

UCC-1 Form

FILER INFORMATION

Full name: **ATTORNEY TAMMY A. BOTTELLA**

Email Contact at Filer: **TAMMY@BOTTELLALAW.COM**

SEND ACKNOWLEDGEMENT TO

Contact name: **LAW OFFICE OF TAMMY A. BOTTELLA**

Mailing Address: **255 QUAKER LANE, SUITE 600**

City, State Zip Country: **WEST WARWICK, RI 02893 USA**

DEBTOR INFORMATION

Org. Name: **S.M.D. REALTY, INC.**

Mailing Address: **2570 WARWICK AVENUE**

City, State Zip Country: **WARWICK, RI 02889 USA**

Org. Name: **S.M.D. CONSTRUCTION**

Mailing Address: **2576 WARWICK AVENUE**

City, State Zip Country: **WARWICK, RI 02889 USA**

SECURED PARTY INFORMATION

Org. Name: **MARCHIONTE CAPITAL, LLC**

Mailing Address: **C/O ATTORNEY TAMMY BOTTELLA, 255 QUAKER LANE, SUITE 600**

City, State Zip Country: **WEST WARWICK, RI 02893 USA**

ASSIGNEE INFORMATION

Last Name (i.e. Family Name or Surname): **RICCI** First Name: **ANTONIO** Middle Name: **V.**

Mailing Address: **100 METRO CENTER BLVD.**

City, State Zip Country: **WARWICK, RI 02886 USA**

TRANSACTION TYPE: STANDARD

CUSTOMER REFERENCE: **MARCHIONTE ASSIGNED UCC TO ANTONIO V. RICCI**

COLLATERAL

SEE ATTACHED PDF OF EXHIBITS "A" AND "B" WITH COLLATERAL DESCRIPTIONS

EXHIBIT "A"

A. **Equipment, Etc.:** All of the Debtor's interest in and to all machinery, equipment, vehicles, fixtures, inventory, goods, materials, supplies, records, furnishings, accounts, accounts receivable, contract rights, plans, specifications, permits, licenses, 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 business.

B. **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.

C. **Personal Property**-all fixtures, machinery, equipment and other personal property of every kind, now or hereafter located in or upon or affixed to that certain lots or parcels of real estate, located in WARWICK, RHODE ISLAND, commonly known as 2576 and 2570 Warwick Avenue, as more particularly described in EXHIBIT A attached hereto (hereinafter called the "Premises") or any and all building and/or improvements (collectively, the "Improvements") now or hereafter used or to be used in connection with any present or future operation of the Premises or Improvements, or any part thereof, and now owned or hereafter acquired by Debtor, or in which Debtor now or hereafter has an interest, including, without limitation, any and all: (i) heating, lighting, incinerating, refrigerating, ventilating, air conditioning, air cooling, lifting, fire extinguishing, plumbing, cleaning, communications and power equipment and apparatus; (ii) gas, water and electrical equipment; (iii) elevators, escalators, switchboards, engines, motors, tanks, pumps, partitions, conduits, ducts and compressors; (iv) electrical and/or gas appliances, incinerators, carpeting, furniture and furnishings, draperies, storm windows and doors, and screens and awnings; (v) any and all franchises, licenses and permits, whether issued by national, state and/or local government, department, agency or subdivision having jurisdiction over Debtor, any guarantor of Debtor or the Premises and Improvements, or any part thereof, or any use, operation or occupancy thereof, related to the use, operation or occupancy of the Premises or Improvements or any part thereof; (vi) any and all records and books of account now or hereafter maintained by Debtor in connection with the operation of the Premises, Improvements and personal property or any part thereof; and (vii) all of Debtor's right, title and interest in and to any name under which the Premises and/or Improvements may at any time be operated and any variation thereof and the goodwill of Debtor in connection therewith.

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.

"Secured Vehicle" shall include all vehicles owned by the Debtor. Including, but not limited to, all commercial vehicles owned by Debtor.

"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 secured vehicle, (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 secured vehicle, (c) any and all other amounts from time to time paid or payable under or in connection

EXHIBIT "B" - PROPERTY DESCRIPTIONS

PARCEL ONE- 2576 Warwick Avenue, Warwick, Rhode Island

That certain tract or parcel of land with all the buildings and improvements thereon, situated on the easterly side of Warwick Avenue, in the City of Warwick, County of Kent, State of Rhode Island, being bounded and described as follows:

Beginning at a granite bound on the easterly side of said Avenue at the southwesterly corner of land now or lately of David N. Marfeo et ux, which also is the most westerly boundary of the parcel herein described; thence running southerly bounded westerly by said Avenue on the arc of a curve with a radius of 1158.57 feet a distance of 104 feet, more or less, to a corner and land now or formerly of Meadowbrook Corp; thence turning an interior angle and running easterly on a line 100 feet parallel and one hundred (100') feet southerly of the southerly boundary of said Marfeo land a distance of one hundred (100') feet to an angle, bounded southerly by said Meadowbrook Corp. land; thence turning an interior angle and running northwesterly bounded northeasterly by land now or formerly of Edward W. Cerio a distance of one hundred ten (110') feet, more or less, to land now or formerly of David N. Marfeo, et ux; thence turning an interior angle and running westerly bounded northerly by said Marfeo land Eighty One and 62/100 (81.62') feet, more or less, to the point and place of beginning. Said parcel contains 10,567 Square Feet, more or less.

Meaning and intending to be the property conveyed by Warranty Deed from Michael J. Stankevich, Jr. and Jacqueline J. Stankevich to S.M.D. Realty, Inc. dated February 28th, 2001, recorded March 1, 2001, in the City of Warwick Land Evidence Records in Book 3540, Page 166.

Property Address:

2576 Warwick Avenue
Warwick, Rhode Island
Tax Assessor's Plat 351, Lot 231

PARCEL TWO: - 2570 Warwick Avenue Warwick, Rhode Island

That certain lot or parcel of land, with the buildings and improvements thereon, located on the easterly side of Warwick Avenue in the City of Warwick, County of Kent, State of Rhode Island, being bounded and described as follows:

BEGINNING at a granite bound set in the easterly line of Warwick Avenue at a point four hundred fifty-two and 45/100 (452.45) feet, more or less, southerly from a Rhode Island Highway Bound at station 98+82.54 as shown on "State Highway Plat No. 774 Sheet 10 Warwick, Warwick Avenue from Hoxsie Corner to Kettle Comer Nov. 4, 1948", on file in the Warwick Land Evidence Records, as measured along the present easterly line of said Warwick Avenue; thence running in a general northerly direction bounding westerly on said Warwick Avenue on the arc of a curve with a radius of one thousand one hundred fifty-seven and 57/100 (1157.57) feet, a distance of one hundred twenty-seven and 06/100 (127.06) feet to a point of compound curve; thence running in

EXHIBIT "B"- PROPERTY DESCRIPTION (CONTINUED)

a general northeasterly direction an arc of a curve with a radius of twenty-one and 99/100 (21.99) feet, a distance of thirty-six and 27/100 (36.27) feet, bounding northwesterly in part on Warwick Avenue and in part on a proposed street called Bowler Road; thence running in a general easterly direction along the southerly line of said Bowler Road on a line tangent to the last-mentioned arc, seventy-six and 30/100 (76.30) feet to a granite bound set in the southerly line of Bowler Road; thence turning and inter an interior angle of 90° and running southerly bounding easterly on land now or formerly of Tavarozzi Realty, Inc. one hundred fifty (150.00) feet to a granite bound; thence turning an interior angle of $89^{\circ} 51' 30''$ and running westerly bounding southerly on said Tavarozzi Realty, Inc. land eighty-one and 62/100 (81.62) 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.

BEING designated as Lot 266 on Tax Assessors Plat 351 of the City of Warwick, as presently constituted, for reference purposes only.

Property Address:
2570 Warwick Avenue
Warwick, Rhode Island
Tax Assessor's Plat 351 Lot 26