

Attachment 5

Consent to Assignment
with Jeffrey LaTourette

THIS PAGE INTENTIONALLY LEFT BLANK

AGREEMENT AND CONSENT TO ASSIGNMENT OF FUNDING AGREEMENT NO. 3
DATED JULY 25, 2017, BETWEEN
COUNTY OF MONTEREY AND
JEFFREY AND MONICA LATOURETTE (ASSIGNOR) TO
JEFFREY LATOURETTE (ASSIGNEE)

This Agreement and Consent to Assignment is provided by Monterey County (hereinafter, "County") for the benefit of Jeffrey and Monica LaTourette (hereinafter, "Assignor") and Jeffrey LaTourette (hereinafter, "Assignee") and is effective retroactive to **June 27, 2019** (hereinafter, "Assignment Date"), which is the effective date of the "Assignment of Funding No. 3" attached hereto and incorporated by this reference and referred to as **Exhibit "A"**.

RECITALS

- A. Whereas, Assignor and County entered into Funding Agreement No. 3, dated **July 25, 2017**, as modified by any and all addendums, amendments and exhibits thereto (collectively and hereinafter, "Agreement") on file with the County of Monterey, Resource Management Agency (RMA) and incorporated herein by this reference as though fully attached hereto; and
- B. Whereas, on **June 27, 2019** ("Assignment Date"), Assignor executed the "Assignment of Funding No. 3", referred to as **Exhibit "A"**, attached hereto and incorporated by this reference; and
- C. Whereas, Assignor has transferred certain of its assets to Assignee as reflected in the "**Exhibit A**", dated as of June 27, 2019 (the "Effective Date"). In connection with the transfer of such assets, Assignor has agreed to assign to Assignee, and Assignee has agreed to assume, all of Assignor's right, title and interest in and to the Agreement which relate to the period on or after the Assignment Date (hereinafter, "Assignment"); and
- D. Whereas, **Agreement**, in Paragraph 12, "Assignment", provides that, "*Neither of the Parties shall have the right to assign its respective rights and obligations hereunder without the written consent of the other Party*".

PARTIES CONSENT TO ASSIGNMENT

- 1. County hereby consents to the Assignment of said Agreement to Assignee, effective as of the Assignment Date of June 27, 2019, and acknowledges that said Assignment shall not constitute or be deemed to be a breach of said Agreement by Assignor.
- 2. Pursuant to said Assignment, Assignor is relieved of all duties, obligations and liabilities under said Agreement arising on or after the Assignment Date of June 27, 2019, and County agrees to look solely to the Assignee to satisfy any such duties, obligations and liabilities under said Agreement arising on or after the Assignment Date of June 27, 2019.
- 3. Assignee consents to the Assignment of Agreement by Assignor to Assignee and hereby agrees to assume all duties, obligations and liabilities to County under said Agreement, dated July 25, 2017, arising on or after the Assignment Date of June 27, 2019.
- 4. The Recitals to this Agreement and Consent to Assignment are hereby incorporated into this Agreement and Consent to Assignment.

COUNTY:

County of Monterey
Resource Management Agency
1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527

By: Name: Carl P. Holm, AICPTitle: RMA DirectorDate: 8/8/2019**ASSIGNEE:**

Jeffrey LaTourette
221 South Main Street, Suite 205
Salinas, California 93901

By: Name: Jeffrey LaTouretteTitle: OwnerDate: 8-1-19**Approved as to Form and Legality:**

Office of the County Counsel-Risk Management
Charles J. McKee, County Counsel-Risk Manager

By: Name: Brian P. BriggsTitle: Deputy County CounselDate: 8-6-19**ASSIGNOR:**

Jeffrey and Monica LaTourette
221 South Main Street, Suite 205
Salinas, California 93901

By: Name: Jeffrey LaTouretteTitle: OwnerDate: 8-1-19By: Name: Monica LaTouretteTitle: OwnerDate: 8-1-19

*INSTRUCTIONS: If CONTRACTOR is a corporation, including non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two (2) specified officers per California Corporations Code Section 313. If CONTRACTOR is a Limited Liability Corporation (LLC), the full legal name of the LLC shall be set forth above together with the signatures of two (2) managers. If CONTRACTOR is a partnership, the full legal name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. If CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement or Amendment to said Agreement.

COUNTY:

County of Monterey
Resource Management Agency
1441 Schilling Place, South 2nd Floor
Salinas, California 93901-4527

By: _____

Name: Carl P. Holm, AICP

Title: RMA Director

Date: _____

ASSIGNEE:

Jeffrey LaTourette
221 South Main Street, Suite 205
Salinas, California 93901

By: 

Name: Jeffrey LaTourette

Title: Owner

Date: 8-1-19

Approved as to Form and Legality:

Office of the County Counsel-Risk Management
Charles J. McKee, County Counsel-Risk Manager

By: _____

Name: Brian P. Briggs

Title: Deputy County Counsel

Date: _____

ASSIGNOR:

Jeffrey and Monica LaTourette
221 South Main Street, Suite 205
Salinas, California 93901

By: 

Name: Jeffrey LaTourette

Title: Owner

Date: 8-1-19

By: 

Name: Monica LaTourette

Title: Owner

Date: 8-1-19

*INSTRUCTIONS: If CONTRACTOR is a corporation, including non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two (2) specified officers per California Corporations Code Section 313. If CONTRACTOR is a Limited Liability Corporation (LLC), the full legal name of the LLC shall be set forth above together with the signatures of two (2) managers. If CONTRACTOR is a partnership, the full legal name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. If CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement or Amendment to said Agreement.

THIS PAGE LEFT BLANK INTENTIONALLY