



481-40 482720

Tab settings     ▼

To the Honorable Commissioner of P.

100794346

Attached original documents or copy thereof.

1. Name of conveying party(ies):  
Sterling Inns & Suites, Ltd. (NC Corp.)  
The Sterling Hotel Group, Inc. (FL Corp.)

MKD 10-8-98

- Individual(s)
- General Partnership
- Corporation-State
- Other
- Association
- Limited Partnership

Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other Court Judgment and Order
- Merger
- Change of Name

40

Execution Date: February 11, 1994

2. Name and address of receiving party(ies)

Name: William Walt Pettit, Trustee for  
Estate of H. Maynard Clark

Internal Address: \_\_\_\_\_

Street Address: 227 W. Trade St. #2170

City: Charlotte State: NC ZIP: 28202

- Individual(s) citizenship U.S.
- Association
- General Partnership
- Limited Partnership
- Corporation State
- Other

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No

(Designations must be a separate document from assignment)

Additional name(s) & address(es) attached?  Yes  No

4. Application number(s) or patent number(s):

A. Trademark Application No.(s)

TM

B. Trademark Registration No.(s)

1,492,725

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Bernstein & Associates

Internal Address: \_\_\_\_\_

Street Address: 30 Perimeter Center East

Suite 121

City: Atlanta State: GA ZIP: 30346

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41).....\$ 160.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number: \_\_\_\_\_

(Attach duplicate copy of this page if paying by deposit account)

10/09/1998 SMITH 00000004 1492725

DO NOT USE THIS SPACE

01 FC:481

40.00 DP

02 FC:484

120.00 DP

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Jason A. Bernstein  
Name of Person Signing

*Jason Bernstein*  
Signature

10-7-98

Date

8

Total number of pages including cover sheet, attachments, and document:

**FILED**  
U.S. BANKRUPTCY CC  
WESTERN DISTRICT OF

IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

FEB 11 1994

J. BARON CROSBY  
By: *[Signature]*  
Deputy Clerk

In re: )  
H. MAYNARD CLARK, )  
Debtor. )  
\_\_\_\_\_)  
WILLIAM WALT PETTIT, Chapter 7 )  
Trustee for H. Maynard Clark, )  
Plaintiff, )  
v. )  
CROWN STERLING INC. )  
STERLING INNS AND SUITES, LTD., )  
THE STERLING HOTEL GROUP, INC., )  
THE HOZA CORPORATION, )  
H. MAYNARD CLARK, G. GREGORY HOZA )  
and CROWN STERLING, Inc., )  
Defendants. )

Case No. C-B-90-31651  
(Chapter 7)

Adv. Proc. No. 93-03406

ORDER AND JUDGMENT

THIS CAUSE, coming on to be heard and being heard before the Honorable Marvin R. Wooten, United States Bankruptcy Judge for the Western District of North Carolina, upon Application of the Plaintiff for Entry of a final Order and Judgment herein by default as to Defendants Sterling Inns and Suites, Ltd., the Sterling Hotel Group, Inc. and H. Maynard Clark and upon the consent of the remaining Defendants;

EXHIBIT 1

It appearing to the court that all Defendants in this adversary have been properly served with a copy of the Summons and Complaint and that Default has been entered against Defendant Sterling Inns and Suites, Ltd., the Sterling Hotel Group, Inc. and H. Maynard Clark;

It further appearing to the court that all parties in interest have been properly served with a copy of the Notice of Opportunity for Hearing and Motion and Supplemental Motion to Compromise and for Settlement as to Defendants Crown Sterling Incorporated and Crown Sterling Management, Inc. and Notice of Opportunity for Hearing and Motion to Compromise and for Settlement as to Defendants G. Gregory Hoza and The Hoza Corporation, that no party in interest has object to the same and that an Order should be entered approving the same.

If further appearing to the court that Defendants Crown Sterling Incorporated, Crown Sterling Management, Inc., G. Gregory Hoza and The Hoza Corporation have consented to the entry of this Order and Judgment and that, as to the remaining Defendants, Plaintiff is entitled to an Order and Judgment be entered against them granting Plaintiff the relief requested in its Complaint.

NOW, THEREFORE, IT HEREWITH IS ORDERED, ADJUDGED AND DECREED as follows:

1. That, in its First Claim of Relief, Plaintiff, as Trustee for the Estate of H. Maynard Clark be and he herewith is the owner of the "Sterling Inn" trademark, Trademark No. 1,492,725;

2. That, in its First Claim Of Relief, Plaintiff, as Trustee for the Estate of H. Maynard Clar, has the sole and exclusive right to use and license said mark, as allowed by law;

3. That Plaintiff, as Trustee for the Estate of H. Maynard Clark, be and he herewith is ordered to file a copy of this Order and Judgment with the U.S. Patent Office, thereby showing the correct ownership of this trademark;

5. That Plaintiff be and he herewith is authorized to resolve this action with Defendants Crown Sterling, Incorporated and Crown Sterling Management, Inc. as follows:

(a) Upon payment of the sum of \_\_\_\_\_ for a license to use said "Sterling Inn" trademark for a period of time from January 1, 1990 for a period of ninety-nine (99) years in accordance with that certain License Agreement which is appended hereto and incorporated herein by reference; and

(b) Upon dismissal or other adjudication of all claims by the Debtor against Defendants Crown Sterling Incorporated and Crown Sterling Management, Inc., with prejudice, in the civil action pending in the United States District Court for the Northern District of Texas, captioned Crown Sterling, Inc. Plaintiff v. H. Maynard Clark, et al., Defendants, Case No. 3:91-CV-1045-X; and

- (c) Upon dismissal or other adjudication of all claims by the Debtor against Defendants Crown Sterling Incorporated and Crown Sterling Management, Inc., with prejudice, in the civil action pending in the United States District Court for the Western District of North Carolina, captioned Sterling Hotel Group, Inc., Plaintiff v. Crown Sterling Incorporated, et al., Defendants, Case No. C-91-155-MN; and
- (d) Upon execution of a Settlement Agreement resolving all claims by the Debtor against Defendants Crown Sterling Incorporated and Crown Sterling Management, Inc. which existed as of the date of the filing of the Debtor's bankruptcy petition, including but not limited to any and all claims against Defendants Crown Sterling Incorporated and Crown Sterling Management, Inc. for the alleged wrongful use of the "Sterling Inn" trademark.

6. That the Second, Third, Fourth, Fifth and Sixth claims for Relief of Plaintiff's Complaint are dismissed; and

7. That each party shall bear their own costs.

This is the 11th day of February, 1994.

/S/ MARVIN R. WOOTEN

MARVIN R. WOOTEN  
UNITED STATES BANKRUPTCY JUDGE

CONFIRMED TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL  
U. S. BANKRUPTCY COURT

WESTERN DISTRICT OF N. C.

BY: [Signature]

DEPUTY CLERK

DATE: 2/11/94

ORDER AND JUDGMENT - Page 3


TRADEMARK  
REEL: 1762 FRAME: 0283

TO THE FOREGOING WE CONSENT:

s/ G. Gregory Hoza  
G. GREGORY HOZA

s/ G. Gregory Hoza, President  
THE HOZA CORPORATION

TO THE FOREGOING WE CONSENT:

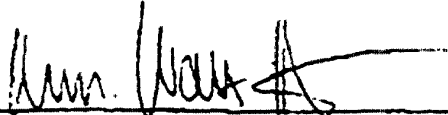


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CROWN STERLING INCORPORATE AND  
CROWN STERLING MANAGEMENT, INC.  
BY AND THROUGH THEIR ATTORNEYS  
BICKEL & BREWER

1248/SSHB

TO THE FOREGOING I CONSENT:

A handwritten signature in dark ink, appearing to read "Wm. Walt Pettit", written over a horizontal line.

WILLIAM WALT PETTIT, Chapter 7  
Trustee for H. Maynard Clark, Plaintiff