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Consulting agreement amendment template

printer-friendly Consulting Agreement [Amendment] - MP3.com Inc. and Howard B. Wiener AMENDMENT TO CONSULTING AGREEMENT This AMENDMENT TO CONSULTING AGREEMENT (the "Amendment"), dated as of March 1, 2001, is entered into by and between MP3.com, Inc. ("Client") and Howard B. Wiener ("Consultant"). RECITALS A. Client and Consultant (the "Parties") previously entered into that certain Consulting Agreement, dated as of October 30, 2000 (the "Agreement"). B. The Parties desire to amend the Agreement in order to modify the compensation and required time commitments contained therein. C. All capitalized terms used herein but not defined shall have the meanings given to such terms in the Agreement. NOW, THEREFORE, in consideration of the foregoing, and in consideration of mutual covenants and agreements of the Parties hereto, the Parties mutually covenant and agree as follows: 1. The last sentence of the third paragraph of Section 1 of the Agreement is hereby amended and restated in its entirety to read as follows: [1. ENGAGEMENT OF SERVICES.] [1] Client understands that after this initial period, Consultant's business schedule shall have been revised, and that during the period (i) from the Effective Date until March 1, 2001, Consultant shall have averaged the equivalent of two (2) days per week devoted to performing his consulting services under this Agreement; and (ii) from March 1, 2001 until the end of the term, Consultant shall have averaged the equivalent of one (1) day per week devoted to performing his consulting services under this Agreement. 2. Section 2(a) of the Agreement is hereby amended and restated in its entirety to read as follows: 2. COMPENSATION. (a) ANNUAL FEE. As consideration for Consultant's provision of services hereunder, Client shall pay Consultant consulting fees in the amount of: (i) Thirty-Seven Thousand Five Hundred Dollars (\$37,500) per month from the Effective Date until March 1, 2001; and (ii) Eighteen Thousand Seven Hundred Fifty Dollars (\$18,750) per month from March 1, 2001 until the end of the term of this Agreement. 1. 2 3. Except as otherwise amended herein, the Agreement shall remain in full force and effect. 4. This Amendment shall be governed by the laws of the State of California as such laws are applied to contracts entered into and performed entirely within the State of California by California residents. This Amendment may be executed in any number of counterparts, each of which may be executed by less than all of the Parties hereto, and all of which together shall constitute one instrument. This Amendment may be executed and delivered by facsimile and the Parties agree that such facsimile execution and delivery shall have the same force and effect as delivery of an original document with original signatures, and that each Party may use such facsimile signatures as evidence of the execution and delivery of this Amendment by all Parties to the same extent that an original signature could be used. IN WITNESS WHEREOF, the Parties have executed this Amendment as of the date first written above. "CLIENT" MP3.COM, INC., A DELAWARE CORPORATION Signed: /s/ PAUL L. H. OUYANG ----- Printed Name: Paul L. H. Ouyang ----- Title: EVP, CFO ----- "CONSULTANT" HOWARD B. WIENER, AN INDIVIDUAL Signed: /s/ HOWARD B. WIENER ----- 2. EmailFacebookLinkedInTwitterReddit This Sample Amendment to Contract can help you incorporate any changes to an existing agreement, quickly and painlessly. You'll also find tips on filling in the form in the "Completing the Amendment" section below. (For more information on making changes to an agreement that's already in writing, see Nolo's article Amending an Existing Contract.) Amendment to Contract 1. This amendment (the "Amendment") is made by _____ and _____ parties to the agreement dated (the "Agreement"). 2. The Agreement is amended as follows: Title: _____ 3. Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this amendment and the Agreement or any earlier amendment, the terms of this amendment will prevail. By: _____

Printed Name: _____ Title: _____ Dated: _____ Completing the Amendment Here are a few tips on how to complete the Sample Amendment and incorporate it into your contract: 1. Introductory paragraph. Type your name or the name of your company and the other side's name (an individual or a company). 2. Describe the amendment(s). Type in the amendments to the existing contract using one of the three methods: redlines and strikeouts, replacing an entire clause in its entirety, or simply describing the changes. For detailed information on these amendment methods, check out Nolo's article Amending an Existing Contract. 3. The concluding paragraph. This paragraph (number three) should be included to guarantee that other than the amendment, the contract remains as it is written. 4. Proofread and sign your amendment. Under the printed party names, each of you should sign and write in the date. Below, each should print his or her name and title, such as "Chief Operating Officer," or "General Partner." You'll want to make sure the person signing the agreement has the authority to do so and, equally important, that you have fulfilled any signing or notice requirements included in the original agreement. Generally, agreements require the contracting parties to sign all amendments. However, in some cases -- for example corporate amendments or amendments to financial agreements -- other signatures or notices may be required. 5. Managing Amendments. Contracts may undergo multiple amendments, so it's usually a good idea to number each amendment -- for example "Amendment No. 1" or "First Amendment." In addition, amendments should be filed and maintained with the original agreement so that anyone viewing the file will know that the agreement has been amended. Additional Information Looking for an A to Z guide to everything you need to know about contracts? Get Nolo's new book Contracts: The Essential Business Desk Reference, by Attorney Rich Stim. Exhibit 10.95 AMENDMENT TO CONSULTING AGREEMENT This AMENDMENT TO CONSULTING AGREEMENT (the "Amendment") is made and entered into as of May 16, 2006, by and between Cortex Pharmaceuticals, Inc., a Delaware corporation (the "Company"), and Gary D. Tollefson, M.D., Ph.D., an individual residing in the State of Indiana ("Consultant"). RECITALS A. The Company currently engages Consultant pursuant to the terms and conditions of that certain Consulting Agreement dated April 16, 2004 (the "Consulting Agreement"). B. The Company and Consultant desire to amend the Consulting Agreement to extend the term set forth therein and to modify the compensation arrangement set forth therein, as provided in greater detail below. NOW, THEREFORE, in consideration of the mutual agreements and covenants hereinafter set forth and for other valuable consideration, the Company and Consultant hereby agree as follows: AGREEMENT 1. Definitions. Unless otherwise defined, capitalized terms used herein shall have the meanings assigned to them in the Consulting Agreement. 2. Term. Section 2(a) of the Consulting Agreement is hereby amended and restated in its entirety to read as follows: "Term. Consultant's engagement with the Company shall commence on the Effective Date and shall continue for a period of thirty-six (36) months thereafter, subject to earlier termination as hereinafter provided." 3. Consideration. Section 3(a) of the Consulting Agreement is hereby amended and restated in its entirety to read as follows: "Compensation for Services. During the term of this Agreement, commencing April 16, 2006, Consultant shall be paid six thousand dollars (\$6,000) per calendar month, payable by the tenth (10th) day of such month, pro-rated for any partial month. Such payment shall entitle the Company to two (2) Billing Days of Consultant's time per month, at three thousand dollars (\$3,000) per Billing Day. A "Billing Day" as used in this Agreement shall mean eight hours of work, not including travel time to and from the Company. In the event that Consultant incurs less than two (2) Billing Days of service in any given month, such unused time shall accrue to the credit of the Company for future use. In the event that Consultant incurs more than two (2) Billing Days of service in any given month, such excess time shall accrue to the credit of Consultant and be offset against future requirements in the Company's discretion. However, Consultant shall obtain the prior consent of the Chief Executive Officer of the Company to provide services in excess of twenty-four (24) Billing Days per year. Consultant shall send the Company written notice of his actual time spent performing consulting services hereunder within ten (10) days following the end of each calendar quarter during the term of this Agreement. Any time spent on activities or services provided to the Company relating to Consultant's membership on the Company's Board of Directors or any committee thereof, if applicable, shall not be included in the calculation of Consultant's time spent performing consulting services under this Agreement." 4. Continuing Force and Effect. Except as herein expressly amended, modified and/or supplemented, all terms, covenants and provisions of the Consulting Agreement are and shall remain in full force and effect and all references therein to such Consulting Agreement shall henceforth refer to the Consulting Agreement as amended by this Amendment. This Amendment shall be deemed incorporated into, and a part of, the Consulting Agreement. [Remainder of Page Intentionally Left Blank; Signature Page Follows] 2 IN WITNESS WHEREOF, this Amendment has been made and entered into as of the date and year first above written. "Company" Cortex Pharmaceuticals, Inc. /s/ Roger G. Stoll Roger G. Stoll, Ph.D. President and Chief Executive Officer "Consultant" /s/ Gary D. Tollefson Gary D. Tollefson, M.D., Ph.D.

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