

# UCC-1 Form

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## FILER INFORMATION

*Full name:* **KENNETH F. MCGUNAGLE, JR., ESQ.**

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## SEND ACKNOWLEDGEMENT TO

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*Mailing Address:* **2088 BROAD STREET**

*City, State Zip Country:* **CRANSTON, RI 02905 USA**

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## DEBTOR INFORMATION

*Org. Name:* **REGATTA PROPERTIES, LLC**

*Mailing Address:* **63 FIELDCREST AVENUE**

*City, State Zip Country:* **RIDGEFIELD, CT 06877 USA**

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## SECURED PARTY INFORMATION

*Org. Name:* **PAWTUCKET CREDIT UNION**

*Mailing Address:* **1200 CENTRAL AVENUE**

*City, State Zip Country:* **PAWTUCKET, RI 02861 USA**

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## TRANSACTION TYPE: STANDARD

**CUSTOMER REFERENCE: 2017-0220 KALMUS PROPERTIES, LLC ET AL**

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## COLLATERAL

I. PREMISES: 805-807 MAIN STREET; 813 MAIN STREET A/K/A 813-821 MAIN STREET; AND 1295 MAIN STREET A/K/A 1293-1295 MAIN STREET, WEST WARWICK, RHODE ISLAND AS MORE PARTICULARLY DESCRIBED IN THE EXHIBIT A ATTACHED HERETO (THE "MORTGAGED PROPERTY"). II.

IMPROVEMENTS: ALL IMPROVEMENTS NOW OR HEREAFTER SITUATED UPON THE MORTGAGED PROPERTY, TOGETHER WITH ALL FIXTURES NOW OR HEREAFTER OWNED BY THE DEBTOR OR IN WHICH DEBTOR HAS AN INTEREST (BUT ONLY TO THE EXTENT OF SUCH INTEREST) AND PLACED IN OR UPON THE MORTGAGED PROPERTY OR THE BUILDINGS OR IMPROVEMENTS THEREON (COLLECTIVELY THE "IMPROVEMENTS"). III. EASEMENTS: ANY EASEMENT, BRIDGE, OR RIGHT OF WAY, CONTIGUOUS OR ADJOINING THE MORTGAGED PROPERTY AND THE IMPROVEMENTS THEREON, AND ALL OTHER EASEMENTS, IF ANY, INURING TO THE BENEFIT OF THE MORTGAGED PROPERTY. IV. LEASES AND RENTS: ALL OF THE DEBTOR'S RIGHT, TITLE AND INTEREST IN AND TO ANY LEASES OR OTHER AGREEMENTS FOR USE OF THE MORTGAGED PROPERTY OR THE IMPROVEMENTS AND ALL RENTS, SECURITY DEPOSITS, AND OTHER PROCEEDS OF SUCH LEASES AND OTHER AGREEMENTS, IN EACH CASE WHETHER NOW OR HEREAFTER EXISTING, RELATING TO THE MORTGAGED PROPERTY OR THE IMPROVEMENTS, AS PROVIDED IN A MORTGAGE DEED, SECURITY AGREEMENT AND ASSIGNMENT OF LEASES AND RENTS OF EVEN DATE HEREWITH DELIVERED BY THE DEBTOR TO THE SECURED PARTY. V. PERSONAL PROPERTY & FIXTURES: ALL GOODS, EQUIPMENT, MACHINERY, TOOLS, AND OTHER PERSONAL PROPERTY AND FIXTURES OF EVERY KIND AND DESCRIPTION NOW OR HEREAFTER OWNED BY THE DEBTOR OR IN WHICH DEBTOR HAS AN INTEREST (BUT ONLY TO THE EXTENT OF SUCH INTEREST) AND SITUATED OR TO BE SITUATED UPON OR USED IN CONNECTION WITH THE MORTGAGED PROPERTY OR THE IMPROVEMENTS, TOGETHER WITH ANY RENEWALS, REPLACEMENTS, OR ADDITIONS THERETO OR SUBSTITUTIONS THEREFORE, AND ALL PROCEEDS AND PRODUCTS THEREOF NOW OR HEREAFTER LOCATED AT, OR USED IN CONNECTIONS WITH THE OPERATION OF THE MORTGAGED PROPERTY OR THE IMPROVEMENTS, INCLUDING WITHOUT LIMITATION THE FOLLOWING SET FORTH IN EXHIBIT B ATTACHED HERETO. EXHIBIT A 805-807 MAIN STREET, WEST WARWICK, RI 02893 ALL THAT CERTAIN LOT OR PARCEL OF LAND WITH THE BUILDING AND IMPROVEMENTS THEREON, SITUATED ON THE SOUTHERLY SIDE OF MAIN STREET IN THE TOWN OF WEST WARWICK, COUNTY OF KENT AND STATE OF RHODE ISLAND, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWESTERLY CORNER OF THE TRACT OF LAND HEREIN DESCRIBED, SAID POINT BEING ON THE SOUTHERLY SIDE OF SAID MAIN STREET AND IS THE NORTHEASTERLY CORNER OF LAND NOW OR FORMERLY OF JOSEPH N. SIMAS, ET UX; THENCE SOUTHERLY BOUNDED WESTERLY ON SAID SIMAS LAND, ONE HUNDRED TWENTY AND FOUR TENTHS (120.4) FEET TO LAND NOW OR FORMERLY OF J & G REALTY CORPORATION; THENCE EASTERLY BOUNDED SOUTHERLY BY SAID LAST NAMED LAND, FIFTY FIVE AND THIRTY EIGHT HUNDREDTHS (55.38) FEET TO LAND NOW OR FORMERLY OF EVERETT C. DEMERS, ET UX; THENCE NORTHERLY BOUNDED EASTERLY BY SAID DEMERS LAND, ONE HUNDRED TWENTY NINE AND FIFTY FOUR HUNDREDTHS (129.54) FEET TO SAID MAIN STREET; THENCE WESTERLY BOUNDED NORTHERLY BY SAID MAIN STREET, SEVENTY AND FORTY SEVEN HUNDREDTHS (70.47) FEET TO THE POINT AND PLACE OF BEGINNING, BE ALL SAID MEASUREMENTS MORE OR LESS OR HOWEVER OTHERWISE THE SAME MAY BE BOUNDED AND DESCRIBED. TOGETHER WITH RIGHTS AND EASEMENTS COVERING THE USE AND REPAIR OF A SEWER LINE GRANTED EVERETT C. DEMERS AND OTHERS TO MARIA R. AMARAL BY INSTRUMENT DATED JUN 11, 1947 AND RECORDED IN

BOOK 36 AT PAGE 231. BEING LOT No. 0024 ON WEST WARWICK TAX ASSESSOR'S PLAT 2, AS PRESENTLY CONSTITUTED, FOR REFERENCE PURPOSES ONLY. 813 MAIN STREET, WEST WARWICK, RI 02893 ALL THAT CERTAIN LOT OR PARCEL OF LAND WITH THE BUILDING AND IMPROVEMENTS THEREON, SITUATED ON THE SOUTHERLY SIDE OF MAIN STREET IN THE TOWN OF WEST WARWICK, COUNTY OF KENT AND STATE OF RHODE ISLAND, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED PARCEL AT A POINT IN THE SOUTHERLY LINE OF SAID MAIN STREET WHICH POINT IS ALSO THE NORTHEASTERLY CORNER OF LAND NOW OR FORMERLY OF EVERETT C. DEMERS; THENCE RUNNING EASTERLY ALONG THE SOUTHERLY LINE OF SAID MAIN STREET SIXTY ONE (61) FEET TO A DRILL HOLE AT LAND NOW OR FORMERLY OF G & H REALTY CORPORATION; THENCE TURNING AND RUNNING SOUTHERLY BOUNDED EASTERLY BY SAID G & H REALTY CORPORATION LAND, EIGHTY AND THIRTY FIVE HUNDREDTHS (80.35) FEET TO A POINT AT A CORNER; THENCE TURNING AN ANGLE OF  $93^{\circ} 25'$  AND RUNNING SOUTHWESTERLY BOUNDED SOUTHEASTERLY BY OTHER LAND NOW OR FORMERLY OF SAID G & H REALTY CORPORATION SEVENTY FIVE (75) FEET TO A STAKE AT LAND NOW OR FORMERLY OF SAID EVERETT C. DEMERS; THENCE TURNING AND RUNNING NORTHERLY BOUNDED WESTERLY BY SAID DEMERS LAND, THIRTY FIVE (35) FEET TO A DRILL HOLE; THENCE TURNING AND RUNNING WESTERLY BOUNDED SOUTHERLY BY SAID DEMERS LAND, TWENTY TWO AND THREE TENTHS (22.3) FEET TO A PIPE; THENCE TURNING AN ANGLE OF  $90^{\circ}$  AND RUNNING NORTHERLY BOUNDED WESTERLY BY SAID DEMERS LAND, SEVENTY ONE AND FIVE TENTHS (71.5) FEET TO THE POINT AND PLACE OF BEGINNING. TOGETHER WITH RIGHT TO USE FOR ALL PURPOSES FOR WHICH RIGHTS OF WAY ARE COMMONLY USED, A STRIP OF LAND, TEN (10) FEET IN WIDTH NEXT WESTERLY OF AND ADJOINING THE WESTERLY LINE OF THE ABOVE DESCRIBED PREMISES AND EXTENDING FROM MAIN STREET IN A SOUTHERLY DIRECTION SEVENTY ONE AND FIVE TENTHS (71.5) FEET TO LAND NOW OR FORMERLY OF SAID EVERETT C. DEMERS. BEING LOT No. 0022 ON WEST WARWICK TAX ASSESSOR'S PLAT 2, AS PRESENTLY CONSTITUTED, FOR REFERENCE PURPOSES ONLY. 1295 MAIN STREET, WEST WARWICK, RI 02893 ALL THAT CERTAIN LOT OR PARCEL OF LAND WITH THE BUILDING AND IMPROVEMENTS THEREON, SITUATED ON THE SOUTHERLY SIDE OF MAIN STREET IN THE TOWN OF WEST WARWICK, COUNTY OF KENT AND STATE OF RHODE ISLAND, BOUNDED AND DESCRIBED AS FOLLOWS: THAT CERTAIN LOT OR PARCEL OF LAND, WITH ALL THE BUILDINGS AND IMPROVEMENTS THEREON, SITUATED ON THE WESTERLY SIDE OF MAIN STREET, IN THE TOWN OF WEST WARWICK, RHODE ISLAND, LAID OUT AND DESIGNATED AS LOT EIGHTEEN (18) ON THAT PLAT ENTITLED, "MAP OF HOUSE LOTS NEAR CENTREVILLE STATION ON THE H.P. & F.R.R. BELONGING TO A.K. BARNES, A.F. ANGELL AND MICHAEL ENGLISH, G.T. LANPHEAR, SURVEYOR 1872" WHICH PLAT IS RECORDED IN PLAT BOOK 1, PAGE 43 OF THE WARWICK RECORDS AND (COPY) ON PLAT CARD 33 OF WEST WARWICK RECORDS. BEING LOT No. 0383 ON WEST WARWICK TAX ASSESSOR'S PLAT 6, AS PRESENTLY CONSTITUTED, FOR REFERENCE PURPOSES ONLY.

## **EXHIBIT B**

**A. Equipment, Etc.:** All of the Debtor's interest in and to all machinery, equipment, fixtures, inventory, goods, materials, supplies, records, furnishings, accounts, accounts receivable, contract rights, plans, specifications, permits, licenses (including liquor license), other rights, bank deposits and other accounts, cash, policies and certificates of insurance, and general intangibles, whether now or hereafter existing, for use on or in connection with the Mortgaged Property.

**B. Proceeds for Damage to the Mortgaged Property:** All proceeds (including without limitation, insurance and condemnation proceeds) paid for any damage done to the Mortgaged Property or any part thereof.

**C. Utility Deposits:** All right, title and interest of the Debtor in and to all monetary deposits which Debtor has been or will be required to give to any public or private utility with respect to utility services furnished or to be furnished to the Mortgaged Property.

**D. Records:** All of the records and books of account now or hereafter maintained by Debtor in connection with the operation of the business of the Debtor.

### **DEFINITIONS:**

**"Code"** shall mean the Uniform Commercial Code as the same may be in effect from time to time in the State of Rhode Island.

**"Equipment"** shall include "equipment" within the meaning of the Code and, to the extent not otherwise included therein, all machinery, equipment, furniture, parts, tools and dies, of every kind and description, of the Debtor (including automotive equipment), now owned or hereafter acquired by the Debtor, and used or acquired for use in the business of the Debtor, together with all accessions thereto and all substitutions and replacements thereof and parts therefore; all cash or non-cash Proceeds.

**"Fixtures"** shall mean "fixtures" within the meaning of the Code and, to the extent not otherwise included therein, all goods which are so related to particular real estate that an interest in them arises under real estate law and all accessions thereto, replacements thereof and substitutions therefore, including, but not limited to, plumbing, heating and lighting apparatus, mantels, floor coverings, furniture, furnishings, draperies, screens, storm windows and doors, awnings, shrubbery, plants, boilers, tanks, machinery, stoves, gas and electric ranges, wall cabinets, appliances, furnaces, dynamos, motors, elevators and elevator machinery, radiators, blinds and all laundry, refrigerating, gas, electric, ventilating, air-refrigerating, air-conditioning, incinerating and sprinkling and other fire prevention or extinguishing equipment of whatsoever kind and nature and any replacements, accessions and additions thereto, Proceeds thereof and substitutions therefore.

**"Obligations"** means among other things, all indebtedness, obligations and liabilities of the Debtor to the Secured Party of every kind and description, direct or indirect, secured or unsecured, joint or several, absolute or contingent, due or to become due, whether for payment or performance, now existing or hereafter arising, regardless of how the same arise or by what instrument, agreement or book account they may be evidenced, or whether evidenced by any instrument, agreement or book account, including, without limitation, all loans (including any loan by renewal or extension), all indebtedness, all undertakings to take or refrain from taking any action, all indebtedness, liabilities or obligations owing from the Debtor to others which the Secured Party may have obtained by purchase, negotiation, discount, assignment or otherwise, and all interest, taxes, fees, charges, expenses and attorneys' fees chargeable to the Debtor or incurred by the Secured Party under the security agreement giving rise to this financing statement, or any other document or instrument delivered in connection therewith.

**"Proceeds"** shall mean "proceeds" as defined in the Code and, to the extent not otherwise included therein, (a) any and all proceeds of any insurance, indemnity, warranty, guaranty, or other agreement, instrument or undertaking similar to any of the foregoing, payable to the Debtor from time to time with respect to any of the Mortgaged Property, (b) any and all payments (in any form whatsoever) made or due and payable to the Debtor from time to time in connection with any requisition, confiscation, condemnation, seizure or forfeiture of all or any part of the Mortgaged Property, (c) any and all other amounts from time to time paid or payable under or in connection with any of the Mortgaged Property, and (d) any products or rents of any of the Mortgaged Property.