

ASSIGNMENT AND ASSUMPTION OF LEASE

THIS ASSIGNMENT AND ASSUMPTION OF LEASE is made as of this ____ day of _____, 2024 (this "Assignment"), by and between **K-FRANS LLC**, a Missouri limited liability company ("**Assignor**"), and **CITY OF WESTWOOD, KANSAS**, a municipal corporation which is a political subdivision of the State of Kansas ("**Assignee**").

FOR NOMINAL CONSIDERATION ONLY, and as part of the donation, by Assignor to Assignee, of all of the real property located at 2322 West 51st Street, Westwood, Kansas (the "Property"), which is legally described as:

- All of Lot 11, Block 1, KLASSEN PLACE, a subdivision in the City of Westwood, Johnson County, Kansas, according to the recorded plat thereof

Assignor hereby assigns, transfers and sets over to Assignee, and to Assignee's successors and assigns, all of Assignor's right, title and interest in and to that certain Residential Lease Agreement, dated October 31, 2023 (the "Lease", a true and complete copy of which is annexed hereto as Exhibit ""A), among Donor (as successor-in-interest to Karbank Holdings LLC, a Delaware limited liability company), as Landlord, Joanne M. Gaar, as Tenant, and The Joanne Maureen Gaar Trust dated 11-1-94, as Guarantor, TO HAVE AND TO HOLD, forever.

Assignee shall have all right, title and interest of Assignor under the Lease as though Assignee were the original party thereunder, and Assignor shall have no right, title, interest or claim whatever in or under the Lease from after the date hereof. Assignee accepts and agrees to perform all of the obligations of Assignor under the Lease arising from and after the date hereof as if it were the original party thereunder, and Assignor shall have no further obligations thereunder.

Assignee agrees to defend and indemnify Assignor against any loss, cost, liability, claim or damages, whenever arising, under the Lease.

This Assignment may be executed in several counterparts, each of which shall be deemed an original, and together such counterparts shall constitute but one and the same instrument. This Agreement may be executed and delivered by the electronic transmission of facsimile signatures, each of which shall be deemed to be an original.

IN WITNESS WHEREOF, Assignor and Assignee have caused this Assignment to be executed as of the day and year above written.

K-FRANS LLC
as Assignor

By: _____
a Manager

CITY OF WESTWOOD, KANSAS

By: _____
David E. Waters, Mayor

ATTEST:

By: _____
Abby Schneweis, City Clerk

APPROVED AS TO FORM:

By: _____
Ryan Denk, City Attorney