

Greenville County, South Carolina

AMENDMENT TO LEASE AGREEMENT

THIS AMENDMENT TO LEASE AGREEMENT (this “Amendment”) is made and entered into as of this ____ day of _____, 2018 by and between GREENVILLE COUNTY, SOUTH CAROLINA (the “County”), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through the Greenville County Council (the “County Council”) as the governing body of the County, and FAIVELEY TRANSPORT NORTH AMERICA, INC., a New York corporation duly qualified to transact business in the State of South Carolina (the “Company”).

WITNESSETH:

Recitals.

Pursuant to a Lease Agreement dated as of June 1, 1997 between the County and the ELLCON-NATIONAL, INC., as amended (the “Lease Agreement”), the County has acquired and leased to Company certain real property and improvements and machinery, equipment, fixtures and furnishings to be used for the manufacture and distribution of products and systems used to power moving machinery (the “Project”). Pursuant to an Assignment and Sale of Leasehold dated July 10, 1998, a portion of the interest of Ellcon-National, Inc. under the Lease Agreement was assigned to Ellcon Drive, LLC and subsequently assigned on or about December 8, 2015 to Faiveley Transport North America, Inc. (formerly known as Ellcon-National, Inc.).

NOW, THEREFORE, FOR AND IN CONSIDERATION of the premises, the parties hereto agree as follows:

1. Amendment to Lease Agreement. Section 5.01 of the Lease Agreement shall be amended to read in full as follows:

Subject to the terms and provisions herein contained this Lease shall be and remain in full force and effect for a term commencing January 1, 1997, and ending at midnight December 31 of the year thirty (30) years from the date of the final investment pursuant to 2.02(f) hereof, unless sooner terminated as herein permitted; provided that, if at the expiration of the Term payment of the Lease has not been made or provided for the Term shall expire on such later date as payment of the Lease shall have been made or so provided for.

2. Effect on Lease Agreement. Except as amended hereby, the parties agree that the Lease Agreement shall continue in full force and binding effect upon the parties hereto.

[Signature Pages Follow]

IN WITNESS WHEREOF, the County, acting by and through the County Council, has caused this First Amendment to Lease Agreement to be executed in its name and behalf by the County Administrator and to be attested by the Clerk to County Council; and the Company has caused this First Amendment to Lease Agreement to be executed by its duly authorized officer(s), all as of the day and year first above written.

GREENVILLE COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
Chairman of County Council

By: _____
County Administrator

ATTEST:

Clerk to County Council of
Greenville County, South Carolina

[Signature Page 1 to First Amendment to Lease Agreement]

FAIVELEY TRANSPORT NORTH AMERICA, INC.

By: _____

Its: _____

[Signature Page 2 to First Amendment to Lease Agreement]

