

UCC-3 Form - AMENDMENT

AMENDMENT ACTION - COLLATERAL RESTATE

Original File Number: **201313150770**

FILER INFORMATION

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SEND ACKNOWLEDGEMENT TO

Contact name: **DUFFY & SWEENEY, LTD.**

Mailing Address: **ONE FINANCIAL PLAZA, SUITE 1800**

City, State Zip Country: **PROVIDENCE, RI 02903 USA**

NAME OF THE SECURED PARTY OF RECORD AUTHORIZING THE AMENDMENT: **BANK OF AMERICA, N.A.**

CUSTOMER REFERENCE: **FILE NO. 1461.0002**

COLLATERAL

CERTAIN OF DEBTOR'S ASSETS AS MORE PARTICULARLY SET FORTH ON EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, INCLUDING WITHOUT LIMITATION, ALL EQUIPMENT, MACHINERY, TOOLS AND OTHER PROPERTY AND FIXTURES OF EVERY KIND AND DESCRIPTION NOW OR HEREAFTER OWNED BY THE DEBTOR OR IN WHICH THE DEBTOR HAS AN INTEREST (BUT ONLY TO THE EXTENT OF SUCH INTEREST) SITUATED OR TO BE SITUATED UPON OR USED IN CONNECTION WITH THE REAL ESTATE DESCRIBED ON EXHIBIT B ATTACHED HERETO AND INCORPORATED BY REFERENCE (THE "PREMISES"), TOGETHER WITH ANY RENEWALS, REPLACEMENTS OR ADDITIONS THERETO OR SUBSTITUTIONS THEREFOR, ALL PROCEEDS AND PRODUCTS THEREOF, AND NOW OR HEREAFTER LOCATED AT, OR USED IN CONNECTION WITH THE OPERATION OF THE PREMISES.

EXHIBIT A

Debtor: K & M INVESTMENTS, LLC
375 Commerce Park Road
North Kingstown, Rhode Island 02852

Secured Party: Bank of America, N.A.
100 Westminster Street
Providence, Rhode Island 02903

All of Debtor's right, title and interest now or hereafter acquired in and to:

(a) All tangible personal property of every kind and description, whether stored on the Land or elsewhere, including, without limitation, all goods, materials, supplies, tools, books, records, chattels, furniture, fixtures, equipment, and machinery, and which in all cases is (i) used or useful or acquired in connection with any construction undertaken on the Land or the maintenance of the Land and the Improvements, or (ii) affixed or installed, or to be affixed or installed, in any manner on the Land or the Improvements;

(b) All crops growing or to be grown on the Land (including all such crops following severance from the Land); all standing timber upon the Land (including all such timber following severance from the Land); all water and water rights (whether riparian, appropriative, or otherwise, and whether or not appurtenant to the Land) and shares of stock pertaining to such water or water rights, ownership of which affect the Land; and all architectural and engineering plans, specifications and drawings, and as-built drawings which arise from or relate to the Land or the Improvements;

(c) All general intangibles and rights relating to the Property, including, without limitation, all permits, licenses and claims to or demands for the voluntary or involuntary conversion of any of the Land, Improvements, or other Property into cash or liquidated claims, proceeds of all present and future fire, hazard or casualty insurance policies, whether or not such policies are required by Secured Party, and all condemnation awards or payments now or later to be made by any public body or decree by any court of competent jurisdiction for any taking or in connection with any condemnation or eminent domain proceeding, and all causes of action and their proceeds for any breach of warranty, misrepresentation, damage or injury to, or defect in, the Land, Improvements, or other Property or any part of them;

(d) All deposit accounts from which Debtor may from time to time authorize Secured Party to debit payments due on the Secured Obligations; all rights and interests under all Swap Contracts, including all rights to the payment of money from Secured Party under any such Swap Contracts; and all accounts, deposit accounts, and general intangibles, including payment intangibles, described in any such Swap Contracts. "Swap Contract" means any document, instrument or agreement with Secured Party, now existing or entered into in the future, relating to an interest rate swap transaction, forward rate transaction, interest rate cap, floor or collar transaction, any similar transaction, any option to enter into any of the foregoing, and any combination of the foregoing, which agreement may be oral or in writing, including, without limitation, any master agreement relating to or governing any or all of the foregoing and any related schedule or confirmation, each as amended from time to time; and

(e) All substitutions, replacements, additions, accessions and proceeds for or to any of the foregoing, and all books, records and files relating to any of the foregoing, including, without limitation, computer readable memory and data and any computer software or hardware reasonably necessary to access and process such memory and data.

Capitalized terms used above without definition have the meanings given them in the Amended and Restated Mortgages, Assignments of Rents, Security Agreements and Fixture Filings dated April 2, 2018, given by Debtor for the benefit of Secured Party (collectively, the "Mortgage"). The real property encumbered by the Mortgage, and on which the personal property described herein is located (other than as described hereinabove), is located at 84 Transit Street and 6 Mohawk Lane, 8-10 Cole Avenue and 134-138 Irving Avenue, 756-758 Hope Street and 50 Glendale Street, 15 Thompson Street a/k/a 323-329 Wickenden Street, 273-275 Wickenden Street, 427 Wickenden Street, 41 Jenckes Street, 38 South Angell Street, Providence, Rhode Island, and 177-187 Washington Road, Barrington, Rhode Island and more particularly described on Exhibit B attached hereto.

EXHIBIT B

Description of Property (Parcel I)

That certain lot or parcel of land with all the buildings and improvements situated in the City of Providence, County of Providence and State of Rhode Island more particularly described as follows:

That certain tract or parcel of land with all the buildings and improvements thereon, situated on the northeasterly side of Glendale Avenue and on the westerly side of Hope Street, in the City of Providence, State of Rhode Island, bounded and described as follows: Beginning at the southerly corner of said lot at the northerly corner of Glendale Avenue and Hope Street; thence northwesterly bounding southwesterly on said Glendale Avenue 89.18 (eighty-nine and 18/100) feet to land now or lately of Bing Hor Chin et ux; thence northeasterly bounding northwesterly on said last named land 50 (fifty) feet to land now or lately of Stanley E. Shein et ux; thence southeasterly bounding northeasterly on said last named land 83.39 (eighty-three and 39/100) feet, more or less, to Hope Street; thence southerly bounding easterly on said Hope Street 50.34 (fifty and 34/100) feet to the point and place of beginning. Contains 4,316 square feet of land, more or less.

Street Address of Property (Parcel I)

756-758 Hope Street and 50 Glendale Street, Providence, Rhode Island (Lot 251/Map 73)

Description of Property (Parcel II)

That certain parcel of land, together with the buildings and improvements thereon, situated on the northerly side of Transit Street in the City of Providence, in the State of Rhode Island, bounded and described as follows:

Beginning at a point in the northerly line of Transit Street, at the southwesterly corner of said parcel and at the southeasterly corner of land formerly of Angelina M. Mocedo et al; Thence northerly bounding westerly on the last mentioned land eighty-nine (89) feet, more or less, to land now or lately of Robert J. Hogan and wife; Thence easterly bounding northerly in part on the last mentioned land and in part on land now or lately of John Mello forty-eight (48) feet, more or less, to a gangway; Thence southerly bounding easterly on said gangway eighty-nine (89) feet, more or less, to Transit Street; Thence westerly bounding southerly on Transit Street forty-five and 5/10 (45.5) feet, more or less, to the point and place of beginning.

Street Address of Property (Parcel II)

84 Transit Street and 6 Mohawk Lane, Providence, Rhode Island (Lot 349/Map 16)

Description of Property (Parcel III)

Those two (2) certain lots or parcels of land with all the buildings and improvements thereon, situated at the northwesterly corner of Irving Avenue and Cole Avenue, in the City and County of Providence, State of Rhode Island, laid out and designated as Lot Nos. 530 (five hundred thirty) and 531 (five hundred thirty one) on that plat entitled, "MOSES BROWN FARM REPLATTED AUGUST 1891, BY CHARLES E. PAINE", which plat is recorded in the Office of the Recorder of Deeds of the City of Providence in Plat Book 19 at page 17 and (copy) on Plat Card 640.

Street Address of Property (Parcel III)

8-10 Cole Avenue and 134-138 Irving Avenue, Providence, Rhode Island (Lot 213/Map 39)

Description of Property (Parcel IV)

That lot of land, with all buildings and improvements thereon, situated on the southerly side of Wickenden Street, in the City of Providence, in the State of Rhode Island, bounded and described as follows:

Beginning at the northeasterly corner of said lot, at a point in said Wickenden Street, and at the northwesterly corner of land now or lately of Mario O. Batista and wife, said point being one hundred fifty two and 07/100 (152.07) feet westerly from the westerly line of Thompson Street, as measured along the southerly line of said Wickenden Street; thence southerly bounding easterly on said Batista land ninety-eight and 80/100 (98.80) feet to land now or lately of Mary Valles; thence turning at an interior angle of $90^{\circ}35'30''$ and running westerly bounding southerly in part on the last named land and in part on land now or lately of Josephine C. Rebello forty and 15/100 (40.15) feet to land now or lately of Antone Francis and wife; thence turning at an interior angle of $89^{\circ}49'20''$ and running northerly bounding westerly on the last named land thirty-eight and 95/100 (38.95) feet to an angle; thence continuing northerly deflecting slightly eastward and bounding westerly on said last named land sixty and 56/100 (60.56) feet to said Wickenden Street; thence easterly bounding northerly on said Wickenden Street forty (40) feet to the place of beginning.

Street Address of Property (Parcel IV)

273-275 Wickenden Street, Providence, Rhode Island (Lot 193/Map 18)

Description of Property (Parcel V)

That certain tract or parcel of land, with all buildings and improvements thereon, situated at the southeasterly corner of Wickenden Street and Thompson Street, in the City and County of Providence, State of Rhode Island, bounded and described as follows:

Beginning at the point of intersection of the southerly line of Wickenden Street with the easterly line of Thompson Street, and running thence easterly bounding northerly on said Wickenden Street a distance of eighty and 57/100 (80.57) feet to land now or lately of Jose Martins, et ux; thence turning and running southerly bounding easterly on said Martins land a distance of sixty six and 23/100 (66.23) feet to land now or lately of Eugene C. Santos; thence turning and running westerly bounding southerly in part on said Santos land and in part of land now or lately of Antonio DeMedeiros Costa, et ux, a distance of Eighty and 1/100 (80.01) feet to Thompson Street; thence turning and running northerly bounding westerly on said Thompson Street a distance of seventy-five and 62/100 (75.62) feet to Wickenden Street and the point or place of beginning.

Street Address of Property (Parcel V)

15 Thompson Street a/k/a 323-329 Wickenden Street, Providence, Rhode Island (Lot 254/Map 18)

Description of Property (Parcel VI)

That certain lot or parcel of land with all the buildings and improvements thereon, situated at the southwesterly corner of Wickenden Street and East Street in the City and County of Providence and State of Rhode Island, bounded and described as follows:

Beginning at a granite bound set at said southwesterly corner, said point of beginning being the northeasterly corner hereof; thence westerly bounding northerly on Wickenden Street forty-three and 695/1000 (43.695) feet to land now or lately of Brazbron Realty Inc.; thence turning a right angle and running southerly bounding westerly on said last named land fifty (50) feet to land now or lately of Dennis E. Hlynsky et al; thence turning a right angle and running easterly bounding southerly on said last named land forty-one and 255/1000 (41.255) feet to East Street; thence turning an interior angle of 92°47'40" and running northerly bounding easterly on East Street fifty and 06/100 (50.06) feet to said Wickenden Street at the point and place of beginning.

Street Address of Property (Parcel VI)

427 Wickenden Street, Providence, Rhode Island (Lot 167/Map 17)

Description of Property (Parcel VII)

That certain parcel of land with all buildings and improvements thereon, situated at the southeasterly corner of Congdon Street and Jenckes Street in the City of Providence, Rhode Island, bounded and described as follows:

Beginning at the point of intersection of the easterly line of Congdon Street with the southerly line of Jenckes Street at the northwesterly corner of said parcel; thence southerly along the easterly line of Congdon Street sixty-four and 20/100 (64.20) feet to a corner; thence turning a right angle and running easterly, bounding southerly on land now or lately of Vartan Ohanian et ux Stanley Simon; thence northerly, bounding easterly on said Simon land sixty and 10/100 (60.10) feet to Jenckes Street; thence westerly along the southerly line of Jenckes Street seventy-five and 18/100 (75.18) feet to Congdon Street at the point of beginning, at which point the last described line forms an interior angle of $86^{\circ}45'$ with the first described line and containing by estimation 4600 square feet of land.

Street Address of Property (Parcel VII)

41 Jenckes Street, Providence, Rhode Island (Lot 625/Map 10)

Description of Property (Parcel VIII)

That certain lot of land, with all the buildings and improvements thereon, situated on the northerly side of South Angell Street in the City and County of Providence and State of Rhode Island, laid out and delineated as Lot No. 14 (fourteen) on that plat entitled, "PLAT OF LOTS ON ANGELL AND SOUTH ANGELL STREET belonging to Estate of Moses B. Jenkins May, 1901 By W.H.G. Temple", which plat is recorded in the Office of the Recorder of Deeds in said City of Providence in Plat Book 26 at page 19 and (copy) on Plat Card 861.

Street Address of Property (Parcel VIII)

38 South Angell Street, Providence, Rhode Island (Lot 209/Map 15)

Description of Property (Parcel IX)

That certain tract or parcel of land with all buildings and improvements thereon, located on the northerly side of Bay Spring Avenue, in the Town of Barrington, County of Bristol, State of Rhode Island is herein bounded and described:

POINT OF BEGINNING commencing at a granite bound marking the southwesterly corner of land now or formerly of Thomas Budio;

Thence North $69^{\circ}30'38''$ West along said northerly side of Bay Spring Avenue a distance of thirty-eight and $00/100$ (38.00') feet to a granite bound set;

Thence North $19^{\circ}20'22''$ East and bounded northwesterly by land now or formerly of Joseph DiMatteo a distance of forty-nine and $75/100$ (49.75') feet to a point;

Thence South $69^{\circ}22'36''$ East and bounded northeasterly by said DiMatteo land a distance of thirteen and $49/100$ (13.49') feet to a point;

Thence North $20^{\circ}26'36''$ East and bounded northwesterly by said DiMatteo land a distance of forty-eight and $75/100$ (48.75') feet to a point;

Thence North $70^{\circ}01'09''$ West and bounded southwesterly by said DiMatteo land a distance of fifteen and $33/100$ (15.33') feet to a point;

Thence North $14^{\circ}21'23''$ West and bounded southwesterly by said DiMatteo land a distance of four and $32/100$ (4.32') feet to a point;

Thence North $3^{\circ}24'25''$ East and bounded southwesterly by said DiMatteo land a distance of four and $63/100$ (4.63') feet to a point;

Thence North $6^{\circ}46'35''$ West and bounded southwesterly by said DiMatteo land a distance of seven and $92/100$ (7.92') feet to a point;

Thence North $14^{\circ}20'20''$ West and bounded southwesterly by said DiMatteo land a distance of eight and $32/100$ (8.32') feet to a point;

Thence North $41^{\circ}21'10''$ West and bounded southwesterly by said DiMatteo land a distance of five and $42/100$ (5.42') feet to a point;

Thence North $14^{\circ}21'23''$ West and bounded southwesterly by said DiMatteo land a distance of one and $85/100$ (1.85') feet to a point;

Thence North $68^{\circ}46'46''$ West and bounded southwesterly by said DiMatteo land a distance of two and $78/100$ (2.78') feet to a point;

Thence North $59^{\circ}57'35''$ West and bounded southwesterly by said DiMatteo land a distance of six and $78/100$ (6.78') feet to a point;

Thence North $69^{\circ}04'42''$ West and bounded southwesterly by said DiMatteo land a distance of sixteen and $29/100$ (16.29') feet to a point;

Thence North $19^{\circ}00'13''$ East and bounded northwesterly by said DiMatteo land a distance of five and $68/100$ (5.68') feet to a point;

Thence North 71°24'24" West and bounded southwesterly by said DiMatteo land a distance of thirty-two and 21/100 (32.21') feet to a point;

Thence South 18°08'45" West and bounded southeasterly by said DiMatteo land a distance of five and 16/100 (5.16') feet to a point;

Thence North 68°46'46" West and bounded southwesterly by said DiMatteo land a distance of two and 13/100 (2.13') feet to a granite bound set;

Thence North 20°04'14" East and bounded northwesterly by said DiMatteo now or formerly of East Bay Community Development Corporation a distance of eighty-two and 80/100 (82.80') feet to a granite bound set;

Thence South 69°35'06" East and bounded northeasterly by said East Bay Community Development land a distance of three hundred forty-four and 00/100 (344.00') feet running along the line to a point in the northwesterly line of Washington Road;

Thence South 25°37'25" West along the northwesterly side of Washington Road a distance of two hundred nine and 08/100 (209.08') feet to the corner of Washington Road and Bay Spring Avenue;

Thence North 69°30'38.31" West along the northeasterly side of Bay Spring Avenue a distance of sixty and 79/100 (60.79') feet to point at the southeast corner of land now or formerly of Michael Dellefratte;

Thence North 24°40'22" East and bounded northwesterly by said Dellefratte land a distance of fifty-seven and 48/100 (57.48') feet to a point;

Thence North 45°27'39" West and bounded southwesterly by said Dellefratte land a distance of thirty-two and 98/100 (32.98') feet to a granite bound set;

Thence North 65°57'39" West and bounded southwesterly by said Dellefratte land a distance of twenty-seven and 43/100 (27.43') feet to a granite bound set;

Thence North 24°11'01" East and bounded northwesterly by land now or formerly of Thomas Budio a distance of forty-one and 77/100 (41.77') feet to a point;

Thence North 69°15'45" West and bounded southwesterly by said Budio land a distance of fifteen and 00/100 (15.00') feet to a point;

Thence North 27°00'17" East and bounded northwesterly by said Budio land a distance of twenty-five and 00/100 (25.00') feet to a point;

Thence North 69°51'04" West and bounded southwesterly by said Budio land a distance of seventy-two and 00/100 (72.00') feet to a granite bound set;

Thence South 24°42'03" West and bounded southeasterly by said Budio land a distance of one hundred thirty-nine and 00/100 (139.00') feet to a granite bound found and the point and place of beginning; said parcel containing by computation a size of forty three thousand three hundred and thirty-one (43,331) square feet of land, more or less. Said tract includes easements as recorded on page 256 in Book 0384 of the Land Evidence Records of the Town of Barrington.

Said Parcel is further described and shown as "AP 2 Lot 105 EXISTING 44,265 SF NEW 43,331 SF" on that plan entitled, "Administrative Subdivision 177 Washington Road & 23 Bay Spring Avenue Barrington, Rhode Island AP 2 Lots 105 & 149 prepared by CDE Casali & D'Amico Engineering, Inc 300 Post Road, Warwick, RI 02888 (401) 944-1330 (401) 944-1313 (fax) at a scale of 1 inch = 20 FT, dated August 3, 2009 and certified as a Class I Survey and Plan by Anthony E. Muscatelli, Professional Land Surveyor, International Mapping and Survey Corporation., Inc, on August 4, 2009" and recorded in the Land Evidence Records of the Town of Barrington, Rhode Island as Plat No. 1011 and Plan File 652 on August 5, 2009 at 9:15 AM DST.

Street Address of Property (Parcel IX)

177-187 Washington Road, Barrington, Rhode Island (Lot 105/Map 2)