

**FIRST AMENDMENT TO ACTION DAY NURSERIES & PRIMARY PLUS, INC.
JOINT USE LEASE AGREEMENT OF COOPER SCHOOL SITE**

THIS FIRST AMENDMENT TO THE Action Day/Primary Plus LEASE AGREEMENT (hereinafter referred to as the "FIRST Amendment") is made this 31st day of May 2018, by and between the Mountain View Whisman School District (hereinafter called "Lessor") and Action Day Nurseries & Primary Plus, Inc., (hereinafter called "Lessee") collectively referred to as the "Parties."

RECITALS

WHEREAS, Lessor and Lessee entered into a Joint Lease Use Agreement executed on June 2, 2016 (hereinafter referred to as the "Agreement") for the use of 333 Eunice Avenue, in Mountain View, California, commonly known as the Cooper Site;

WHEREAS, Lessor and Lessee have faithfully performed their respective obligations in accordance with the Agreement;

WHEREAS, Lessor and Lessee now wish to amend the Agreement to reflect changes to the provisions relating to Premises, Term, and Rent.

AGREEMENT

NOW THEREFORE, in consideration of the mutual agreement of the parties and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, District and Action Day/Primary Plus agree as follows:

1. Section 2 of the Agreement, entitled "TERM," shall be amended as follows:

2.1 The term of the agreement shall be extended by an additional two years, effective July 1, 2019, and the term of this lease shall end June 30, 2021.

2. Section 3 of the Agreement, entitled "RENT," shall be amended as follows:

3.1: For and in consideration of the use of the Premises for the Term, Lessee agrees to pay District rent in the amounts described herein.

The increase in the annual lease amount will be determined as to match other long-term leases in the District, by a price per square foot amount of leases.

The current 2018-2019 lease amount of \$568,111 equates to \$59.11 per square foot.

The lease payment for the 2019-2020 year will be \$681,732 at approximately \$71.41 per square foot, with monthly payments of \$56,811.

The lease payment for the 2020-2021 year will be \$702,180 at approximately \$73.79 per square foot, with monthly payments of \$58,515.

3. In the event of inconsistencies between the Agreement and this FIRST Amendment, the terms and conditions of this FIRST Amendment shall be controlling. Unless specifically modified or changed by the terms of this FIRST Amendment, all terms and conditions of the Agreement shall remain in effect and shall apply fully as described and set forth therein, respectively.

IN WITNESS WHEREOF, the parties hereto have executed this FIRST Amendment by causing their duly authorized representatives to sign below as of the day and year first above written.

Mountain View Whisman
School District

Action Day Nurseries & Primary Plus, Inc.

By: _____

By: _____

Name: Robert Clark, Ed.D.

Name: _____

Title: Chief Business Officer

Title: _____

Date: _____

Date: _____