

## AMENDATORY AGREEMENT

**THIS AMENDATORY AGREEMENT** is made and entered into by and between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the "City"), and **EXCHANGE BANK (formerly known as NEBRASKA NATIONAL BANK)**, whose address is P.O. Box 397, Kearney, Nebraska 68848-0397 (the "Lessor").

### W I T N E S S E T H:

**WHEREAS**, the City and the Lessor previously entered into an Agreement dated December 31, 2009 relating to an equipment lease purchase for golf course vehicles (the "Agreement"); and

**WHEREAS**, Exchange Bank has merged with Nebraska National Bank and are now known as Exchange Bank;

**NOW, THEREFORE**, in consideration of the premises and the mutual covenants and obligations herein set forth, the parties agree as follows:

1. All references to "Nebraska National Bank" are replaced with "Exchange Bank".

2. A new Paragraph 13.11 of the Agreement, entitled "**Electronic Signatures and Electronic Records**," is added to read as follows:

"13.11. **Electronic Signatures and Electronic Records**: Lessor consents to the use of electronic signatures by the City. The Agreement, and any other documents requiring a signature hereunder, may be signed electronically by the City in the manner specified by the City. The Parties agree not to deny the legal effect or enforceability of the Agreement solely because it is in electronic form or because an electronic record was used in its formation. The Parties agree not to object to the admissibility of the Agreement in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the ground that it is an electronic record or electronic signature or that it is not in its original form or is not an original."

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

*Remainder of page left intentionally blank.*

**Contract Control Number:**

**Vendor Name:**

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: PARKS-CE95040-01

Vendor Name: Exchange Bank

By: 

Name: Don Jaeger  
(please print)

Title: VP  
(please print)

ATTEST: [if required]

By: \_\_\_\_\_

Name: \_\_\_\_\_  
(please print)

Title: \_\_\_\_\_  
(please print)

