

## **FIFTH AMENDMENT AND SIXTH WAIVER REGARDING 2013 LOAN AND SECURITY AGREEMENT**

THIS FIFTH AMENDMENT AND SIXTH WAIVER REGARDING 2013 LOAN AND SECURITY AGREEMENT ("Sixth Waiver") is made as of the 29th day of May 2015 (the "Effective Date") by and among ADA-ES, INC., a Colorado corporation ("Borrower"), ADVANCED EMISSIONS SOLUTIONS, INC., a Delaware corporation ("ADES"), and COBIZ BANK, a Colorado corporation, d/b/a COLORADO BUSINESS BANK ("Lender").

### **RECITALS**

A. Borrower, ADES and Lender are parties to that certain 2013 Loan and Security Agreement dated as of September 19, 2013, as amended by the First Amendment and Waiver Regarding 2013 Loan and Security Agreement dated as of December 2, 2013, as further amended by a Waiver Letter dated February 7, 2014, as further amended by the Second Amendment Regarding 2013 Loan and Security Agreement dated as of April 3, 2014, as further amended by the Third Waiver Regarding 2013 Loan and Security Agreement dated as of June 30, 2014, as further amended by the Third Amendment and Fourth Waiver regarding 2013 Loan and Security Agreement dated as of September 20, 2014 as further amended by the Fourth Amendment and Fifth Waiver regarding 2013 Loan and Security Agreement dated as of December 15, 2014 (as amended, supplemented, modified and restated from time to time, the "Loan Agreement").

B. In accordance with the provisions of the Loan Agreement, Lender has agreed to amend, or waive, for the benefit of Borrower, certain terms and conditions contained in the Loan Agreement, as specifically provided herein.

C. ADES wishes to provide its consent to the amendments and waivers set forth herein.

D. Other than as defined in this Sixth Waiver, all capitalized terms used in this Agreement without definition shall have the meanings given to such terms in the Loan Agreement.

NOW THEREFORE, in consideration of the promises and covenants made by Borrower and contained in this Sixth Waiver and the consent provided, given by ADES herein, Lender grants the waivers and agrees to the amendments set forth below:

1. Amendment to Definitions. The definition of "Secured Line Termination Date" is amended and restated, effective as of the Effective Date, to read, in its entirety, as follows:

"Secured Line Termination Date" means May 31, 2016, or such earlier date as may occur pursuant to Section 8.2 hereof.

2. Waivers. Lender waives compliance by Borrower with the provisions of Sections 6.11, 6.12 and 6.13 of the Loan Agreement. This waiver is effective through the Maturity Date.

# Smith Amendment Waiver Report

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Committee on Rules**



## **Smith Amendment Waiver Report:**

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In a time characterized by interconnectedness and an insatiable thirst for knowledge, the captivating potential of verbal expression has emerged as a formidable force. Its ability to evoke sentiments, stimulate introspection, and incite profound transformations is genuinely awe-inspiring. Within the pages of "**Smith Amendment Waiver Report**," a mesmerizing literary creation penned by way of a celebrated wordsmith, readers set about an enlightening odyssey, unraveling the intricate significance of language and its enduring effect on our lives. In this appraisal, we shall explore the book's central themes, evaluate its distinctive writing style, and gauge its pervasive influence on the hearts and minds of its readership.

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