

1<sup>st</sup> AMENDMENT TO LEASE #6454  
(Amendment Template last revised January 23, 2017)

This 1<sup>st</sup> Amendment to Lease #6454 ("Lease") for space in Butte, Montana, is made by and between the State of Montana, Department of Corrections, PO Box 201301, 5 S. Last Chance Gulch, Helena, Montana, 59601, "Lessee" and John S. & Esther Cote, c/o, Christie Transfer and Storage, 600 East Aluminum, Butte, 59701, "Lessor."

The purpose of this Amendment is to extend the lease through June 30, 2019 at the current lease rate of \$16.42 per sq ft.

The parties agree to amend the Lease as follows (new language underlined, old language interlined):

**3. PREMISES DESCRIPTION**

The area of space being leased consists of 4,000 square feet and includes the right to use offices on the west side of the leased premise in rooms #6, #7 and #8 plus common areas within the leased premise at no additional cost. The premises are located at 53 West Granite Street, Butte, Montana.

**4. TERM OF LEASE**

The term of this lease ~~shall be ten (10) years, beginning upon actual occupancy of the building (occupancy is expected to occur on or about July 1, 2007) by DEPARTMENT and is July 1, 2007 expiring on June 30, 2017~~ through June 30, 2019, unless earlier terminated as provided in Sections 14, 20 or 22 of this lease.

**5. CONSIDERATION**

~~The annual amount of rent DEPARTMENT shall pay to CONTRACTOR during the 1st year (full 12 month period) is \$37,560.00 - payable in equal monthly installments of \$3,130.00. This reflects a rate of \$9.39 per square foot, per year. On July 1, 2008 and July 1, 2009, the annual amount of rent paid to CONTRACTOR shall increase by three percent (3%). On July 1, 2010, the annual rate per square foot shall increase to \$13.75, paid monthly. Beginning July 1, 2011, and annually thereafter during the term of this lease, the annual amount paid to CONTRACTOR shall increase by three percent (3%) and shall be paid monthly.~~

October 1, 2017 through June 30, 2019, the monthly rate shall be \$5,472.74. This reflects a rate of \$16.42 per sq ft.

**9. NOTICE PROTOCOL**

Any notice or demand required or permitted to be given under this lease must be in writing. Written notice shall be deemed given when hand delivered, when mailed by first class mail,

postage prepaid, to the addresses specified in this section or by E mail with confirmation of delivery.

The Lessor's address for purpose of receiving demand or notice is ~~Newland and Company, 2900 Lexington Street, PO Box 3006, Butte, Montana, 59601.~~ Frank G. Cote, 426 South Montana Avenue, Helena, Montana, 59601.

The Lessor's representative for purposes under this lease is ~~John Burns, telephone number (406) 494-4957.~~ Frank G. Cote, (406) 431-3869, email address: drathaar2@aol.com .

The Lessee's address for the purpose of receiving notice is State of Montana, Department of Corrections, PO Box 201301, 5 S. Last Chance Gulch, Helena, Montana, 59620.

The Lessee's representative for purposes under this lease is ~~Monty LeTexier~~ Brian Callarman, telephone (406) 723-8911 ext. 208, bcallarman@mt.gov.

Lessor shall be responsible, at its own expense, for the following improvements:

- Paint the office
- Repair the restroom door
- Repair the cosmetic damage Patch the carpet
- Replace kitchenette floor

The Lessor will make their best effort to complete these improvements no later than November 30, 2017.

Except as expressly amended herein, all of the terms, covenants and conditions of the Lease, including all prior amendments, remain in effect.

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IN WITNESS HEREOF, all parties have entered into and executed this Amendment on the dates stated below:

**PARTIES TO THE LEASE**

Lessee

By: Reginald Michael 9/29/17  
Reginald Michael, Director Date  
Montana Department of Corrections

By: John S. Cote 10/20/17  
John S. Cote Date

By: Esther Cote 10/20/17  
Esther Cote Date

**APPROVED BY:**

By: Garett M. Bacon Sept 22, 2017  
Garett M. Bacon Date  
Leasing Officer, Department of Administration, General Services Division

By: Mike Manion for Mike Manion September 26, 2017  
Mike Manion Date  
Department of Administration Chief Legal Counsel

By: Dan Villa 10/4/17  
Dan Villa Date  
OBPP Director/Designee

By: John Lewis 10.11.17  
John Lewis, Director Date  
Department of Administration