

AMENDMENT NO. 1 TO LEASE LEASEBACK DOCUMENTS:

FACILITIES LEASE BY AND BETWEEN COULTER CONSTRUCTION INC., AS LESSOR AND MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT AS LESSEE, DATED AS OF APRIL 19, 2018.

This Amendment to Lease Leaseback Documents ("Amendment") is made and entered into this 17 day of May 2018 between Coulter Construction, Inc. ("Contractor" or "Lessor") and the Mountain View Whisman School District, a California public school district located in Mountain View, California ("District" or "Lessee") (collectively, the "Parties")

RECITALS

- A. WHEREAS, Contractor and District entered into the following two leases pursuant to Section 17406 of the Education Code of the State of California under which Contractor is to provide for the modernization of Theuerkauf Elementary School. ("Project"):
1. Site Lease by and Between Mountain View Whisman School District as Lessor and Coulter Construction, Inc. as Lessee, dated as of April 19, 2018 ("Site Lease"); and
 2. Facilities Lease by and Between Coulter Construction, Inc., as Lessor and Mountain View Whisman School District as Lessee, dated as of April 19, 2018 ("Facilities Lease").

(Collectively, with all incorporated exhibits, the "Lease Leaseback Documents")

- B. WHEREAS, it is now the desire and intention of the Parties to amend the Lease Leaseback Documents as set forth below.

NOW, THEREFORE, in light of the foregoing facts and in further consideration of the promises and agreements of the Parties set forth herein below, it is mutually agreed as follows:

TERMS AND CONDITIONS

1. Except as revised herein, all other provisions of the Lease Leaseback Documents and/or addendum shall remain in full force and effect and are reaffirmed. If there is any conflict between this Amendment and any provision of the Lease Leaseback Documents, the provisions of this Amendment shall control.

THE FOLLOWING CHANGE SHALL BE MADE TO THE FACILITIES LEASE:

- 1) Exhibit C to the Facilities Lease shall be replaced with Amended Exhibit C, a copy of which is attached as Exhibit A to this Amendment.

ACCEPTED AND AGREED on the date indicated below:

Dated: May 17, 2018

Dated: May 17, 2018

**MOUNTAIN VIEW WHISMAN
SCHOOL DISTRICT**

**COULTER CONSTRUCTION,
INC.**

By: _____

By: _____

Print Name: Ayindé Rudolph, Ed.D

Print Name: William McNamara

Print Title: Superintendent

Print Title: Vice-President

EXHIBIT A

AMENDED EXHIBIT C