

RECORD AND RETURN TO:
Paul, Weiss, Rifkind, Wharton
& Garrison
1285 Avenue of the Americas
New York, New York 10019-6064
Attention: Diane Chan, Esq.

FORSYTH COUNTY

FORSYTH CO, NC 190 FEE: \$ 0.00
RECORDED 1998 2:31PM
DICKIE C. WOOD REGISTER OF DEEDS BY: CAMPBELL
CANCELLED PURSUANT TO G.S. 45-37.2

BK2031 P3338 - P3340

**SATISFACTION OF INDENTURE OF MORTGAGE,
DEED OF TRUST AND SECURITY AGREEMENT**

Know All Men by These Presents:

Whereas, on February 15, 1990, a certain Indenture of Mortgage, Deed of Trust and Security Agreement ("Mortgage"), a copy of which is attached hereto, given by S & A Properties Corp. to The Connecticut Bank and Trust Company, National Association, and Lese Amato, not individually, but as Indenture Trustees thereunder was recorded in the Register of Deeds of Forsyth County, North Carolina, in Deed Book 1688, Page 2192; and

Whereas, The Connecticut Bank and Trust Company was subsequently declared insolvent by order of the Office of the Comptroller of the Currency, dated January 6, 1991, and the FDIC was appointed as receiver; and

Whereas, FDIC did transfer the trust business of The Connecticut Bank and Trust Company to State Street Bank and Trust Company ("Lender") in accordance with the terms of Sections 810 and 812 of the Mortgage; and

Whereas, the indebtedness secured by the Mortgage has been fully satisfied, and Lender desires to have the Mortgage canceled;

Now therefore,

I, Robert C. Butzier, Vice-President, on behalf of, and in the name of, STATE STREET BANK AND TRUST COMPANY, certify that the debt or other obligation in the amount of \$40,000,000 secured by the Indenture of Mortgage, Deed of Trust and Security Agreement executed by S & A PROPERTIES CORP. and THE CONNECTICUT BANK AND TRUST COMPANY, predecessor in interest to Lender, and recorded in Forsyth County at Deed Book 1688, Page 2375 was satisfied on June 16, 1998.

In witness whereof, the undersigned has signed and sealed this instrument with authority, this 29th day of September, 1998.

STATE STREET BANK AND TRUST COMPANY

Attest:

By: Laura L. Morse
Name: Laura L. Morse
Title: Assistant Secretary

By: Robert C. Butzier (seal)
Robert C. Butzier, Vice President

State of Massachusetts, Suffolk County

I, Ana Cappelletti, a notary public of the above County and State, certify that Robert C. Butzier personally came before me this day and acknowledged that he is the Vice President of State Street Bank and Trust Company, a Massachusetts association and that by authority duly given and as the act of said association, the foregoing instrument was signed in its name by its Vice-President, sealed with its corporate seal and attested by Laura Morse as its Assistant Secretary.

Witness my hand and official seal, this 25th day of September, 1998.

(Official seal)

Ana Cappelletti
(Signature of officer taking
acknowledgment)

My Commission expires: 7/8/99

STATE OF NC - FORSYTH CO

The foregoing certificate(s) of:

Ana Cappelletti

NP(s) is/are certified to be correct this the 27 day of Oct, 1998

Dickie C. Wood, Register of Deeds by: B. Carpenter Deputy/ASD

BK2031PG3339

AFFIDAVIT OF LOST NOTE

Robert Butzier personally appeared before me in Suffolk County, State of Massachusetts, and having been duly sworn, made the following affidavit:

1. The affiant is Vice President of State Street Bank and Trust Company ("Beneficiary").
2. State Street Bank and Trust Company, as successor-in-interest to The Connecticut Bank and Trust, National Association, is the owner of the note(s) or other indebtedness secured by a certain Indenture of Mortgage, Deed of Trust and Security Agreement ("Mortgage") executed by S & A Properties Corp. to The Connecticut Bank and Trust Company, National Association and Lese Amato, and recorded in Book 1688, Page 2192, Forsyth County Registry.
3. The note(s) or other indebtedness has been lost and after the exercise of due diligence cannot be located.
4. The affiant certifies on behalf of Beneficiary that all indebtedness secured by the Mortgage was satisfied on June 16, 1998 and Beneficiary is responsible for cancellation of the same.

**STATE STREET BANK AND TRUST
COMPANY**

By: Robert C. Butzier (Seal)
Name: ROBERT C. BUTZIER
Title: VICE PRESIDENT

Sworn to and subscribed before me this
29th day of September, 1998.

Joe Caspellotti
Notary Public

My commission expires: 7/8/99

BK2031PG3340