

WHEN RECORDED MAIL TO:

City and County of Denver
Office of Economic Development
c/o Nicol Blan
201 W. Colfax Ave., Dept. 204
Denver, CO 80202

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

FIRST AMENDMENT AND MODIFICATION AGREEMENT

THIS FIRST AMENDMENT AND MODIFICATION AGREEMENT (this “First Amendment”) is made between the **CITY AND COUNTY OF DENVER**, a municipal corporation of the State of Colorado (the “City”), and **DENVER RESCUE MISSION**, a Colorado nonprofit corporation, whose address is 3501 E. 46th Avenue, Denver, Colorado 80216 (the “Borrower”).

WITNESSETH:

WHEREAS, the City and Borrower entered into that certain Loan Agreement dated September 20, 2005 (the “Loan Agreement”), relating to a loan of Seven Hundred Fifty Thousand (\$750,000); and

WHEREAS, Borrower is bound by the covenants and obligations under that certain Deed of Trust (the “Deed of Trust”) dated December 12, 2005 recorded on December 13, 2005 at Reception No. 2005211634 for the benefit of the City, and encumbering the real property more specifically described in **Exhibit A** attached hereto and incorporated herein by this reference (the “Property”); and

WHEREAS, the Deed of Trust secures the repayment of the indebtedness evidenced by that certain Promissory Note executed by Borrower and for the benefit of the City, dated December 12, 2005 (the “Note”); and

WHEREAS, Borrower encumbered the Property with certain rental and occupancy limitations pursuant to that certain Rental and Occupancy Covenant (the “Covenant”) dated December 12, 2005 recorded in the records of the Clerk and Recorder of the City and County of Denver on December 13, 2005 at Reception Number 2005211635 ; and

WHEREAS, the parties wish to modify the terms and conditions of the Loan Agreement, Note, Deed of Trust, Covenant, and any other documents evidencing or securing the City’s loan

(together, the “Loan Documents”), to modify the amount of prior encumbrances found in Paragraph 3 of the Loan Agreement; and

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

1. Paragraph 3 of the Loan Agreement entitled “**SUBORDINATION**,” is hereby amended to read as follows: The Director of the City’s Office of Economic Development (“OED”) or permitted designee, is authorized to execute documents necessary to subordinate the lien of the City’s Deed of Trust so long as (i) such documents are in a form satisfactory to the City Attorney; (ii) encumbrances prior to the City’s Deed of Trust do not exceed \$7,000,000.00; and (iii) Borrower is not then in default of its obligations pursuant to this Loan Agreement, the Promissory Note, or the Deed of Trust.

2. The Parties consent 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 modified herein, the Loan Documents remain in force and are hereby ratified and reaffirmed.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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 _____

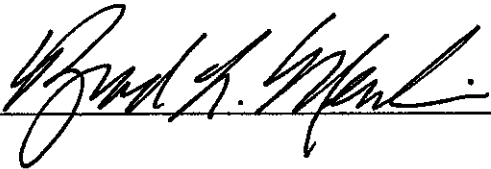
By _____

By _____



Contract Control Number: OEDEV-GE5A030-01

Contractor Name: DENVER RESCUE MISSION

By: 

Name: Brad L. Meuli
(please print)

Title: Pres/CEO
(please print)

ATTEST: [if required]

By: _____

Name: _____
(please print)

Title: _____
(please print)



THE DENVER RESCUE MISSION,
a Colorado non-profit corporation
Tax (IRS) Identification No. 84-6038762

By: 
David Schunk

Title: Vice President of Finance and
Administration

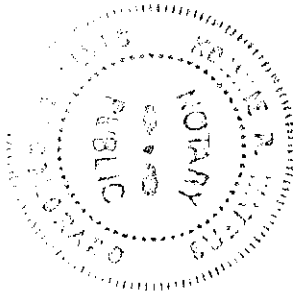
“BORROWER”

STATE OF COLORADO)
 CITY AND)ss.
COUNTY OF DENVER)

Acknowledged before me by David Schunk as Vice President of Finance and
Administration of **The Denver Rescue Mission**, a Colorado non-profit corporation, this 15th day
of May, 2013.

Witness my hand and official seal.

My commission expires: My Commission
Expires 5-12-2014



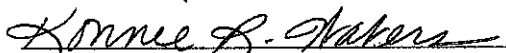

Notary Public



EXHIBIT A

THAT PART OF TRACT 2, MILE-HI INDUSTRIAL DISTRICT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 2;
THENCE WEST ALONG THE SOUTH LINE OF SAID TRACT 2, A DISTANCE OF 400.00 FEET;
THENCE NORTHERLY AND PARALLEL WITH THE WEST LINE OF KEARNEY STREET, A DISTANCE OF 639.06 FEET TO THE NORTHERLY LINE OF SAID TRACT 2;
THENCE SOUTHEASTERLY ALONG THE NORTHERLY LINE OF SAID TRACT 2, A DISTANCE OF 36.79 FEET;
THENCE ON AN ANGLE TO THE RIGHT OF 06 DEGREES 51 MINUTES 58 SECONDS AND ALONG THE NORTHERLY LINE OF SAID TRACT 2, A DISTANCE OF 380.33 FEET TO THE NORTHEAST CORNER OF SAID TRACT 2;
THENCE SOUTHERLY, ALONG THE WESTERLY LINE OF KEARNEY STREET, A DISTANCE OF 519.24 FEET TO THE POINT OF BEGINNING,

EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 2;
THENCE NORTHWESTERLY ALONG THE NORTHERLY LINE OF SAID TRACT 2, A DISTANCE OF 206.33 FEET TO THE POINT OF BEGINNING;
THENCE ON A DEFLECTION ANGLE TO THE LEFT OF 92 DEGREES 07 MINUTES 17 SECONDS, A DISTANCE OF 69.02 FEET;
THENCE ON A DEFLECTION ANGLE TO THE RIGHT OF 74 DEGREES 49 MINUTES 41 SECONDS AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 2, A DISTANCE OF 185.00 FEET;
THENCE ON A DEFLECTION ANGLE TO THE RIGHT OF 90 DEGREES 20 MINUTES 28 SECONDS, A DISTANCE OF 125.00 FEET TO A POINT ON THE NORTHERLY LINE OF SAID TRACT 2;
THENCE ON A DEFLECTION ANGLE TO THE RIGHT OF 100 DEGREES 05 MINUTES 10 SECONDS, ALONG SAID NORTHERLY LINE, A DISTANCE OF 36.79 FEET;
THENCE ON A DEFLECTION ANGLE TO THE RIGHT OF 06 DEGREES 51 MINUTES 38 SECONDS, ALONG SAID NORTHERLY LINE, A DISTANCE OF 174.00 FEET TO THE POINT OF BEGINNING, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

AND

THAT PART OF TRACT B, MILE-HI INDUSTRIAL DISTRICT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 400 FEET OF THE NORTH HALF OF TRACT B, MILE-HI INDUSTRIAL DISTRICT, CITY AND COUNTY OF DENVER, STATE OF COLORADO.

Purported address (for information only): 6090 Smith Road, Denver, Colorado