

FIRST AMENDMENT TO AGREEMENT FOR ARTWORK LOAN AND DISPLAY

THIS FIRST AMENDMENT TO AGREEMENT FOR ARTWORK LOAN AND DISPLAY ("First Amendment") is entered into by and between the **CITY OF OCALA**, a Florida municipal corporation ("City"), and **ROSE DERKAY** ("Artist").

WHEREAS, on December 15, 2022, City and Artist entered into an Agreement for Artwork Loan and Display for the public display and sale of certain artwork, City of Ocala Contract No. REC/230032 (the "Original Agreement"); and

WHEREAS, the parties now desire to amend the Original Agreement, specifically Exhibit A – Artwork, to reflect a modified selection of artwork to be displayed; and

NOW THEREFORE, in consideration of each of the foregoing recitals and the following mutual covenants, conditions and other good and valuable consideration, the receipt and sufficiency of which is hereby mutually acknowledged, City and Artist agree as follows:

1. **RECITALS.** City and Artist hereby represent and warrant that the Recitals set forth above are true and correct.
2. **INCORPORATION OF ORIGINAL AGREEMENT.** The Original Agreement between City and Artist is hereby incorporated by reference as if set forth herein in its entirety and remains in full force and effect except for those terms and conditions expressly amended by this First Amendment.
3. **AMENDMENT TO EXHIBIT A – ARTWORK.** The document attached to the Original Agreement as Exhibit A – Artwork is hereby deleted and replaced, in its entirety, with the document attached to this First Amendment as **Amended Exhibit A – Artwork**.
4. **NOTICES.** All notices, certifications or communications required by this First Amendment shall be given in writing and shall be deemed delivered when personally served, or when received if by facsimile transmission with a confirming copy mailed by registered or certified mail, postage prepaid, return receipt requested. Notices can be concurrently delivered by e-mail. All notices shall be addressed to the respective parties as follows:

If to Artist:

Rose Derkay
5203 SE 39th Loop
Ocala, Florida 34480
Phone: 352-497-4985
E-mail: r.derkay55@gmail.com



If to City of Ocala:

Daphne M. Robinson, Esq. - Contracting Officer
City of Ocala
110 SE Watula Avenue, 3rd Floor
Ocala, Florida 34471
E-mail: notices@ocalafl.org

Copy to:

William E. Sexton, Esq. – City Attorney
City of Ocala
110 SE Watula Avenue, 3rd Floor
Ocala, Florida 34471
E-mail: cityattorney@ocalafl.org

6. **EFFECT OF AGREEMENT.** In the event of any inconsistency between this First Amendment and a prior version of the Original Agreement, this First Amendment shall govern. Except as expressly set forth herein, the Original Agreement shall remain in full force and effect and is not amended or modified.
7. **COUNTERPARTS.** This First Amendment may be executed in counterparts, each of which shall be an original and all of which shall constitute the same instrument.
8. **ELECTRONIC SIGNATURE(S).** Artist, if and by offering an electronic signature in any form whatsoever, will accept and agree to be bound by said electronic signature to all terms and conditions of this First Amendment. Further, a duplicate or copy of the First Amendment that contains a duplicated or non-original signature will be treated the same as an original, signed copy of this original First Amendment for all purposes.
9. **LEGAL AUTHORITY.** Each person signing this First Amendment on behalf of either party individually warrants that he or she has full legal power to execute this First Amendment on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this First Amendment.

[REMAINDER OF PAGE INTENTIONALLY BLANK. SIGNATURE PAGE TO FOLLOW.]



CONTRACT NO.: REC/230032

IN WITNESS WHEREOF, the parties have executed this First Amendment on 02 / 17 / 2023.

ATTEST:

CITY OF OCALA

Angel B. Jacobs

Ken Whitehead

Angel B. Jacobs

Ken Whitehead

City Clerk

Assistant City Manager

Approved as to form and legality:

ROSE DERKAY

William E. Sexton

Rose Derkay

William E. Sexton, Esq.

Signature

City Attorney

Rose Derkay

Name

Photographer

Title

ROSE DERKAY / JANUARY 13, 2023 – JUNE 13, 2023

(1)



(2)



(3)



(4)



(5)

White Dahlia fine art smooth giclee 16"x24" (22"x30" framed) \$255	Giant Pagoda bloom fine art smooth giclee 16"x24" (22"x30" framed) \$255	Meet Me in the Middle fine art smooth giclee 16"x24" (22"x30" framed) \$255	Starry Starry Day fine art smooth giclee 16"x24" fine (22"x30" framed) \$255	Harry's Orchid fine art smooth giclee 16"x24" (22"x30" framed) \$255
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(6)



(7)



(8)



(9)



(10)

2 Button Mums fine art smooth giclee 16"x24" (22"x30" framed) \$255	Baby Daisies fine art smooth giclee 16"x24 22"x30") \$255	Dancing Sunflower fine art smooth giclee 24"x16" (30"x22" framed) \$255	Mum Squared fine art giclee print 20"x20" (30"x30" framed) \$295	Soft Red Rose fine art smooth giclee 16"x20" (21"x27" framed) \$255
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ROSE DERKAY / JANUARY 13, 2023 – JUNE 13, 2023

(11)



(12)



(13)



(14)



(15)

Red Daffodil fine art giclee print 10"x12" (16"x20" framed) \$155	Peach Rose fine art smooth giclee 8"x10" (18"x20" framed) \$125	The Pink Hibiscus fine art smooth giclee 12"x18" (16"x24" framed) \$175	One Moment in Time fine art lustre print 12"x18" (16"x24" framed) \$175	Patience fine art lustre print 12"x18" (16"x24" framed) \$175
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(16)



(17)



(18)



(19)



(20)

Yellow Dahlia fine art lustre print 12"x18" (16"x24" framed) \$175	Dainty Dandelions fine art lustre print 12"x18" (16"x24" framed) \$175	Genuine fine art lustre print 12"x18" (16"x24" framed) \$175	Bright Butterfly fine art lustre print 8"x10" (14"x18" framed) \$85	Come On In fine art lustre print 8"x10" (14"x18" framed) \$85
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Title	FOR SIGNATURES - Amendment 1 to Artwork Loan and Display -...
File name	Amendment 1 to Ar...(REC 230032)).pdf
Document ID	094c61feaf13fdad1d43ced40d5cc296f6377dee
Audit trail date format	MM / DD / YYYY
Status	● Signed

Document History



02 / 07 / 2023
15:25:31 UTC-5

Sent for signature to William E. Sexton (wssexton@ocalafl.org), Rose Derkay (r.derkay55@gmail.com), Ken Whitehead (kwhitehead@ocalafl.org) and Angel B. Jacobs (ajacobs@ocalafl.org) from slewis@ocalafl.org
IP: 216.255.240.104



02 / 08 / 2023
14:38:56 UTC-5

Viewed by William E. Sexton (wssexton@ocalafl.org)
IP: 216.255.240.104



02 / 08 / 2023
14:39:19 UTC-5

Signed by William E. Sexton (wssexton@ocalafl.org)
IP: 216.255.240.104



02 / 16 / 2023
14:51:57 UTC-5

Viewed by Rose Derkay (r.derkay55@gmail.com)
IP: 67.235.223.61



02 / 16 / 2023
14:59:13 UTC-5

Signed by Rose Derkay (r.derkay55@gmail.com)
IP: 67.235.223.61

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02 / 17 / 2023
11:47:56 UTC-5

Viewed by Ken Whitehead (kwhitehead@ocalafl.org)
IP: 216.255.240.104



02 / 17 / 2023
11:48:29 UTC-5

Signed by Ken Whitehead (kwhitehead@ocalafl.org)
IP: 216.255.240.104



02 / 17 / 2023
11:55:57 UTC-5

Viewed by Angel B. Jacobs (ajacobs@ocalafl.org)
IP: 216.255.240.104



02 / 17 / 2023
11:56:56 UTC-5

Signed by Angel B. Jacobs (ajacobs@ocalafl.org)
IP: 216.255.240.104



02 / 17 / 2023
11:56:56 UTC-5

The document has been completed.