

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2005 OCT 13 PM 2:45

MICHAEL A. BROWN
RECORDER

UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional] **2005 000903**

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

Judy Turchin, Esq.
Wachtell, Lipton, Rosen & Katz
51 West 52nd Street
New York, NY 10019

WHEN RECORDED RETURN TO:
LANDAMERICA
NCS Division
1050 Wilshire Dr., Ste. 310
Troy, MI 48084
Case No. 097163

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #
Instrument No. 2002-000756 06/03/2002 *Amended 2-14-03*

1b. This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS. *2003-000190*

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: Please refer to the detailed instructions in regards to changing the name/address of a party. **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 7e-7g (if applicable).

6. **CURRENT RECORD INFORMATION:**

6a. ORGANIZATION'S NAME
FRANK'S NURSERY & CRAFTS, 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. SEE INSTRUCTIONS	ADD'L INFO RE ORGANIZATION DEBTOR	7e. TYPE OF ORGANIZATION	7f. JURISDICTION OF ORGANIZATION	7g. ORGANIZATIONAL ID #, if any
				<input type="checkbox"/> NONE

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

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

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
KIMCO CAPITAL CORP.

OR

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

10. **OPTIONAL FILER REFERENCE DATA**

Filed with: IN - Lake County; Store #90, Merrillville, IN

F#135382
A#220817

11-

UCC FINANCING STATEMENT AMENDMENT ADDENDUM

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

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

Instrument No. 2002-000756 06/03/2002

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

12a. ORGANIZATION'S NAME

KIMCO CAPITAL CORP.

OR

12b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME, SUFFIX

13. Use this space for additional information

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— This Financing Statement Amendment relates to an initial Financing Statement, and this Financing Statement shall be, recorded in the REAL ESTATE RECORDS of the County and State, and with respect to the real property more particularly described, as set forth on Attached EXHIBIT A.

EXHIBIT A

Legal Description

PARCEL 1:

Lots 2 and 3 in Eastlake Industrial Park, as per plat thereof, recorded in plat Book 53, page 47 in the Office of the Recorder of Lake County, Indiana.

PARCEL 2:

Non-exclusive easement rights for ingress and egress created by access agreement by and between Home Depot, U.S.A., Inc. a Delaware Corporation and Frank's Nursery Crafts, Inc., a Michigan Corporation, upon the terms and conditions therein provided; recorded February 16, 1995 as Document No. 95008500 over the following described parcel of land:

Commencing at the Northeast corner of Lot 3 of Southlake Plaza according to the plat thereof recorded in Plat Book 73, page 30, in the Office of the Recorder of Lake County, Indiana; thence South on the East line of Lot 3 a distance of 86 feet to the Point of Beginning of the easement described hereby:

thence continuing South on the East line 24 feet to a point

thence West on a line parallel to and 110 feet South of the North line of Lot 3 a distance of 70 feet to a point:

thence North on a line parallel to and 70 feet West of the East line of Lot 3 a distance of 110 feet more or less to the North line of Lot 3;

thence East on the North line of Lot 3 a distance of 50 feet;

thence South on a line parallel to and 20 feet West of the East line of Lot 3 a distance of 86 feet; thence East 20 feet more or less to the Point of Beginning.