,335,658.55 which has exceeded the Tenant Improvement Allowance stated in the Lease of \$736,037.00 by \$1,599,621.55.

This Lease Amendment contains 2 pages.

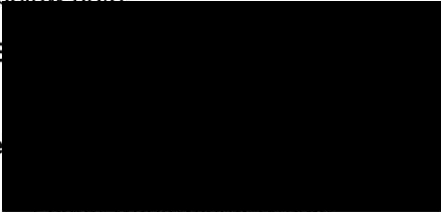

All other terms and conditions of the lease shall remain in force and effect.

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


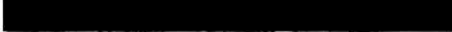
FOR THE LESSOR:

Signature: 
 Name: 
 Title: Managing Member
 Entity Name: 347 Avenue of the Americas LLC
 Date: 4/1/15

FOR THE

Signature: 
 Name: 
 Title: Lease Contracting Officer
 GSA, Public Buildings Service,
 Date: 4/13/15

WITNESSED FOR THE LESSOR BY:

Signature: 
 Name: 
 Title: Assistant
 Date: 3/31/15

3. Upon receipt of a proper invoice from the Lessor, the Government shall make a onetime lump sum payment in the amount of \$1,599,621.55. The invoice must be submitted from 347 Avenue of the Americas LLC and all submitted documents must include PDN# PS0028418 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.

If you are unable to process the invoices electronically, you may mail the invoices to the following address:

**GSA, Greater Southwest Finance Center (7BCP)
PO BOX 17181
Fort Worth Texas, TX 76102**

4. Pursuant to Paragraph 7.3 of the Lease, the Lessor shall obtain an Energy Star label for the building no later than September 30, 2016.
5. Pursuant to Paragraph 1.1(E) of the Lease, the Lessor shall obtain a LEED-NC rating of Silver no later than March 31, 2016.
6. The Lessor shall complete all punchlist items stated on the attached punchlist labeled "Exhibit B" no later than April 30, 2015.

INITIALS: ncs & JE
LESSOR GOV'T