

AMENDATORY AGREEMENT

THIS AMENDATORY AGREEMENT (this "Amendatory Agreement") is made and entered by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation organized pursuant to the Constitution of the State of Colorado (the "City"), and **MONTBELLO II VOA LP**, a Colorado limited partnership (the "Borrower"), whose address is 1660 Duke Street, Alexandria, Virginia 22314.

WITNESSETH:

WHEREAS, the City and the Borrower entered into that certain Loan Agreement dated April 20, 2016 (the "Agreement") to provide funds to develop an affordable housing project; and

WHEREAS, the City and Borrower desire to revise the Agreement as set forth below.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements contained in the Agreement and herein contained the parties agree as follows:

1. Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Agreement.

2. Paragraph 2 of the Agreement, entitled "**SECURITY**" is hereby amended to read as follows:

"Repayment of the Promissory Note shall be secured by a Deed of Trust (the "Deed of Trust"), in form satisfactory to City, granted by Borrower and encumbering the real property known and numbered as 4325 Carson Street, Denver, Colorado (the "Property") subject to prior encumbrances not exceeding Fifteen Million Dollars (\$15,000,000.00) in principal amount."

3. Paragraph 32 of the Agreement, entitled "**NONRECOURSE**" is hereby added to the Loan Agreement to read as follows:

"Notwithstanding any other provision contained herein, it is agreed that the execution of this Agreement shall impose no personal liability on the Borrower or any partner of the Borrower for payment of the obligations described herein and the City's sole recourse shall be against the Project."

4. Except as herein amended, the Agreement is affirmed and ratified in each and every particular.

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Contract Control Number:

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals at Denver, Colorado as of

SEAL

CITY AND COUNTY OF DENVER

ATTEST:

By _____

APPROVED AS TO FORM:

REGISTERED AND COUNTERSIGNED:

By _____

By _____

By _____



Contract Control Number: OEDEV-201626314-01

Contractor Name: MONTBELLO II VOA LP

By: 

Name: Patrick Sheridan
(please print)

Title: Assistant Secretary
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)

