

WB-40 AMENDMENT TO OFFER TO PURCHASE

**CAUTION: Use a WB-40 Amendment if both Parties will be agreeing to modify the terms of the Offer.
Use a WB-41 Notice if a Party is giving a Notice which does not require the other Party's agreement.**

1 Buyer and Seller agree to amend the Offer dated November 14, 2022, and accepted on November 17, 2022,
2 for the purchase and sale of real estate at 222 North Oneida Street, Appleton

3 _____, Wisconsin as follows:

4 Closing date is changed from 10/31/2023, to 12/31/2024 unless mutually amended by Buyer and Seller.

5 Purchase price is changed from \$ _____ to \$ _____.

6 Other: _____

7 For purposes of clarification, additional contingency 3) as referenced in line 650 of the Offer and attached thereto, is amended as follows:

8 _____

9 Parties acknowledge that the Federal Transit Administration (FTA) must approve Buyer's purchase of the Property. This

10 Offer shall not be considered a binding offer until various FTA conditions and contingencies are satisfied including, but not

11 limited to, completing the NEPA process as well as other requirements established in FTA C 5010.1E. As further required

12 by FTA C 5010.1E Page IV-2, Seller acknowledges its understanding that the terms set forth in the Offer shall be

13 considered "preliminary and non-binding as to price and other consideration" and are intended to enable Buyer to engage

14 in preliminary activities to complete the NEPA process.

15 _____

16 Simultaneous with execution of closing documents, Parties shall enter a separate written agreement wherein Buyer grants

17 Seller the Right of First Refusal to repurchase the Property in the event Buyer elects to sell the undeveloped Property at

18 Any point in the future.

19 _____

20 _____

21 _____

22 _____

23 _____

24 _____

25 _____

26 _____

27 _____

28 _____

29 _____

30 _____

31 The attached _____ is/are made part of this Amendment.

32 ALL OTHER TERMS OF THE OFFER TO PURCHASE AND ANY PRIOR AMENDMENTS REMAIN THE SAME.

33 This Amendment is binding upon Seller and Buyer only if a copy of the accepted Amendment is delivered to the Party

34 offering the Amendment on or before _____ (Time is of the Essence). Delivery

35 of the accepted Amendment may be made in any manner specified in the Offer to Purchase, unless otherwise provided

36 in this Amendment.

37 **NOTE: The Party offering this Amendment may withdraw the offered Amendment prior to acceptance and**

38 **delivery as provided at lines 33-34.**

39 This Amendment was drafted by _____ on _____

40 Licensee and Firm ▲ Date ▲

41 This Amendment was presented by _____ on _____

42 Licensee and Firm ▲ Date ▲

43 (x) Ronald C. McDonald 10/20/2023 (x) _____

44 Buyer's Signature ▲ Date ▲ Seller's Signature ▲ Date ▲

45 Print name ► Ronald C. McDonald Print name ►

46 (x) _____ (x) _____

47 Buyer's Signature ▲ Date ▲ Seller's Signature ▲ Date ▲

48 Print name ► Print name ►

49 This Amendment was rejected _____

50 Party Initials ▲ Date ▲