

UCC-1 Form

FILER INFORMATION

Full name: **BRITTNEY B. KEOPHOXAY**

Email Contact at Filer: **BBK@BOSTONBUSINESSLAW.COM**

SEND ACKNOWLEDGEMENT TO

Contact name: **HACKETT FEINBERG P.C.**

Mailing Address: **155 FEDERAL STREET, FLOOR 9**

City, State Zip Country: **BOSTON, MA 02110 USA**

DEBTOR INFORMATION

Org. Name: **261 LLC**

Mailing Address: **45 HAVERHILL STREET**

City, State Zip Country: **ANDOVER, MA 01810 USA**

SECURED PARTY INFORMATION

Org. Name: **TD BANK, N.A.**

Mailing Address: **370 MAIN STREET**

City, State Zip Country: **WORCESTER, MA 01608 USA**

TRANSACTION TYPE: STANDARD

CUSTOMER REFERENCE: TDBANK.261LLC

COLLATERAL

ALL PERSONAL PROPERTY NOW OWNED OF HEREAFTER ACQUIRED BY THE DEBTOR, INCLUDING, WITHOUT IN ANY WAY LIMITING THE GENERALITY OF THE FOREGOING, ALL OF THE PERSONAL PROPERTY DESCRIBED ON EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, TO THE EXTENT RELATED TO DEBTOR'S INTEREST IN OR LOCATED AT THE REAL PROPERTY KNOWN AS 1 PARK ROW WEST, PROVIDENCE, RHODE ISLAND, DESCRIBED MORE PARTICULARLY ON EXHIBIT B ATTACHED HERETO.

EXHIBIT A

to
UCC-1 Financing Statement given by
261 LLC (“**Debtor**”)
to
TD Bank, N.A. (“**Secured Party**”)

All tangible personal property now owned or hereafter acquired by the Debtor, whether used in any way in connection with the operation of the land known and numbered as 1 Park Row West (formerly known as 80 Smith Street), Providence, Rhode Island, and described more particularly on Exhibit B attached hereto and incorporated herein by reference, and the improvements thereon (collectively, the “Premises”) or not, including, without in any way limiting the generality of the foregoing:

A. All fixtures, machinery, equipment, furniture, inventory, building supplies, appliances and other goods and articles of personal property (hereinafter collectively referred to as the “Personal Property”), including, but not limited to, all gas and electric fixtures, radiators, heaters, furnaces, engines and machinery, boilers, ranges, ovens, elevators and motors, bathtubs, sinks, commodes, basins, pipes, faucets and other plumbing, heating and air conditioning equipment, mirrors, refrigerating plant, refrigerators, iceboxes, dishwashers, carpeting, floor coverings, furniture, light fixtures, signs, lawn equipment, water heaters, and cooking apparatus and appurtenances, and all other fixtures and equipment now or hereafter owned by Debtor and located in, on or about, or used or intended to be used with or in connection with the use, operation, or enjoyment of the Premises, whether installed in such a way as to become a part thereof or not, including all extensions, additions, improvements, betterments, renewals and replacements of any of the foregoing and all the right, title and interest of Debtor in and to any of the foregoing now owned or hereafter acquired by Debtor, all of which are hereby declared and shall be deemed to be fixtures and accessions to the leasehold and a part of the Improvements as between the parties hereto and all persons claiming by, through or under them;

B. All right, title and interest of Debtor in and to all policies of insurance, licenses, franchises, franchise agreements, permits, service contracts, maintenance contracts, property management agreements, equipment leases, trade names, trademarks, service marks, logos, goodwill, accounts, chattel paper, whether tangible or electronic, payment intangibles, payment obligations arising out of the sale, lease or license of tangible and intangible property, health care insurance receivables, credit card receivables, letter-of-credit rights, supporting obligations, software, commercial tort claims, tax refunds, and general intangibles as defined in the Uniform Commercial Code as enacted in the State of Rhode Island, which in any way now or hereafter belong, relate or appertain to the Premises or the Personal Property or any part thereof now owned or hereafter acquired by Debtor, including, without limitation, all condemnation payments, insurance proceeds and escrow funds;

C. All the right, title, interest of Debtor in and to all contracts, agreements, labor, material and payment bonds, guaranties and warranties, and plans and specifications, whether now or hereafter existing, including, without limitation (i) any architectural or engineering agreement for architectural or engineering services, (ii) the plans and specifications for the construction of any improvements on the Premises, and (iii) any construction manager’s agreement entered into with

respect to construction of improvements on the Premises;

D. All proceeds, products, substitutions and accessions of the foregoing of every type;

E. All proceeds of the above property, including such as may be in the possession of Debtor at any time or in the possession of any representative person on behalf of Debtor, including a Trustee, receiver, custodian or other similar official under any action seeking reorganization, arrangement, adjustment, liquidation, dissolution or composition of Debtor under any law relating to bankruptcy, insolvency, reorganization or relief of debtors, whether such proceeds have been paid to or recovered by Debtor or any of said representatives.

There is excluded from the Personal Property any personal property owned by tenants or occupants other than the Debtor or affiliates of the Debtor who occupy all or a portion of the Premises pursuant to subleases or occupancy agreements.

EXHIBIT B

to
UCC-1 Financing Statement given by
261 LLC (“**Debtor**”)
to
TD Bank, N.A. (“**Secured Party**”)

ASSESSOR’S PLAT 4, LOT 261; PARCEL 6A

THAT CERTAIN PARCEL OF LAND IN THE CITY AND COUNTY OF PROVIDENCE AND THE STATE OF RHODE ISLAND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF CANAL STREET, SAID POINT BEING S08°35’14” E 506.54’ FROM A DRILL HOLE SET AT THE INTERSECTION OF THE WESTERLY LINE OF CANAL STREET AND THE SOUTHERLY LINE OF SMITH STREET AS SHOWN ON THAT PLAN ENTITLED “CAPITOL COVE, LLC SMITH STREET, PARK ROW AND CANAL STREET PROVIDENCE, RHODE ISLAND; PROPERTY LIE ASSESSOR’S PLAT 4 LOT 247; ISSUED FOR MAJOR SUBDIVISION PLAN;” SCALE 1”=80’; DATE: APRIL 13, 2004; SHEET 1 OF 1; DWG. NO. 71572ASP; RECORDED IN THE CITY OF PROVIDENCE LAND EVIDENCE RECORDS JULY 15, 2004, AT BOOK 64, PLAN 048.

THENCE: IN THE WESTERLY LINE OF CANAL STREET, S08°35’14”E A DISTANCE OF THREE HUNDRED SIXTY-ONE AND 74/100 FEET (361.74’) TO A POINT;

THENCE: IN THE WESTERLY LINE OF CANAL STREET, S08°19’34”E A DISTANCE OF ONE HUNDRED TWENTY-EIGHT AND 42/100 FEET (128.42’) TO A POINT IN THE NORTHERLY LINE OF PARK ROW;

THENCE: IN THE NORTHERLY LINE OF PARK ROW, S76°43’58”W A DISTANCE OF NINETEEN AND 97/100 FEET (19.97’) TO A POINT OF CURVATURE;

THENCE: IN THE NORTHERLY LINE OF PARK ROW ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A LENGTH OF 160.85 FEET, A RADIUS OF 164.00 FEET, A DELTA ANGLE OF 56°11’38”, AND A CHORD OF 154.48 FEET BEARING N75°10’13”W TO A POINT OF TANGENCY;

THENCE: IN THE NORTHERLY LINE OF PARK ROW, N47°04’24”W A DISTANCE OF SIXTY AND 87/100 FEET (60.875) TO A POINT;

THENCE: NORTHEASTERLY ACROSS LAND NOW OR FORMERLY OF CAPITAL PROPERTIES, INC. BOUNDED WESTERLY BY NEW LOT C AS SHOWN ON THE AFOREMENTIONED PLAN ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A LENGTH; OF 21.66 FEET, A RADIUS OF 17.42 FEET, A DELTA ANGLE OF 71°14’ 43”, AND A CHORD OF 20.29 FEET BEARING S27°02’07” E TO A POINT OF TANGENCY;

THENCE: NORTHWESTERLY ACROSS SAID CAPITAL PROPERTIES, INC. LAND, BOUNDED V1 EASTERLY BY NEW LOT C AS SHOWN ON THE AFOREMENTIONED PLAN, N08°35'14"W A DISTANCE OF THREE HUNDRED FIFTY-SIX AND 02/100 FEET (356.02') TO A POINT;

THENCE: NORTHEASTERLY ACROSS SAID CAPITAL PROPERTIES, INC. LAND, BOUNDED NORTHERLY BY NEW LOT B AS SHOWN ON THE AFOREMENTIONED PLAN, N78°12'47"E A DISTANCE OF FORTY AND 00/100 FEET (40.00') TO A POINT;

THENCE: NORTHEASTERLY ACROSS SAID CAPITAL PROPERTIES, INC. LAND, BOUNDED NORTHERLY BY NEW LOT B AS SHOWN ON THE AFOREMENTIONED PLAN, N81°24'46"E A DISTANCE OF NINETY-EIGHT AND 09/100 FEET (98.09') TO A POINT;

THENCE: NORTHWESTERLY ACROSS SAID CAPITAL PROPERTIES, INC. LAND, BOUNDED WESTERLY BY NEW LOT B AS SHOWN ON THE AFOREMENTIONED PLAN, N08°35'14"W A DISTANCE OF EIGHT AND 00/100 FEET (8.00') TO A POINT;

THENCE, NORTHEASTERLY ACROSS SAID CAPITAL PROPERTIES, INC. LAND, BOUNDED NORTHERLY BY NEW LOT B AS SHOWN ON THE AFOREMENTIONED PLAN, N81°24'46" E A DISTANCE OF FIFTY AND 28/100 FEET (50.28') TO THE POINT AND PLACE OF BEGINNING.

MEANING AND INTENDING TO DESCRIBE NEW LOT A ON THE AFOREMENTIONED PLAN.

SAID PARCEL CONTAINS 87,181 ± SQUARE FEET.