

**AMENDMENT TO
COMMERCIAL AND INDUSTRIAL REAL ESTATE SALE CONTRACT**

THE AMENDMENT TO COMMERCIAL AND INDUSTRIAL REAL ESTATE SALE CONTRACT ("**Amendment**") executed this ____ day of October 2023, is entered into by **City of Lansing, Kansas** ("Seller"), and **Zimmerman Properties Development, LLC** and/or its assigns ("Buyer").

RECITALS

- A. Buyer and Seller are parties to that certain Commercial and Industrial Real Estate Contract dated effectively as of January 5, 2023 ("Contract"), relative to certain real property located in Lansing, Leavenworth County, Kansas, as more fully described in the Contract.

- B. Buyer and Seller desire to amend the Contract to extend the Closing Date.

NOW, THEREFORE, in consideration of the foregoing recitals, the covenants and conditions contained herein, and for other good and valuable mutual consideration, the receipt and sufficiency of which hereby acknowledged, the parties hereto agree as follows:

- 1. **CLOSING DATE.** Paragraph 5, The Closing date shall be changed to **January 31st, 2024.**

- 2. **MISCELLANEOUS.**
 - (a) **Full Force & Effect; Capitalized Terms.** Except as amended by the terms and conditions hereof, the terms and provisions of this Amendment remain in full force and effect and are hereby ratified by Buyer and Seller. Capitalized terms not defined herein shall have the meanings ascribed to them in the Contract.
 - (b) **Prevailing Party Expenses.** In the event of any litigation arising out of or in connection with the Amendment, the prevailing party shall be awarded reasonably attorney fees, costs, and expenses; this shall be in addition to, and not in limitation of, the rights and remedies provided under the Contract.
 - (c) **Binding; Conflict.** This Amendment shall be binding upon and insure to the benefit of the parties hereto, their heirs, personal representatives, successors, and assigns. In the event of any conflict between the Contract and this Amendment, the terms and conditions of this Amendment shall control.
 - (d) **Counterparts.** This Amendment may be executed in counterparts, each of which (or any combination of which) when signed by all the parties shall be deemed an original, but all of which when taken together shall constitute one agreement.

Executed copies hereof may be delivered by facsimile and upon receipt shall be deemed originals and binding upon the parties hereto.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year first above written.

SELLER:

City of Lansing, Kansas

By: _____

Name: _____

Title: _____

BUYER:

ZIMMERMAN PROPERTIES DEVELOPMENT, LLC

and/or assigns.

By:  _____

Name: Justin M. Zimmerman

Title: Member