

STATE OF TEXAS §
 §
 COUNTY OF FORT BEND §

**FIRST AMENDMENT TO TAX ABATEMENT AGREEMENT BETWEEN
 FORT BEND COUNTY DRAINAGE DISTRICT, DAIRY ASHFORD ENTERPRISE, INC., AND
 BLUEBONNET NUTRACEUTICALS, LTD,
 CITY OF SUGAR LAND REINVESTMENT ZONE 2021-01
 (TO ASSIGN BLUEBONNET NUTRACEUTICALS, LTD TO BLUEBONNET NUTRITION CORPORATION)**

This First AMENDMENT of the Tax Abatement Agreement is made and entered into by and between Fort Bend County Drainage District (hereinafter referred to as "District"), a body politic, acting herein by and through its Board of Directors and DAIRY ASHFORD ENTERPRISE, INC., (referred to as "Owner/Lessor,") BLUEBONNET NUTRACEUTICALS, LTD, (then referred to as Owner/"Lessee"), and BLUEBONNET NUTRITION CORPORATION (will now be referred to as Owner/"Lessee" on execution of this First Amendment).

RECITALS

WHEREAS, on or about January 11, 2022, FORT BEND COUNTY DRAINAGE DISTRICT, DAIRY ASHFORD ENTERPRISE, INC. and BLUEBONNET NUTRACEUTICALS, LTD entered into a Tax Abatement Agreement for Eligible Property located in CITY OF SUGAR LAND REINVESTMENT ZONE 2021-01 (hereinafter the "Agreement") which is incorporated by reference;

WHEREAS, the Agreement was executed as authorized by and in accordance with the Property Redevelopment and Tax Abatement Act, Chapter 312, TEXAS PROPERTY TAX CODE, and the current Guidelines and Criteria for Granting Tax Abatements in Reinvestment Zones located in Fort Bend County Drainage District (hereinafter the "Guidelines and Criteria") and

WHEREAS, the Parties now desire to amend certain portions of the Agreement as allowed by Texas Tax Code Section 312.208 and Section VII of the Guidelines and Criteria; and

WHEREAS Notice for this Amended Agreement was provided as required by Texas Tax Code Sec. 312.207.

NOW THEREFORE, for and in consideration of the mutual benefits to be derived by the parties hereto, the Parties agree as follows:

1. Any references in the Agreement to BLUEBONNET NUTRACEUTICALS, LTD shall mean and refer to BLUEBONNET NUTRITION CORPORATION as an Owner of Eligible Property located in CITY OF SUGAR LAND REINVESTMENT ZONE 2021-01 and subject to the Agreement.
2. The Agreement is amended to the effect that all duties, obligations, and responsibilities imposed upon BLUEBONNET NUTRACEUTICALS, LTD under the Agreement shall be

imposed upon BLUEBONNET NUTRITION CORPORATION and all agreements and representations made by BLUEBONNET NUTRACEUTICALS, LTD in the Agreement shall be the agreements and representations of BLUEBONNET NUTRITION CORPORATION. All duties, obligations, and responsibilities of DAIRY ASHFORD ENTERPRISE, INC. remain with DAIRY ASHFORD ENTERPRISE, INC

3. The representatives of BLUEBONNET NUTRACEUTICALS, LTD and BLUEBONNET NUTRITION CORPORATION whose signatures execute this First Amendment represent and warrant to District that they have the requisite authority to enter into the Agreement and First Amendment thereof.

4. The below change is now made to the Performance Measures Table in the Agreement:

Agreement Reference	Original Agreement	Now Amended
Section III (5) (A) Page 5	SEPTEMBER 15, 2022	DECEMBER 31, 2022

5. The addresses set out in Section 8 of the Agreement for notices are hereby deleted in its entirety and the following addresses are substituted therefore:

TO DISTRICT:

Fort Bend Economic Opportunity & Development
401 Jackson Street
Richmond, Texas 77469
Attn: Director

With copy to:

Fort Bend County Drainage District
401 Jackson
Richmond, Texas 77469
Attention: County Judge

TO OWNER/LESSOR:

DAIRY ASHFORD ENTERPRISE, INC.
12915 DAIRY ASHFORD RD.
SUGAR LAND, TX 77478
ATTN: GARY BARROWS

TO OWNER/LESSEE:
NOW ASSIGNED

BLUEBONNET NUTRITION CORP.
12915 DAIRY ASHFORD RD.
SUGAR LAND, TX 77478
ATTN: GARY BARROWS

6. BLUEBONNET NUTRITION CORPORATION SHALL BE RESPONSIBLE FOR NOTIFYING THE DISTRICT OF THE ABATEMENT, INCLUDING FILING WITH THE DISTRICT ANY APPLICATION OR OTHER FORMS NECESSARY TO QUALIFY FOR OR RECEIVE THE ABATEMENT GRANTED.
7. Except as modified herein, the above referenced Agreement remains in full force and effect and has not been modified or amended.
8. The County's Director of Economic Opportunity & Development shall be included on all correspondence to and/or from District/County employees and officials relative to this project. Use of email at: carlos.guzman@fortbendcountytexas.gov is considered satisfaction of this requirement, but not a substitution for legal notice to County.
9. Any further amendments to this Agreement shall be in accordance with the most recently adopted Guidelines and Criteria for Granting Tax Abatements in Fort Bend County Drainage District. This requirement applies even if this Amendment was executed under a prior set of Guidelines and Criteria.
10. Except as modified herein, any prior executed document remain in full force and effect and has not been modified or amended. In the event of conflict, the contents of this First Amendment shall prevail.

*Remainder left blank
Execution page follows*

11. Execution

IN TESTIMONY OF WHICH, THIS AMENDMENT shall be effective upon execution of all parties.

"DISTRICT:"

FORT BEND COUNTY DRAINAGE DISTRICT



By: KP George

KP George, County Judge

Date: December 13, 2022

ATTEST:

Laura Richard

Laura Richard, County Clerk

"OWNER"

DAIRY ASHFORD ENTERPRISE, INC.

By: Gary Barrows

Printed Name: Gary Barrows

Title: President

Date: 11-29-22

"LESSEE"

BLUEBONNET NUTRITION CORPORATION

NOW ASSIGNED

By: Gary Barrows

Printed Name: Gary Barrows

Title: President

Date: 11-29-22

Reviewed: [Signature]

By: [Signature]

Carlos Guzman

Fort Bend Economic Opportunity & Development Director

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CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY
CERTIFICATION OF FILING****1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**

Dairy Ashford Enterprise, Inc. and Bluebonnet Nutrition Corp.
Sugar Land, TX United States

Certificate Number:
2022-960662

Date Filed:
12/02/2022

Date Acknowledged:
12/19/2022

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

FBC Drng District

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

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35% Abatement

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Dairy Ashford Enterprise Inc.	Sugar Land , TX United States	X	
	Bluebonnet Nutrition Corporation	Sugar Land, TX United States	X	

5 Check only if there is NO Interested Party.

☐**6 UNSWORN DECLARATION**

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)