

AMENDMENT NO. 4 TO PERCENTAGE PROPERTY LEASE AGREEMENT

This AMENDMENT NO. 4 TO PERCENTAGE LEASE AGREEMENT is made this ____ day of _____ 2025 ("Amendment"), by and between the OCEANSIDE SMALL CRAFT HARBOR DISTRICT, ("DISTRICT") and OCEANSIDE HARBOR FUEL DOCK AND MINI MART, INC., hereinafter called ("LESSEE").

RECITALS

WHEREAS, DISTRICT and LESSEE entered into a Percentage Property Lease Agreement ("Agreement") dated September 7, 2005, Amendment 1 dated June 3, 2015, Amendment 2 dated September 9, 2020 and Amendment 3 dated January 24, 2024 for lease of the premises at the Oceanside Harbor in the City of Oceanside, County of San Diego, State of California, commonly known as 1380 North Pacific Street;

WHEREAS, LESSEE will be installing at its expense, a new fuel tank and in the interim two (2) temporary fuel tanks that will provide fuel during the six-week fuel tank replacement. The temporary 1,000-gallon fuel tanks need to be upgraded to larger 3,000-gallon fuel tanks and a larger turbine pump, in order to pump fuel to patrons' tanks. Therefore, LESSEE is requesting District to abate minimum and percentage rents retroactively for April and May 2025 of the Agreement to offset a portion of the upgrade costs of \$11,218; and

WHEREAS, DISTRICT and LESSEE in consideration of said increase and desire to provide fuel at Harbor without interruption are desirous of abating April and May 2025 minimum and percentage rents.

NOW, THEREFORE, in consideration of the covenants and conditions contained herein,

AGREEMENT

1. **Additional Lease Language.** The following **Subsection 3.05 Rent Abatement**, is added to **Section 3, RENT** as follows:

3.05 Rent Abatement. To offset increased temporary fuel tank costs during fuel tank installation, April and May 2025 minimum and percentage rents will be abated retroactively. Thereafter, minimum and percentage rents will resume.

2. All other terms, conditions, covenants and provisions of the Agreement shall remain in full force and effect. In the event of any conflict between the terms of the Agreement and this Amendment, the terms of this Amendment shall control.

IN WITNESS WHEREOF the parties hereto for themselves, their heirs, executors, administrators, successors, and assigns do herein agree to the full performance of this Amendment.

DISTRICT
THE OCEANSIDE SMALL CRAFT HARBOR DISTRICT

Date _____

By _____

Name: Jonathan Borrego

Title: Administrative Officer

APPROVED AS TO FORM:

By , ASST.
Harbor Board Attorney

LESSEE
OCEANSIDE HARBOR FUEL DOCK AND MINI MART, INC.
a California corporation

Date 4/16/25

By 

Name ONOFRIO DAMATO

Title PRESIDENT

Date 4/16/25

By 

Name Mabuka Damato

Title Secretary

NOTARY ACKNOWLEDGMENTS OF LESSEE'S SIGNATURES MUST BE ATTACHED

CALIFORNIA CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of San Diego)

On April 16, 2025 before me, Alexia Williams,
(here insert name and title of the officer)

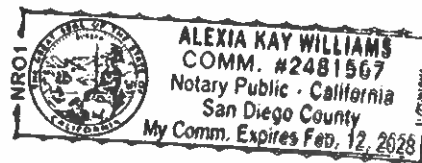
personally appeared Dnortrio and Mahuba Damato

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Alexia Williams



(Seal)

Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of _____

containing _____ pages, and dated _____

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
☐ Attorney-in-Fact
☐ Corporate Officer(s) _____
Title(s) _____

- ☐ Guardian/Conservator
☐ Partner - Limited/General
☐ Trustee(s)
☐ Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)

☐ _____