

FIRST AMENDMENT AND MODIFICATION AGREEMENT

THIS FIRST AMENDMENT AND MODIFICATION AGREEMENT (the “Amendment”) 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 (“City”), and **ECLT INCA COMMONS, LLC**, a Colorado limited liability company, whose address is 1705 17th Street, Suite 200, Denver, Colorado 80202 (“Borrower”), each individually a “Party” and collectively the “Parties.”

RECITALS:

WHEREAS, the Parties entered into a loan agreement dated December 16, 2019 (the “Loan Agreement”), relating to a loan to Borrower in the original principal amount of \$3,675,000.00 (the “Loan”); and

WHEREAS, the Parties wish to amend and modify the terms and conditions of the Loan Agreement to modify the deadline on which private funding commitments must be secured to close on the Loan; and

NOW THEREFORE, in consideration of the premises herein contained and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, and the Parties’ mutual covenants and obligations, the Parties agree as follows:

1. Section 5 of the Loan Agreement entitled **DEADLINE FOR DISBURSEMENT OF FUNDS** is amended to revise the date in the first paragraph of Section 5 from “March 30, 2020” to “September 30, 2020.”

2. Except as herein amended, the Loan Agreement will continue in effect, and is affirmed and ratified in each and every particular.

3. This Amendment will not be effective or binding on the City until it has been fully executed by all required signatories of the City and County of Denver, and if required by Charter, approved by the City Council.

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[SIGNATURE PAGES TO FOLLOW]

Contract Control Number:
Contractor Name:

HOST-202054432-01 / 201951256-01
ECLT INCA COMMONS, LLC

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:

Attorney for the City and County of Denver

By:

By:

By:

Contract Control Number:
Contractor Name:

HOST-202054432-01 / 201951256-01
ECLT INCA COMMONS, LLC

By: 

Name: Jeffa Farchi

(please print)

Title: CEO

(please print)

ATTEST: [if required]

By: _____

Name: _____

(please print)

Title: _____

(please print)