

FOURTH AMENDMENT
TO PURCHASE AND SALE AGREEMENT

WHEREAS, the Delray Beach Community Redevelopment Agency, a Florida public body corporate and politic created pursuant to Section 163.356 F.S. (the "Seller") and BH3 Management, LLC, a Florida limited liability company (the "Purchaser") entered into that certain Purchase and Sale Agreement dated April 22, 2019 (the "Contract") concerning real property located in Delray Beach, Palm Beach County, Florida (the "Property");

WHEREAS, the Contract was amended by that certain First Amendment to Purchase and Sale Agreement ("First Amendment") which extended the date in paragraph 1.14f to September 1, 2019 and extended the commencement date of the restrictive covenant referenced in paragraph 1.17e to September 1, 2019;

WHEREAS, the Contract was amended by that certain Second Amendment to Purchase and Sale Agreement ("Second Amendment") which extended the Application Date and extended the date for the execution of the Public Benefits Commitment;

WHEREAS, the Contract was amended by that certain Third Amendment to Purchase and Sale Agreement ("Third Amendment") regarding Seller's intent to enter into a new lease agreement with Emanuel Jackson Sr. Project, Inc.;

WHEREAS, paragraph 1.10 of the Contract provides for Force Majeure and identifies that given specific events, Force Majeure may apply subject to the consent of the Delray Beach Community Redevelopment Agency Board of Commissioners and which consent shall not be unreasonably withheld;

WHEREAS, on February 12, 2021, legal counsel for the Purchaser submitted a written request for a three hundred eighty three (383) day extension to the Approval Date and subsequent dates in the Contract as a result of a Force Majeure related to the COVID-19 global pandemic;

WHEREAS, on February 23, 2021, the Delray Beach Community Redevelopment Agency Board of Commissioners did, during the course of a public meeting, consider the request for an extension of the Approval Date and did approve a ninety (90) calendar day extension of the Approval Date and subsequent dates; and


NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereby agree as follows:

- 1) The foregoing Whereas clauses are hereby ratified and confirmed.
- 2) The Approval Date is extended by Force Majeure for an additional ninety (90) days commencing as of March 1, 2021 to June 1, 2021.

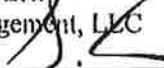
- 3) The extension of the Approval Date due to Force Majeure for an additional ninety (90) calendar days to June 1, 2021 does correspondingly extend the Permit Date (1.13), the Closing Date (1.5) and the Termination Date (1.21) for ninety (90) calendar days respectively.
- 4) In the avoidance of doubt, due to the ninety (90) calendar day extension due to Force Majeure, the Termination Date, as defined in paragraph 1.21 of the Contract, shall be the date that is eight hundred ten (810) calendar days subsequent to the Effective Date.
- 5) All other terms and provisions of the Contract and the three (3) previously approved amendments not otherwise modified by this Fourth Amendment are hereby ratified and confirmed, and shall remain in full force and effect.
- 6) In the event of any inconsistencies between this Fourth Amendment, the Third Amendment, the Second Amendment, the First Amendment and the Contract, the provisions contained in this Fourth Amendment shall prevail. In any other respects, the Contract remains unchanged.

IN WITNESS WHEREOF, the parties have executed this Fourth Amendment as of the dates indicated below:

WITNESS:


 Witness
 Witness

PURCHASER:

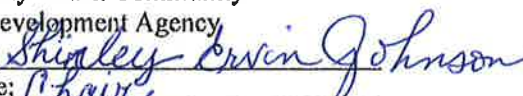
BH3 Management, LLC
 By: 
 Title: President
 Date: March 1, 2021
SIGNED UNDER PROTEST

WITNESS:



 Witness

 Witness

SELLER:

Delray Beach Community
 Redevelopment Agency
 By: 
 Title: Chair
 Date: March 1, 2021

APPROVED TO FORM:


 By: _____ 3-1-21