

# *Amendment to Credit Agreement Sample*

## **Contracts**

Playtika Holding Corp. – FIRST AMENDMENT TO CREDIT AGREEMENT (January 7th, 2021)

FIRST AMENDMENT TO CREDIT AGREEMENT, dated as of October 23, 2020 (this “Amendment”), by and among PLAYTIKA HOLDING CORP., a Delaware corporation, as borrower (the “Borrower”), the Subsidiary Loan Parties party hereto, the Lenders party hereto and the Administrative Agent (as defined below), relating to the Credit Agreement dated as of December 10, 2019 (as modified pursuant to that certain Incremental Assumption Agreement No. 1, dated as of June 15, 2020 and as it may be further amended, restated, supplemented, waived or otherwise modified from time to time prior to the date hereof, the “Existing Credit Agreement” and the Existing Credit Agreement as amended by this Amendment, and as it may be further amended, restated, supplemented, waived or otherwise modified from time to time, the “Credit Agreement”), among the Borrower, the Lenders party thereto from time to time and CREDIT SUISSE AG, CAYMAN ISLANDS BRANCH, as administrative agent for the Lenders (together with its successors and

B. Riley Financial, Inc. – This Exhibit omits certain confidential information. SECOND AMENDMENT TO CREDIT AGREEMENT (January 6th, 2021)

THIS SECOND AMENDMENT TO CREDIT AGREEMENT (this “Amendment”), dated as of December 31, 2020 (the “Second Amendment Effective Date”), is entered into by and among BRPI Acquisition Co LLC, a Delaware limited liability company, United Online, Inc., a Delaware corporation, YMax Corporation, a Delaware corporation (collectively, the “Borrowers”), the Affiliates of the Borrowers identified on the signature pages hereto (collectively, the “Secured Guarantors”), the financial institutions identified on the signature pages hereto (collectively, the “Lenders”), and Banc of California, N.A., as Administrative Agent (the “Administrative Agent”), with reference to the following facts:

CREDIT AGREEMENT dated as of March 27, 2020 (this “Agreement”) as amended by the First Amendment dated as of December 28, 2020, between POWER SOLUTIONS INTERNATIONAL, INC., a Delaware corporation, the LENDERS party hereto from time to time, and STANDARD CHARTERED BANK, as Administrative Agent.

M.D.C. Holdings, Inc. – FIFTH AMENDMENT TO CREDIT AGREEMENT (December 29th, 2020)

This Credit Agreement (the “Agreement”), dated as of December 13, 2013, is among M.D.C. Holdings, Inc., a Delaware corporation, the Lenders and U.S. Bank National Association, a national banking association, as LC Issuer and Designated Agent. The parties hereto agree as follows:

Sun Communities Inc – THIRD AMENDMENT TO CREDIT AGREEMENT (December 29th, 2020)

This CREDIT AGREEMENT, dated as of September 14, 2018 (as amended, restated, supplemented, increased, extended, supplemented or otherwise modified from time to time, this “Agreement”), is entered into by and among SAFE HARBOR MARINAS, LLC, a Delaware limited liability company (the “Borrower”), certain Restricted Subsidiaries of the Borrower from time to time party hereto, as Guarantors, the Lenders from time to time party hereto, and CITIZENS BANK, N.A., as administrative agent (in such capacity, “Administrative Agent”) and collateral agent (in such capacity, “Collateral Agent”).

Hurco Companies Inc – SECOND AMENDMENT TO CREDIT AGREEMENT (December 29th, 2020)

THIS SECOND AMENDMENT TO CREDIT AGREEMENT (this “Amendment”) dated as of December 23, 2020 to the Credit Agreement referenced below is by and among HURCO COMPANIES, INC., an Indiana corporation (the “Company”), HURCO B.V., a private company with limited liability (besloten vennootschap met beperkte aansprakelijkheid) incorporated under the laws of the Netherlands, with its seat (zetel) in Amsterdam, the Netherlands, with its registered office at Prins Bernhardplein 200, 1097 JB Amsterdam, the Netherlands and registered with the Dutch Chamber of Commerce (Kamer van Koophandel) under number 34114350 (the “Netherlands Borrower” and, together with the Company, the “Borrowers” and each a “Borrower”), the Guarantors party hereto and BANK OF AMERICA, N.A. (the “Lender”).

Sundance Energy Inc. – FORBEARANCE AGREEMENT AND SIXTH AMENDMENT TO CREDIT AGREEMENT (December 23rd, 2020)

This FORBEARANCE AGREEMENT AND SIXTH AMENDMENT TO CREDIT AGREEMENT (this “Agreement”) dated as of December 18, 2020 (the “Execution Date”) but effective for all purposes as of November 30, 2020 (the “Effective Date”) is among SUNDANCE ENERGY INC., a Delaware corporation (“Parent”), SUNDANCE ENERGY, INC., a Colorado corporation (the “Borrower”), TORONTO DOMINION (TEXAS) LLC, as administrative agent for the Lenders (in such capacity, together with its successors, the “Administrative Agent”), each of the Loan Parties party hereto and each of the lenders party hereto (individually a “Lender” and collectively, the “Lenders”).

ReShape Lifesciences Inc. – THIRD AMENDMENT TO CREDIT AGREEMENT (December 22nd, 2020)

This Third Amendment (this “Third Amendment”), dated as of December 16, 2020, is entered into by and among ReShape Lifesciences Inc., a Delaware corporation (the “Borrower”), and Armistice Capital Master Fund Ltd. (the “Lender”).

Playtika Holding Corp. – FIRST AMENDMENT TO CREDIT AGREEMENT (December 18th, 2020)

This FIRST AMENDMENT TO CREDIT AGREEMENT (this “Amendment”) is dated as of October 23, 2019 and is entered into by and among PLAYTIKA HOLDING CORP., a Delaware corporation (the “Borrower”), the Lenders (as defined in the Credit Agreement referred to below) party hereto constituting the Required Lenders (as defined in the Credit Agreement), and CREDIT SUISSE AG, CAYMAN ISLANDS BRANCH, as administrative agent (together with its successors and assigns, the “Agent”).

Pebblebrook Hotel Trust – SECOND AMENDMENT TO CREDIT AGREEMENT (December 16th, 2020)

THIS SECOND AMENDMENT TO CREDIT AGREEMENT (this “Amendment”) is entered into as of December 10, 2020, among PEBBLEBROOK HOTEL, L.P., a Delaware limited partnership (the “Borrower”), PEBBLEBROOK HOTEL TRUST, a Maryland real estate investment trust (the “Parent REIT”; the Borrower and the Parent REIT are each, a “Loan Party” and collectively, the “Loan Parties”), each Lender (defined below) party hereto, and BANK OF AMERICA, N.A., as Administrative Agent (the “Administrative Agent;” the Administrative Agent and Lenders are each a “Credit Party” and collectively “Credit Parties”).

Pebblebrook Hotel Trust – SECOND AMENDMENT TO CREDIT AGREEMENT (December 16th, 2020)

THIS SECOND AMENDMENT TO CREDIT AGREEMENT (this “Amendment”) is entered into as of December 10, 2020, among PEBBLEBROOK HOTEL, L.P., a Delaware limited partnership (the “Borrower”), PEBBLEBROOK HOTEL TRUST, a Maryland real estate investment trust (the “Parent REIT”; the Borrower and the Parent REIT are each, a “Loan Party” and collectively, the “Loan Parties”),

each Lender (defined below) party hereto, and CAPITAL ONE, NATIONAL ASSOCIATION, as Administrative Agent (the “Administrative Agent;” the Administrative Agent and Lenders are each a “Credit Party” and collectively “Credit Parties”).

Open Lending Corp – SECOND AMENDMENT TO CREDIT AGREEMENT (December 10th, 2020)

This SECOND AMENDMENT TO CREDIT AGREEMENT (this “Second Amendment”), is dated as of December 7, 2020, and is made by and among OPEN LENDING, LLC, a Texas limited liability company (the “Borrower”) and the financial institutions party hereto as Lenders. Unless otherwise indicated, all capitalized terms used herein but not otherwise defined shall have the respective meanings provided to such terms in the Credit Agreement referred to below (as amended by this Second Amendment).

Veru Inc. – THIRD AMENDMENT TO CREDIT AGREEMENT (December 10th, 2020)

THIS THIRD AMENDMENT TO CREDIT AGREEMENT (this “Amendment”), dated as of October 5, 2020, is entered into by and among VERU INC., a Wisconsin corporation (“Borrower”), each of the undersigned financial institutions (individually each a “Lender” and collectively “Lenders”) and SWK FUNDING LLC, a Delaware limited liability company, in its capacity as administrative agent for the other Lenders (in such capacity, “Agent”).

Blue Bird Corp – THIRD AMENDMENT TO CREDIT AGREEMENT (December 9th, 2020)

This THIRD AMENDMENT TO CREDIT AGREEMENT, dated as of December 4, 2020 (this “Amendment”), amends the Credit Agreement, dated as of December 12, 2016, as amended by the First Amendment to Credit Agreement, dated as of September 13, 2018, and the Second Amendment to Credit Agreement dated as of May 7, 2020 (as further amended, restated, supplemented, waived or otherwise modified from time to time prior to the date hereof, the “Credit Agreement” and, as amended hereby, the “Amended Credit Agreement”; capitalized terms used herein without definition shall have the meanings assigned to such terms in the Amended Credit Agreement), among BLUE BIRD CORPORATION, a Delaware corporation (“Holdings”), BLUE BIRD BODY COMPANY, a Georgia corporation (the “Borrower”), SCHOOL BUS HOLDINGS INC., a Delaware corporation, PEACH COUNTY HOLDINGS, INC., a Delaware corporation, and BLUE BIRD GLOBAL CORPORATION, a Delaware corporation, each as Intermediate Parents, the several banks and other financial institu

UNITED THERAPEUTICS Corp – FIRST AMENDMENT TO CREDIT AGREEMENT (December 2nd, 2020)

THIS FIRST AMENDMENT TO CREDIT AGREEMENT (this “Amendment”) dated as of November 2, 2018 is by and among UNITED THERAPEUTICS CORPORATION, a Delaware corporation (the “Borrower”), the Guarantors, the Lenders party hereto and WELLS FARGO BANK, NATIONAL ASSOCIATION, a national banking association, as the Administrative Agent (in such capacity, “Administrative Agent”).

UNITED THERAPEUTICS Corp – SECOND AMENDMENT TO CREDIT AGREEMENT (December 2nd, 2020)

THIS SECOND AMENDMENT TO CREDIT AGREEMENT (this “Amendment”) dated as of December 1, 2020 is by and among UNITED THERAPEUTICS CORPORATION, a Delaware corporation (the “Borrower”), the Guarantors party hereto, the Lenders party hereto and WELLS FARGO BANK, NATIONAL ASSOCIATION, a national banking association, in its capacities as the Administrative Agent and the Swingline Lender.

Postal Realty Trust, Inc. – THIRD AMENDMENT TO CREDIT AGREEMENT (December 1st, 2020)

THIRD AMENDMENT TO CREDIT AGREEMENT (this “Agreement”) dated as of November 24, 2020, among Postal Realty LP, a Delaware limited partnership (“Borrower”), POSTAL REALTY

TRUST INC., a Maryland corporation (the “REIT”), the SUBSIDIARY GUARANTORS party hereto (the “Subsidiary Guarantors”; the REIT and each of the Subsidiary Guarantors, individually, a “Guarantor Party” and, collectively, the “Guarantor Parties”), and PEOPLE’S UNITED BANK, NATIONAL ASSOCIATION, as administrative agent for the Lenders (defined below) (together with its successors and assigns in such capacity, the “Administrative Agent”).

Aegion Corp – FIFTH AMENDMENT TO CREDIT AGREEMENT (December 1st, 2020)

THIS FIFTH AMENDMENT TO CREDIT AGREEMENT (this “Amendment”) dated as of November 24, 2020 (the “Fifth Amendment Effective Date”) is entered into among Aegion Corporation, a Delaware corporation (the “Borrower”), the Guarantors party hereto, the Lenders party hereto, Bank of America, N.A., as the Administrative Agent, an L/C Issuer and the Swing Line Lender and each other L/C Issuer party hereto. All capitalized terms used herein and not otherwise defined herein shall have the meanings given to such terms in the Credit Agreement (as defined below).

Transocean Ltd. – FOURTH AMENDMENT TO CREDIT AGREEMENT (December 1st, 2020)

This FOURTH AMENDMENT TO CREDIT AGREEMENT (this “Fourth Amendment”), dated as of November 30, 2020, is among TRANSOCEAN INC., a Cayman Islands exempted company (the “Borrower”), Transocean Asset Holdings 1 Limited, a Cayman Islands exempted company (“Holdco 4”), Transocean Asset Holdings 2 Limited, a Cayman Islands exempted company (“Holdco 5”), Transocean Asset Holdings 3 Limited, a Cayman Islands exempted company (“Holdco 6”), the New RCF Holdco Guarantors (as defined below), CITIBANK, N.A., as administrative agent for the Lenders (as defined below) under the Credit Agreement referred to below (in such capacity, the “Administrative Agent”), CITIBANK, N.A., acting through its Agency & Trust Division, as collateral agent for the Lenders (as defined below) and the Issuing Banks under, and as defined in, the Credit Agreement referred to below (in such capacity, “Collateral Agent”) and each Lender party hereto.

Sunnova Energy International Inc. – NINTH AMENDMENT TO CREDIT AGREEMENT (November 30th, 2020)

THIS NINTH AMENDMENT TO CREDIT AGREEMENT (this “Amendment”) is made as of this 9th day of November, 2020, by and among SUNNOVA TEP HOLDINGS, LLC, a Delaware limited liability company (the “Borrower”), SUNNOVA TE MANAGEMENT, LLC, a Delaware limited liability company, in its capacity as Facility Administrator (the “Facility Administrator”), CREDIT SUISSE AG, NEW YORK BRANCH, in its capacity as Administrative Agent for the Lenders (the “Administrative Agent”), the Lenders and the Funding Agents representing a group of Lenders party to the Credit Agreement (defined below) (together with the Borrower, the Administrative Agent, the Lenders and the Facility Administrator, the “Parties”), and amends that certain Credit Agreement, dated as of September 6, 2019, as amended by that certain First Amendment to Credit Agreement, dated as of December 2, 2019, as further amended by that certain Consent and Second Amendment to Credit Agreement, dated as of December 31, 2019, as further amended by that

Sunnova Energy International Inc. – EIGHTH AMENDMENT TO CREDIT AGREEMENT (November 30th, 2020)

THIS EIGHTH AMENDMENT TO CREDIT AGREEMENT (this “Amendment”) is made as of this 28th day of October, 2020, by and among SUNNOVA TEP HOLDINGS, LLC, a Delaware limited liability company (the “Borrower”), SUNNOVA TE MANAGEMENT, LLC, a Delaware limited liability company, in its capacity as Facility Administrator (the “Facility Administrator”), CREDIT SUISSE AG, NEW YORK BRANCH, in its capacity as Administrative Agent for the Lenders (the “Administrative Agent”), the Lenders and the Funding Agents representing a group of Lenders party to the Credit Agreement (defined below) (together with the Borrower, the Administrative Agent, the Lenders and the Facility Administrator, the “Parties”), and amends that certain Credit Agreement, dated as of September

6, 2019, as amended by that certain First Amendment to Credit Agreement, dated as of December 2, 2019, as further amended by that certain Consent and Second Amendment to Credit Agreement, dated as of December 31, 2019, as further amended by that

Natural Grocers by Vitamin Cottage, Inc. – FOURTH AMENDMENT TO CREDIT AGREEMENT (November 24th, 2020)

This CREDIT AGREEMENT is entered into as of January 28, 2016 among VITAMIN COTTAGE NATURAL FOOD MARKETS, INC., a Colorado corporation (the “Borrower”), the Guarantors (defined herein), the Lenders (defined herein) and BANK OF AMERICA, N.A., as Administrative Agent, Swing Line Lender and L/C Issuer.

Phillips 66 – SECOND AMENDMENT TO CREDIT AGREEMENT (November 23rd, 2020)

THIS SECOND AMENDMENT TO CREDIT AGREEMENT (this “Amendment”), dated as of November 20, 2020, amends the Credit Agreement (as amended, restated, modified or supplemented prior to the date hereof, the “Credit Agreement”) dated as of March 19, 2020 among PHILLIPS 66, a Delaware corporation (the “Borrower”), PHILLIPS 66 COMPANY, a Delaware corporation (the “Initial Guarantor”), the lenders party thereto (the “Lenders”) and MIZUHO BANK, LTD., as the administrative agent for the Lenders (in such capacity, the “Administrative Agent”).

Condor Hospitality Trust, Inc. – NINTH AMENDMENT TO CREDIT AGREEMENT AND OTHER LOAN DOCUMENTS (November 19th, 2020)

THIS NINTH AMENDMENT TO CREDIT AGREEMENT AND OTHER LOAN DOCUMENTS (this “Amendment”), dated as of November 18, 2020, by and among CONDOR HOSPITALITY LIMITED PARTNERSHIP, a Virginia limited partnership (“Borrower”), the undersigned parties to this Amendment executing as “Guarantors” (hereinafter referred to individually as “Guarantor” and collectively as “Guarantors”), KEYBANK NATIONAL ASSOCIATION (“KeyBank”), THE HUNTINGTON NATIONAL BANK (“Huntington”), BMO HARRIS BANK N.A. (“BMO”; KeyBank, Huntington and BMO collectively, the “Lenders”), and KeyBank as Agent for itself and the other Lenders from time to time a party to the Credit Agreement (as hereinafter defined) (KeyBank, in its capacity as Agent, is hereinafter referred to as “Agent”).

Hines Global Income Trust, Inc. – AMENDMENT TO CREDIT AGREEMENT (November 18th, 2020)

THIS AMENDMENT TO CREDIT AGREEMENT, hereinafter referred to as this “Amendment”, dated as of November 13, 2020, is made and entered into by and among HINES GLOBAL REIT II PROPERTIES LP, a Delaware limited partnership (“Borrower”), the guarantors (“Guarantors”) signatories hereto, the financial institutions (“Lenders”) which are now or may hereafter become signatories hereto, and JPMORGAN CHASE BANK, NATIONAL ASSOCIATION (“JPMorgan”), as administrative agent for the Lenders (in such capacity, “Agent”).

Galaxy Gaming, Inc. – SEVENTH AMENDMENT TO CREDIT AGREEMENT (November 17th, 2020)

This SEVENTH AMENDMENT TO CREDIT AGREEMENT (this “Amendment”), dated as of November 16, 2020, is made between GALAXY GAMING, INC., a Nevada corporation (the “Borrower”), and ZIONS BANCORPORATION, N.A. dba NEVADA STATE BANK, a Nevada state banking corporation (the “Lender”).

Harmonic Inc – THIRD AMENDMENT TO CREDIT AGREEMENT (November 17th, 2020)

THIS THIRD AMENDMENT TO CREDIT AGREEMENT (the “Amendment”), dated as of November 10, 2020 (the “Third Amendment Effective Date”), is among HARMONIC INC. and HARMONIC INTERNATIONAL GmbH, as Borrowers, the other Loan Parties party hereto, and JPMORGAN CHASE BANK, N.A., as Lender.

Clarus Corp – SECOND AMENDMENT TO CREDIT AGREEMENT (November 17th, 2020)

CREDIT AGREEMENT dated as of May 3, 2019, as amended on May 28, 2019, and as further amended on November 12, 2020 (as it may be amended, restated, supplemented or otherwise modified from time to time, this “Agreement”) among CLARUS CORPORATION, a Delaware corporation (the “Company”), BLACK DIAMOND RETAIL, INC., a Delaware corporation (“BDR”), BLACK DIAMOND RETAIL – ALASKA, LLC, a Delaware limited liability company (“BDR-AK”), SIERRA BULLETS, L.L.C., a Delaware limited liability company (“Sierra”), and SKINOURISHMENT, LLC, a Delaware limited liability company (“Skin”), BLACK DIAMOND RETAIL – COLORADO, LLC, a Delaware limited liability company (“BDR-CO”), BLACK DIAMOND RETAIL – MONTANA, LLC, a Delaware limited liability company (“BDR-MO”) and BARNES BULLETS – MONA, LLC, a Delaware limited liability company (“Barnes” and together with the Company, BDR, BDR-AK, and Sierra, Skin, BDR-CO and BDR-MO and any other Person that joins this Agreement as a Borrower in accordance with the terms here

Condor Hospitality Trust, Inc. – EIGHTH AMENDMENT TO CREDIT AGREEMENT (November 16th, 2020)

THIS EIGHTH AMENDMENT TO CREDIT AGREEMENT (this “Amendment”), dated as of November 16, 2020, by and among CONDOR HOSPITALITY LIMITED PARTNERSHIP, a Virginia limited partnership (“Borrower”), the undersigned parties to this Amendment executing as “Guarantors” (hereinafter referred to individually as “Guarantor” and collectively as “Guarantors”), KEYBANK NATIONAL ASSOCIATION (“KeyBank”), THE HUNTINGTON NATIONAL BANK (“Huntington”), BMO HARRIS BANK N.A. (“BMO”; KeyBank, Huntington and BMO collectively, the “Lenders”), and KeyBank as Agent for itself and the other Lenders from time to time a party to the Credit Agreement (as hereinafter defined) (KeyBank, in its capacity as Agent, is hereinafter referred to as “Agent”).

FIRST AMENDMENT TO CREDIT AGREEMENT (November 16th, 2020)

THIS FIRST AMENDMENT TO CREDIT AGREEMENT (this “Amendment”), dated as of October 30, 2014, with respect to that certain Credit Agreement referenced below, is by and among OCI RESOURCES LP, a Delaware limited partnership (the “Borrower”), the Lenders identified on the signature pages hereto, and BANK OF AMERICA, N.A., as Administrative Agent, Swing Line Lender and L/C Issuer.

Runway Growth Credit Fund Inc. – First Amendment to Credit Agreement (November 12th, 2020)

(2) Each financial institution from time to time party hereto as a “Lender” (whether on the signature pages hereto, in an Assignment and Acceptance or in a Joinder Agreement) and their respective successors and permitted assigns (collectively, the “Lenders”);

Lincoln Educational Services Corp – FIRST AMENDMENT TO CREDIT AGREEMENT (November 12th, 2020)

THIS FIRST AMENDMENT TO CREDIT AGREEMENT (this “Amendment”) is made as of this 10th day of November, 2020 by and between LINCOLN EDUCATIONAL SERVICES CORPORATION, a New Jersey corporation (the “Parent”); LINCOLN TECHNICAL INSTITUTE, INC., a New Jersey corporation; NASHVILLE ACQUISITION, L.L.C., a Delaware limited liability company; NEW ENGLAND ACQUISITION, LLC, a Delaware limited liability company; EUPHORIA ACQUISITION, LLC, a Delaware limited liability company; LCT ACQUISITION, LLC, a Delaware limited liability company; NN ACQUISITION, LLC, a Delaware limited liability company; and LTI HOLDINGS, LLC, a Colorado limited liability company (individually and collectively, “Borrower”), and STERLING NATIONAL BANK (the “Bank”).

Wilhelmina International, Inc. – FIFTEENTH AMENDMENT TO CREDIT AGREEMENT (November 12th, 2020)

This FIFTEENTH AMENDMENT TO CREDIT AGREEMENT (this “Amendment”) is made effective and executed as of November 10, 2020, by and among WILHELMINA INTERNATIONAL, INC., a Delaware corporation (“Borrower”), ZIONS BANCORPORATION, N.A. dba AMEGY BANK (“Bank”), and each of the Guarantors set forth on the signature pages hereof (each a “Guarantor”, and collectively the “Guarantors”).