

# Supplemental Lease Agreement Number 2

Lease Number: GS-09B-02302 Date: 6/4/09

3737 N. 7<sup>th</sup> Street, Phoenix, AZ 85014

THIS AGREEMENT, made and entered into this date by and between AG/FP SIETE SQUARE, LLC.,

whose address is 3877 N. 7<sup>th</sup> Street, Suite 103, Phoenix, AZ 85014,

hereinafter called the Lessor, and the UNITED STATES OF AMERICA, hereinafter called the Government:

WHEREAS, the parties hereto desire to amend the above Lease to address delays in approval of the design intent drawings by Government and resulting delays in the commencement date of the Lease.

NOW THEREFORE, these parties for the considerations hereinafter mentioned covenant and agree that the said Lease is amended, effective May 29, 2009, as follows:

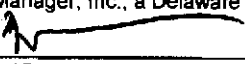
- A. Paragraph 11 of SF2 is deleted in its entirety and replaced as follows: Pursuant to Paragraph 3.16, "Construction Schedule of Tenant Improvements", the Lessor shall have 290 calendar days from the date that i) the Government provides the Notice to Proceed (pursuant to Section 3.16(E) of the Lease), and ii) all applicable permits have been obtained, to have the space available for inspection and acceptance by the Government. All items specified in Lease Agreement and as delineated on the Government Approved Design Intent Drawings shall be provided by the Lessor. Government acknowledges that delays in providing necessary approvals, including, without limitation, the Design Intent Drawings, Construction Drawings and Tenant Improvement Price Proposal, will result in delays to the commencement and completion of Tenant Improvements; provided, however, that no delay in the commencement or completion of Tenant Improvements in the space shall result in any right of Government to terminate the Lease or shall otherwise affect the validity or enforceability of the Lease.
- B. Paragraph 3.14(B) is deleted in its entirety and replaced as follows:  
**AFTER AWARD:**  
Within forty-five (45) days after Government's issuance of the Notice to Proceed, the successful Offeror shall provide to the Contracting Officer evidence of:  
1. A firm commitment of funds in an amount sufficient to perform the work.  
2. Award of a construction contract for Tenant Improvements with a firm completion date.  
3. Issuance of a building permit covering construction of the Tenant Improvements.
- C. Paragraph 3.16(f) is deleted in its entirety and replaced as follows:  
**CONSTRUCTION OF TENANT IMPROVEMENTS:**  
Lessor shall construct all Tenant Improvements in accordance with 1) the Government reviewed construction documents and 2) all terms and conditions of the SFO. Lessor shall substantially complete Tenant Improvements on the date that is 290 calendar days from i) receipt of the notice to proceed from Government, and ii) the date that all applicable permits have been obtained. Lessor shall furnish a detailed construction schedule (such as Critical Path Method) to Government within 5 days of issuance of the notice to proceed. Such schedule shall also indicate the dates available for Government contractors to install telephone/data lines or equipment. Government reserves the right to access any space within the building during the conduct of interior construction for the purposes of performing inspections or for installing Government-furnished equipment. Government shall coordinate with Lessor the activity of Government contractors in order to minimize conflicts with, and disruption to, other contractors on site. Access shall not be denied to authorized Government officials including, but not limited to, Government contractors, subcontractors, or consultants acting on behalf of Government with regard to this project.

All other terms and conditions of the Lease shall remain in force and effect.

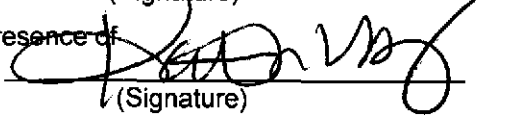
IN WITNESS WHEREOF, the parties subscribed their names as of the above date.

Lessor, AG/FP SIETE SQUARE, LLC.

By: AG Asset Manager, Inc., a Delaware corporation, Its: Manager

By   
(Signature)

VP  
(Title)

In Presence of   
(Signature)

9440 Santa Monica Blvd Ben Hills  
CH 90210  
(Address)

United States Of America, General Services Administration, Public Buildings Service.

  
(Signature)

CONTRACTING OFFICER  
(Official Title)