

AMENDMENT TO AGREEMENT BETWEEN HUTCHINS PROPERTIES, LLC AND THE CITY OF DURHAM FOR BUILDING IMPROVEMENT INCENTIVES FOR ECONOMIC DEVELOPMENT ACTIVITIES

This contract amendment ("Amendment") is made and entered into this the ____ day of _____, 2012 by and between Hutchins Properties, LLC (the "Company"), a limited liability company organized and existing under the laws of the State of North Carolina, and the City of Durham (the "City"), a North Carolina municipal corporation.

The City and the Company entered into a contract titled "Agreement Between Hutchins Properties, LLC and the City of Durham for Building Improvement Incentives for Economic Development Activities," dated December 19, 2011. That contract is referred to as the "Original Contract." The Original Contract referenced a completion date of no later than one year following the "Approval Date." The City Council approved the Original Contract on December 19, 2011. The Company will be unable to complete the required work by December 19, 2012 due to necessary design changes and resulting delays in the permitting and approvals process, including design changes to accommodate a proposed tenant and storm water repairs expected to be completed in May, 2013. The Original Contract is hereby amended as follows:

1. In Section 2(a), *Prerequisites to Payments*, after "Qualifying Capital Investment", delete the phrase, "within one year of the Approval Date," and insert "no later than June 30, 2013,"

IN WITNESS THEREOF, the City and the Company have caused this contract amendment to be executed under seal themselves or by their respective duly authorized agents or officers.

ATTEST:

CITY OF DURHAM

By: _____

preaudit certificate

Amendment to Agreement between Hutchins Properties, LLC and the City of Durham for Building Improvement Incentives for Economic Development Activities

HUTCHINS PROPERTIES, LLC

By: _____
Manager

State of _____

ACKNOWLEDGMENT BY
HUTCHINS PROPERTIES, LLC

County of _____

I, a notary public in and for said county and state, certify that _____ personally (1) appeared before me this day, (2) stated that he or she is a manager of Hutchins Properties, LLC a limited liability company organized and existing under the laws of the State of North Carolina, (3) acknowledged that the foregoing contract or agreement with the City of Durham carries on the company's business in the usual way, and (4) acknowledged the due execution of the contract on behalf of the company. This the _____ day of _____, 20____.

My commission expires:

Notary Public