

**GENERAL SERVICES ADMINISTRATION  
PUBLIC BUILDINGS SERVICE**

LEASE AMENDMENT NO.

09

DATE (GSA signs)

10/23/12

**LEASE AMENDMENT**

TO LEASE NO.

GS-07B-16857

ADDRESS OF PREMISES: 5901 S. International Parkway  
McAllen, TX 78503-8867

THIS AGREEMENT, made and entered into this date by and between **FD McALLEN ICE, LLC** (Former Lessor), and **McALLEN BIS ASSOCIATES, LP** (Lessor),

whose address is 100 North Centre Ave., Suite 502  
Rockville Centre, NY 11570-6303

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

WHEREAS, the parties hereto desire to amend the above Lease.

NOW THEREFORE, these parties for the considerations hereinafter mentioned covenant and agree that the said Lease is amended, effective July 19, 2012, as follows:

1. McALLEN BIS ASSOCIATES, LP, Lessor, hereby assumes all the incomplete obligations of Lease GS-07B-16857 as amended, and agrees to perform same in accordance with the terms, conditions, and provisions thereof from and after July 19, 2012. Lessor further assumes all obligations and liabilities of and all claims and demands arising under Lease GS-07B-16857 against Former Lessor and ratifies and confirms all actions heretofore taken by Former Lessor with respect to the contract with the same force and effect as if the actions had been taken by Lessor. Nothing contained herein shall be construed as releasing the Former Lessor from the Former Lessor's obligations under the terms of the lease.
2. The Government agrees to accept the furnishings of the aforesaid premises in accordance with the terms, provisions, and conditions of said lease, as amended, reserving however, all the Government's rights against Lessor and Former Lessor.
3. McALLEN BIS ASSOCIATES, LP, Lessor, waives all rights to payments under subject lease as against the Government arising prior to July 19, 2012.
4. Rent checks shall be made payable to: McALLEN BIS ASSOCIATES, LP  
100 North Centre Ave., Suite 502  
Rockville Centre, New York 11570
5. McALLEN BIS ASSOCIATES, LP, Lessor, agrees to be added to ACH Vendor Enrollment per the Debt Collection Improvement Act, which became effective July 27, 1996, and further agrees to complete Standard Form 3881, ACH Vendor/Miscellaneous Payment Enrollment, and return it along with this agreement.
6. McALLEN BIS ASSOCIATES, LP, Lessor, agrees to complete and return the GSA Form 3518, Representations and Certifications, which will be attached and made a part of this agreement.

(Continued on Page 2 attached hereto and made a part of LA No 09 to Lease GS-07B-16857)

INITIALS  
GOV'T LESSOR  
DF [Signature]

- 7. McALLEN BIS ASSOCIATES, LP, Lessor, agrees to register in Dun & Bradstreet, Data Universal Numbering System (DUNS). McALLEN BIS ASSOCIATES, LP, Lessor, also agrees to register in the System for Award Management (SAM) database and update registration annually to maintain an active SAM status through final payment of this lease.
- 8. FD McALLEN ICE, LLC, (Former Lessor), confirms the transfer and waives any claims and rights against the Government that it now has or may have in the future in connection with the lease, GS-07B-16857, after July 19, 2012.
- 9. Notwithstanding the foregoing, all payments heretofore made by the Government to the Former Lessor and all other actions hereto taken by the Government pursuant to its obligations under the contract shall be deemed to have discharged the Government's obligations under the contract to the extent of the amounts so paid or reimbursed or such actions taken. The actual change of ownership took place on July 19, 2012 and the rent payments from that date to the current date were paid to former lessor and both lessor and former lessor waive rental claims stemming from those payments.
- 10. McALLEN BIS ASSOCIATES, LP, (Lessor) agrees to indemnify and then save harmless the United States of America from and against any actions, loss, claims, or damages the United States of America may suffer or sustain by reason of the United States of America making payment under the Lease to McALLEN BIS ASSOCIATES, LP.

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.

Former Lessor: FD McALLEN ICE, LLC

[Redacted Signature]

Claiborne Williams, Manager  
(Printed Name and Title)

IN PRESENCE OF

[Redacted Signature]

Candace Bayles, Operations Manager  
(Printed Name and Title)

[Redacted Signature] ES, LP

CBE M. ECKMAN, Manager  
(Printed Name and Title)

[Redacted Signature]

MARY ANN MURPHY  
(Printed Name and Title)

[Redacted Signature]

Contracting Officer  
General Services Administration  
819 Taylor Street  
Fort Worth, TX 76102-6124  
(Official Title)