GENERAL SERVICES ADMINISTRATION PUBLIC BUILDINGS SERVICE **SUPPLEMENTAL LEASE AGREEMENT**	SUPPLEMENTAL AGREEMENT NO. 1	DATE 4/15/2011
	TO LEASE NO. **GS-02B-02763**	BLDG NO. **HI8286**

ADDRESS OF PREMISES: 73-5618 Maiau Street (Kamanu Center), Kailua Kona, Hawaii 96740-2616

THIS AGREEMENT, made and entered into this date by and between **C&R DEVELOPMENT, LLC**
whose address is: 72-3982 Mamalahoa Highway, Kailua Kona, Hawaii 96740-2616

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 clarify required documentation for evidence of capability to perform.

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

(1) Paragraph 26 is hereby added:

26. **EVIDENCE OF COMMITMENT OF FUNDS:**
Within ~~thirty (30)~~ sixty (60) calendar days after the date of lease award, the Lessor shall submit the Government financing documents that reflect a final agreement signed by both the Lessor and the Lessor's lender that clearly demonstrate evidence of capability to perform. Such evidence must be in the form of a signed funding commitment letter which reflects the estimated amounts for both shell improvements required under the lease, as well as the estimated cost of tenant improvements ($322,602.48 amortized into the firm term of the lease at 7%).

Failure to comply fully with this requirement shall constitute default by the Lessor, and the Government has the option at its sole discretion to exercise its right to terminate the contract in full. The Lessor shall waive any and all rights to legal recourse and possible compensation as a result of such termination.

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, **C&R DEVELOPMENT, LLC**

By Kevin A Rinkenbach (Signature) Managing Member (Title)

In Presence of Walter Ching

(Signature) (Address)

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

R. Nimmo (Signature) Lease C.O. (Contracting Officer)

ROBERT W. NIMMO

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