

1 AMENDMENT TO ASSIGNMENT AGREEMENT FOR
2 THE DAP OPERATING AGREEMENT
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6 This amendment (“Amendment”) is made, dated and entered into as of the
7 _____ day of _____, 2012, between the City of Durham (“City”) and
8 THE DURHAM BULLS BASEBALL CLUB, INC., a North Carolina corporation
9 (the “Bulls”).
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11 The City and the Bulls entered into an agreement titled “Assignment Agreement
12 for the DAP Operating Agreement” dated December 31, 2011. That agreement is
13 referred to as the “Assignment Agreement”. Terms not defined herein shall have the
14 meaning ascribed to them in the Assignment Agreement and the original DAP Operating
15 Agreement, as amended. Section references in this Amendment are to sections in the
16 Assignment Agreement. The Assignment Agreement is hereby amended as follows:
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18 1. Effective Date of Amendment. This Amendment shall be effective at 12:01 AM on
19 September 1, 2012.
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21 2. Delete Section 5. Term.” in its entirety and replace with the following:
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23 5. Term. The term of this Assignment Agreement and the Bulls
24 responsibilities under the DAP operating agreement will expire on
25 September 30, 2013.
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27 3. Delete Section “6. Operating Fee” in its entirety and replace with the following:
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29 6. Operating Fee. Beginning September 1, 2012, the City shall pay the
30 annual Operating Fee payment to the Bulls pursuant to Section 10.1 of the
31 DAP Operating Agreement with thirteen (13) equal monthly payments to
32 the Bulls in the amount of \$6,923.00 and one (1) final monthly payment of
33 \$6,924.00 for a total payment of \$90,000.00 for the Term of this amended
34 Assignment Agreement.
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36 4. Effect of Amendment. The terms of the Original Contract not added to, amended or
37 altered by this Amendment shall remain in full force and effect.
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41 ***(SIGNATURES APPEAR ON FOLLOWING PAGES)***
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Amendment to the Assignment Agreement for the DAP Operating Agreement

46 IN WITNESS WHEREOF, the parties have caused this Amendment to be
47 executed themselves or by their respective duly authorized agents or officers.

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ATTEST: CITY OF DURHAM

By: _____

Preaudit Certificate, if applicable:

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ATTEST THE DURHAM BULLS
BASEBALL CLUB

By: _____

Secretary George Habel
General Manager, Durham Bulls
Baseball Club

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(Affix corporate seal.)

75 NORTH CAROLINA ACKNOWLEDGMENT BY CITY OF DURHAM

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COUNTY of _____

79 I, a Notary Public in and for the aforesaid County and State certify that
80 _____ personally appeared before me this
81 day, and acknowledged that he or she is the _____ City Clerk of the City of
82 Durham, a municipal corporation, and that by authority duly given and as the act of the
83 City, the foregoing Amendment was signed in its corporate name by its _____
84 City Manager, sealed with its corporate seal, and attested by its said City Clerk or Deputy
85 City Clerk. This the _____ day of _____, 20____.

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Notary Public

88 My commission expires:
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Amendment to the Assignment Agreement for the DAP Operating Agreement

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State of _____

ACKNOWLEDGMENT BY
MiLB MANAGEMENT, LLC

County of _____

I, a notary public in and for said county and state, certify that PAT O’CONNER, in his capacity as President of the National Association of Professional Baseball Leagues, Inc., a non profit corporation organized under the laws of the State of Florida, personally (1) appeared before me this day, (2) stated that the National Association of Professional Baseball Leagues, Inc. is the sole member and manager of MiLB MANAGEMENT, LLC, a non-profit subsidiary limited liability company organized and existing under the laws of the State of North Carolina, (3) acknowledged that the foregoing Amendment with the City of Durham carries on the company's business in the usual way, and (4) acknowledged the due execution of the Amendment on behalf of the company. This the _____ day of _____, 20_____.

My commission expires: _____

Notary Public