

**AMENDMENT NO. 1 TO AGREEMENT FOR THE
PURCHASE AND SALE OF REAL PROPERTY**

THIS AMENDMENT NO. 1, made and entered into this 2nd day of April 2019, by and between the Broken Arrow Economic Development Authority, an Oklahoma Public Trust (together with its successors and assigns, the "Authority") the sole beneficiary of which is the City of Broken Arrow (the "City"), and Tiger Hill Plaza, LLC, hereafter referred to as "Buyer").

WITNESSETH:

WHEREAS, City and Buyer entered into an Agreement dated August 7, 2018, for purchase and sale of real property; and

WHEREAS, City and Buyer propose to amend said Agreement to extend the closing date; and

WHEREAS, the Original Agreement and First Amendment shall hereinafter collectively be referred to as the "Agreement"; and

WHEREAS, funding is now available for said additional services.

NOW THEREFORE, in consideration of the promises contained herein, the parties hereto agree to amend the Agreement as follows:

**ARTICLE A
AMENDMENT TO AGREEMENT
SECTION 5 CLOSING**

A.1 Amendment to Section 5.0 of the Contract: Section 5.0, Closing, is hereby amended to read in its entirety as follows

5. Closing: Closing shall take place on or before May 15, 2019, unless extended in writing by Authority and Buyer (the "Closing Date"). At Closing, Buyer shall pay the balance of the Purchase Price as set forth in Section 2 of this Agreement and Authority shall convey North Tiger Hill to Buyer by good and sufficient General Warranty Deed subject only to matters approved by Buyer pursuant to Section 4 of this Agreement. At the Closing, both parties shall duly execute and deliver all other documents reasonably necessary to consummate the transaction described in this Agreement, including a closing statement setting forth the changes, adjustments and credits to each party.

**ARTICLE B
CONTINUING TERMS OF AGREEMENT**

B.1 Except as amended hereby, all terms of the Agreement, as amended, remains in full force and effect without modification or change. The Agreement, as amended by this Amendment, is in all respects ratified and confirmed, and the Agreement, as so amended by this Amendment, shall be read, taken and construed as one and the same instrument.

IN WITNESS WHEREOF, each of the parties has caused this First Amendment to be executed

by its duly authorized officials and its official seal to be impressed hereon, as of the date first

APPROVED AS TO FORM:

BROKEN ARROW ECONOMIC
DEVELOPMENT AUTHORITY

Kim Slinkard
Deputy City Attorney

Craig Thurmond, Chairman

ATTEST:

TIGER HILL PLAZA, LLC, a Limited Liability Company

By: _____
Name:
Title:

STATE OF OKLAHOMA) ss.
COUNTY OF TULSA)

Before me, the undersigned, a Notary Public in and for said County and State, on the ____ day of _____, 2019, personally appeared _____, the _____ of TIGER HILL PLAZA, LLC, a Limited Liability Company, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of said corporation for the uses and purposes therein set forth.

Given under my hand and seal the day and year above written.

(S E A L)

Notary Public

My commission expires:
My number is: