

# UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY



200307030117

Skagit County Auditor

7/3/2003 Page

1 of

11 11:36AM

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

**RETURN TO:**  
**LexisNexis Document Solutions**  
**Post Office Box 2969**  
**Springfield, Illinois 62708**

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE # 199910210031 10/21/99

1b. This FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the ☒ REAL ESTATE RECORDS.

2. ☐ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. ☐ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ☐ ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION): This Amendment affects ☐ Debtor or ☐ Secured Party of record. Check only one of these two boxes.

Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.

☐ CHANGE name and/or address: Give current record name in item 6a or 6b; also give new name (if name change) in item 7a or 7b and/or new address (if address change) in item 7c. ☐ DELETE name: Give record name to be deleted in item 6a or 6b. ☐ ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7d-7g (if applicable).

6. CURRENT RECORD INFORMATION:

6a. ORGANIZATION'S NAME  
Skagit Gardens, Inc.

OR 6b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME

OR 7b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

7c. MAILING ADDRESS CITY STATE POSTAL CODE COUNTRY

7d. TAX ID #: SSN OR EIN ADD L INFO RE ORGANIZATION DEBTOR 7e. TYPE OF ORGANIZATION 7f. JURISDICTION OF ORGANIZATION 7g. ORGANIZATIONAL ID #, if any ☐ NONE

## 8. AMENDMENT (COLLATERAL CHANGE): check only one box.

Describe collateral ☐ deleted or ☐ added, or give entire ☒ restated collateral description, or describe collateral ☐ assigned.

See Exhibit A attached hereto and made a part hereof. The legal description on the above referenced financing statement is also hereby amended and restated as set forth on Schedule I attached hereto and made a part hereof.

## 9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here ☒ and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME  
Skagit Gardens, Inc.

OR 9b. INDIVIDUAL'S LAST NAME FIRST NAME MIDDLE NAME SUFFIX

## 10. OPTIONAL FILER REFERENCE DATA

To be filed in the Skagit County, Washington Real Estate Records

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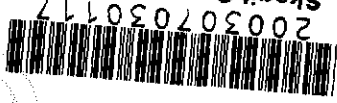
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(FM N) - ("S")  
Debtor: SKAGIT GARDENS, INC.  
Debtor: County Auditor, Skagit County, WA



200307030117  
Skagit County Auditor

# UCC FINANCING STATEMENT AMENDMENT ADDENDUM

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

11. INITIAL FINANCING STATEMENT FILE # (same as item 1a on Amendment form)

199910210031

10/21/99

12. NAME OF PARTY AUTHORIZING THIS AMENDMENT (same as item 9 on Amendment form)

12a. ORGANIZATION'S NAME

Skagit Gardens, Inc.

OR

12b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME, SUFFIX

13. Use this space for additional information

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

Debtor is: Skagit Gardens, Inc.



200307030117

Skagit County Auditor

## EXHIBIT A

DEBTOR: SKAGIT GARDENS, INC.

SECURED PARTY: HARRIS TRUST AND SAVINGS BANK, AS AGENT

PART I: Any and all right, title and interest of the Debtor, whether now owned or existing or hereafter created, acquired or arising, in and to all personal property and fixtures of the Debtor, including all of the following:

(a) Accounts; (b) Chattel Paper; (c) Instruments (including Promissory Notes); (d) Documents; (e) General Intangibles (including Payment Intangibles, Software, patents, trademarks, copyrights and other intellectual property rights, and all application, registrations and licenses therefor, all goodwill of the business connected therewith as represented thereby and tax refunds); (f) Letter-of-Credit Rights; (g) Supporting Obligations; (h) Deposit Accounts; (i) Investment Property (including certificated and uncertificated Securities, Securities Accounts, Security Entitlements, Commodity Accounts, and Commodity Contracts); (j) Inventory and Farm Products; (k) Equipment (including all software, whether or not the same constitutes embedded software, used in the operation thereof); (l) Fixtures; (m) Commercial Tort Claims; (n) All rights to merchandise and other Goods (including rights to returned or repossessed Goods and rights of stoppage in transit) which is represented by, arises from, or relates to any of the foregoing; (o) All monies, personal property, and interests in personal property of the Debtor of any kind or description now held by the Secured Party or any banks or financial institutions entitled to the benefits of the security interests described herein (collectively, the "Secured Creditors") or at any time hereafter transferred or delivered to, or coming into the possession, custody or control of, any Secured Creditor, or any agent or affiliate of any Secured Creditor, whether expressly as collateral security or for any other purpose (whether for safekeeping, custody, collection or otherwise), and all dividends and distributions on or other rights in connection with any such property; (p) All supporting evidence and documents relating to any of the above-described property, including, without limitation, computer programs, disks, tapes and related electronic data processing media, and all rights of the Debtor to retrieve the same from third parties, written applications, credit information, account cards, payment records, correspondence, delivery and installation certificates, invoice copies, delivery receipts, notes and other evidences of indebtedness, insurance certificates and the like, together with all books of account, ledgers, and cabinets in which the same are reflected or maintained; (q) All Accessions and additions to, and substitutions and replacements of, any and all of the foregoing; and (r) All Proceeds and products of the foregoing, and all insurance of the foregoing and proceeds thereof;

all of the foregoing referred to as the "Collateral"; provided, however, that the Collateral shall not include the capital stock or other equity interests issued by any subsidiary of International Garden Products, Inc. All terms which are used in herein which are defined in the Uniform Commercial Code of the State of Illinois as in effect from time to time ("UCC") shall have the same meanings herein as such terms are defined in the UCC, unless this financing statement shall otherwise specifically provide.



PART II: All of the following now or hereafter owned by Debtor: all buildings and improvements of every kind and description heretofore or hereafter erected or placed on any property which Debtor heretofore or hereafter encumbered in favor of the Secured Party or to a trustee for the benefit of the Secured Party pursuant to one or more mortgages or deeds of trust (all such property collectively referred to herein as the "Real Property") and all materials intended for construction, reconstruction, alteration and repairs of the buildings and improvements now or hereafter erected thereon, all of which materials shall be deemed to be included within the premises immediately upon the delivery thereof to the Real Property, and all fixtures, machinery, apparatus, equipment, fittings and articles of personal property of every kind and nature whatsoever now or hereafter attached to or contained in or used or useful in connection with the Real Property or any part thereof and the buildings and improvements now or hereafter located thereon and the operation, maintenance and protection thereof, including but not limited to all machinery, motors, fittings, radiators, awnings, shades, screens, all gas, coal, steam, electric, oil and other heating, cooking, power and lighting apparatus and fixtures, all fire prevention and extinguishing equipment and apparatus, all cooling and ventilating apparatus and systems, all plumbing, incinerating and sprinkler equipment and fixtures, all elevators and escalators, all communication and electronic monitoring equipment, all window and structural cleaning rigs and all other machinery and other equipment of every nature and fixtures and appurtenances thereto and all items of furniture, appliances, draperies, carpets, other furnishings, equipment and personal property used or useful in the operation, maintenance and protection of the Real Property or any part thereof and the buildings and improvements now or hereafter located thereon and all renewals or replacements thereof or articles in substitution therefor, whether or not the same are or should be attached to the Real Property or any part thereof, buildings or improvements in any manner, and all proceeds of the foregoing. All right, title and interest of Debtor now owned or hereafter acquired in and to all and singular the estates, tenements, hereditaments, privileges, easements, licenses, franchises, appurtenances and royalties, mineral, oil, and water rights belonging or in any wise appertaining to any of the Real Property and the buildings and improvements now or hereafter located thereon and the reversions, rents, issues, revenues and profits thereof, including all interest of Debtor in all rents, issues and profits of the Real Property or any part thereof and all rents, issues, profits, revenues, royalties, bonuses, rights and benefits due, payable or accruing (including all deposits of money as advanced rent or for security) under any and all leases or subleases and renewals thereof of, or under any contracts or options for the sale of all or any part of, the Real Property. All judgments, awards of damages, settlements and other compensation heretofore or hereafter made resulting from condemnation proceedings or the taking of any of the Real Property or any building or any other improvement now or at any time hereafter located thereon or any easement or other appurtenance thereto under the power of eminent domain or any similar power or right (including any award from the United States Government at any time after the allowance of the claim therefor, the ascertainment of the amount thereof and the issuance of the warrant for payment thereof) whether permanent or temporary or for any damage (whether caused by such taking or otherwise) to any of the Real Property or the improvements thereon or any part thereof or to any rights appurtenant thereto, including severance and consequential damage and any award for change of grade of streets. All proceeds of the conversion, voluntary or involuntary, of any of the foregoing into cash or other liquidated claims, including, without limitation, all proceeds and payments of insurance.



200307030117  
Skagit County Auditor

## SCHEDULE I

### PARCEL A:

Lot 1 of Skagit County Short Plat No. 94-033, approved September 26, 1994 and recorded September 30, 1994, in Volume 11 of Short Plats, pages 121 and 122, under Auditor's File No. 9409300084, records of Skagit County, Washington; being a portion of the North Half of the Northwest Quarter of the Northwest Quarter of Section 32, Township 34 North, Range 4 East, Willamette Meridian.

### PARCEL B:

Easement for ingress and egress, over and across the North 10 feet of adjoining fire district property, as granted by instrument recorded November 9, 1994, under Auditor's File No. 9411090063, records of Skagit County, Washington.

Situated in Skagit County, Washington

Record Owner is : Ted Palmer Family, L.L.C.



200307030117

Skagit County Auditor

PARCEL "A":

Lots 2 and 3 of Skagit County Short Plat No. 94-033, approved September 26, 1994, and recorded September 30, 1994, in Volume 11 of Short Plats, pages 121 and 122, under Auditor's File No. 9409300084, records of Skagit County, Washington; being a portion of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 32, Township 34 North, Range 4 East, W.M.

Situate in the County of Skagit, State of Washington.

PARCEL "B":

That portion of the North  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 32, Township 34 North, Range 4 East, W.M., described as follows:

Beginning at a point on the South line of said North  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , 30 feet East of the Southwest corner thereof, said point being the East line of the State Highway "99" right of way, as said highway existed on January 7, 1954;  
thence East along the South line of said North  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , 188 feet;  
thence North parallel with the West line of said subdivision, 200 feet;  
thence West 188 feet to the East line of said State Highway right of way;  
thence South along the East line of said highway right of way, 200 feet to the point of beginning.

Situate in the County of Skagit, State of Washington.

PARCEL "C":

That portion of the North  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 32, Township 34 North, Range 4 East, W.M., described as follows:



200307030117  
Skagit County Auditor

7/3/2003 Page

7 of 11 11:36AM

PARCEL "C" continued:

Beginning at a point on the South line of said North  $\frac{1}{4}$  of the South  $\frac{1}{4}$  of said Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , 30 feet East of the Southwest corner thereof, said point being on the East line of the State Highway "99" right of way, as said highway existed on January 7, 1954;  
thence North along the East line of said State Highway right of way, 200 feet;  
thence East 144 feet to the true point of beginning;  
thence continue East 44 feet;  
thence North parallel to the West line of said Northwest  $\frac{1}{4}$ , 8.0 feet;  
thence West 44 feet;  
thence South 8.0 feet to the true point of beginning,

EXCEPT the North 6.13 feet thereof.

Situate in the County of Skagit, State of Washington.

PARCEL "D":

The South 1.87 feet of the West 144.00 feet of that portion of the North  $\frac{1}{4}$  of the South  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 32, Township 34 North, Range 4 East, W.M., described as follows:

Beginning at a point on the East line of the State Highway 200 feet North of the South line of said North  $\frac{1}{4}$  of the South  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 32;  
thence East 144 feet;  
thence North parallel to the West line of said Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , 8 feet;  
thence East 44 feet, more or less, to a line which is distant 218 feet East of and parallel to the West line of said Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ ;  
thence North along said parallel line 122 feet, more or less, to the North line of said North  $\frac{1}{4}$  of the South  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ ;  
thence West along said North line 188 feet, more or less, to the East line of said State Highway;  
thence South along said East line 130 feet to the point of beginning.

Situate in the County of Skagit, State of Washington.



200307030117  
Skagit County Auditor

7/3/2003 Page 8 of 11 11:36AM



PARCEL "E":

The South 330 feet of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 32, Township 34 North, Range 4 East, W.M., EXCEPT Drainage District No. 17 right of way, EXCEPT Old State Highway 99 along the West line thereof, EXCEPT that portion conveyed to the State of Washington for Primary State Highway No. 1 along the East line thereof, by deed dated February 3, 1953, recorded March 12, 1953, under Auditor's File No. 485839, AND EXCEPT that portion, if any, lying within the North  $\frac{1}{4}$  of the South  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , ALSO EXCEPT that portion thereof condemned by the State of Washington for highway purposes in Skagit County Superior Court Cause No. 33040.

Situate in the County of Skagit, State of Washington.

PARCEL "F":

The North  $\frac{1}{4}$  of the South  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 32, Township 34 North, Range 4 East, W.M., EXCEPT the West 218 feet thereof, AND EXCEPT that portion thereof conveyed to the State of Washington for highway purposes by deed dated January 29, 1953 and recorded February 12, 1953, under Auditor's File No. 485836, and deed recorded December 21, 1971, under Auditor's File No. 762101, records of said County, AND EXCEPT Drainage Ditch right of way, if any.

Situate in the County of Skagit, State of Washington.

PARCEL "G":

Government Lot 7 of Section 12, Township 34 North, Range 3 East, W.M., and a tract of land in the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 13, Township 34 North, Range 3 East, W.M., described as follows:

Beginning at the Northeast corner of said Section 13; thence South 83°31' West along the North line of said Section 13, a distance of 1,273.6 feet, more or less, to the Northwest corner of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 13; thence South along the West line of said Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$ , a distance of 160.6 feet;



200307030117  
Skagit County Auditor

7/3/2003 Page

9 of 11 11:36AM

PARCEL "G" Continued:

thence South  $89^{\circ}33'$  East, a distance of 1,275 feet, more or less, to the East line of said Section 13;  
thence North along the East line of said Section, a distance of 314.8 feet, more or less, to the point of beginning, EXCEPT the East 40 feet of that portion of the subject property lying within Government Lot 7 in Section 12, Township 34 North, Range 3 East, W.M., and as conveyed to Skagit County for road purposes by deed recorded April 5, 1911 in Volume 83 of Deeds, page 536, ALSO EXCEPT the East 40 feet of that portion of the subject property lying within Section 13, Township 34 North, Range 3 East, W.M., as conveyed to John Krangness by deed recorded April 4, 1924, in Volume 132 of Deeds, page 576, ALSO EXCEPT therefrom all rights of ways for Diking District No. 17 and for County roads, AND ALSO EXCEPT the North 2 acres of the West 10 acres of the remainder.

Situate in the County of Skagit, State of Washington.

PARCEL "H":

That portion of Government Lot 6, Section 12, Township 34 North, Range 3 East, W.M., described as follows:

Beginning at the Southwest corner of said Lot;  
thence North  $83^{\circ}40'02''$  East 1,193.75 feet along the South line of said Section 12, to a point that is South  $83^{\circ}40'02''$  West 1,285.18 feet from the Southeast corner of said Section 12 said point being the true point of beginning;  
thence North  $0^{\circ}19'30''$  West 204.05 feet;  
thence South  $88^{\circ}38'19''$  East 48.51 feet to the East line of said Lot;  
thence South  $0^{\circ}33'18''$  West 197.86 feet along said East line to the Southeast corner thereof;  
thence South  $83^{\circ}40'02''$  West 45.71 feet along said South line to the true point of beginning.

Being a portion of Lot 2, Short Plat No. 79-80, recorded in Book 5 of Short Plats, page 125, under Skagit County Auditor's File No. 8109110008.

Situate in the County of Skagit, State of Washington.

Record Owner is : Skagit Gardens, Inc.



200307030117  
Skagit County Auditor

7/3/2003 Page

10 of 11 11:36AM

**PARCEL "A" - Assessor's Tax Parcel Account No. P29541**

The North 165 feet of the Southwest Quarter of the Northwest Quarter of Section 32, Township 34 North, Range 4 East of the Willamette Meridian;

EXCEPT roads;

AND EXCEPT the South 45 feet of the West 120 feet thereof lying East of former U.S. Highway 99;

AND ALSO EXCEPT all that portion thereof lying East of a line 295 feet West of Drainage Ditch No. 17;

AND FURTHER EXCEPTING the North 3 feet of the South 48 feet of the North 165 feet of the West 120 feet of that portion of the Southwest Quarter of the Northwest Quarter of Section 32, Township 34 North, Range 4 East of the Willamette Meridian, lying East of former U.S. Highway 99.

**PARCEL B:**

That portion of the Southwest Quarter of the Northwest Quarter of Section 32, Township 34 North, Range 4 East of the Willamette Meridian, described as follows:

Beginning at the intersection of the North line of said subdivision with a point 60 feet West of the West line of the drainage ditch of Drainage District No. 17;  
Thence South 165 feet;  
Thence West 235 feet;  
Thence North 165 feet;  
Thence East 235 feet to the point of beginning.

**PARCEL C:**

That portion of the North 165 feet of the Southwest Quarter of the Northwest Quarter of Section 32, Township 34 North, Range 4 East of the Willamette Meridian, lying East of the drainage ditch of Drainage District No. 17;

Also the East 60 feet of that portion of the North 165 feet of the Southwest Quarter of the Northwest Quarter of said Section 32, lying West of aforesaid drainage ditch;

EXCEPT drainage ditch right of way as condemned by Drainage District No. 17 in proceedings in Superior Court Cause No. 5271;

AND EXCEPT that portion of said premises conveyed to the State of Washington for Primary State Highway No. 1, by deed recorded March 12, 1972, under Auditor's File No. 764259, records of Skagit County, Washington.

TOGETHER WITH a non-exclusive easement for ingress and egress over and across the North 16.5 feet of said Southwest Quarter of the Northwest Quarter lying West of a point 60 feet West of aforesaid drainage ditch and East of Old Highway 99.

Situated in Skagit County, Washington

Record Owner is : Skagit Gardens, Inc.



7/3/2003 Page 11 of 11 11:36AM