

GENERAL SERVICES ADMINISTRATION PUBLIC BUILDINGS SERVICE	LEASE AMENDMENT No. 5
	TO LEASE NO. GS-07B-LNM-17177
<b>LEASE AMENDMENT</b>	
ADDRESS OF PREMISES 1140 Commerce Drive Las Cruces, NM 88011-8229	PDN Number - PS0032594

THIS AMENDMENT is made and entered into between 3240 VENUS LLC.

whose address is: 2511 N. Telshor Blvd.  
Las Cruces, NM 88011-8222

**WHEREAS**, the parties hereto desire to amend the above, Lease. The purpose of this Lease Amendment (LA) is to provide for lump - sum re-imbusement attributable to administrative action by the State of New Mexico for the increase in the New Mexico Gross Receipts Tax.

NOW THEREFORE, these parties for the considerations hereinafter mentioned covenant and agree that the said Lease is amended, effective upon the full execution of this amendment as follows:

- 1) To provide for the method of payment of the claim for increase in the New Mexico Gross Receipt Tax; and
- 2) All other terms and conditions of the lease shall remain in full force and effect.

See Attached

This Lease Amendment contains 11 pages, inclusive of Exhibit- C.

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

**FOR THE LESSOR:**

Signature: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_  
 Title: Managing Member  
 Entity Name: 3240 VENUS, LLC  
 Date: 08/12/2015

**FOR THE GOVERNMENT:**

Signature: \_\_\_\_\_  
 Name: Don W. D  
 Title: Lease Contracting Officer  
GSA, Public Buildings Service, Leasing Division  
819 Taylor St., Room-11B, Ft. Worth, Texas 76102-6124  
 Date: 8/14/2015

**WITNESSED FOR THE LESSOR BY:**

Signature: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: 08/12/2015

1) The award date of the lease was April 16, 2013. Per Lease Amendment No. 3 for the Notice to Proceed for Tenant Improvements which was executed on October 20, 2014 and was inclusive of the New Mexico Gross Receipts Tax rate of 7.5625%. And subsequently the New Mexico Gross Receipts Tax increased from 7.5625 % to 7.9375%, effective July 1, 2014. Therefore, the Government agrees to reimburse the lessor for the amount NOT to exceed \$2,851.39 due to the increase in the New Mexico Gross Receipts Tax, which was enacted subsequent to both the award of the lease and Lease Amendment No. 3 for the Notice to Proceed for Tenant Improvements fully being executed. A contracting officer final decision letter was issued June 4, 2015 affirming the claim for in the amount of \$2,851.39 which was determined to be fair and reasonable.

The exact amount of the lump-sum payment shall be \$2,851.39. The Government and the Lessor, that this is the final payment for this claim. The Lessor shall submit for the lump-sum-payment. The Lessor agrees that the invoice shall be printed on the same letterhead as the name on this lease, shall include the Lease number, building address, and a price and quantity of the items delivered. **The invoice shall reference the number PS-PS0032594** and shall be sent electronically to the GSA Finance Website at <http://www.finance.gsa.gov/defaultexternal.asp> . Instructions for invoice submission are included on the website. Additional assistance is available from the Finance Customer Service line at 817-978-2408.

If the Lessor is unable to process the invoice electronically, then the invoice may be mailed to:

General Services Administration  
FTS and PBS Payment Division (7BCP)  
P.O. Box 17181  
Fort Worth, TX 76102-0181

Lessor also agrees that a copy of the invoice shall be sent simultaneously to the GSA Contracting Officer at the following address:

General Services Administration  
ATTN: Don W. Day  
819 Taylor St., Room 11B, Ft. Worth, Texas 76102-6124  
817-978-7018

2) All other terms and conditions of this lease shall remain in full force and effect.

INITIALS:

Jee  
LESSOR

&

W  
GOVT