

11-16-1998



11/9/98

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HEET

U.S. Department of Commerce
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof:

<p>1. Name and address of conveying party(ies):</p> <p>Name: <u>Northwestern Growth Corporation</u> Address: <u>125 South Dakota Avenue</u> <u>Suite 1100</u> <u>Sioux Falls, SD 57104</u></p> <p><input type="checkbox"/> Individual <input type="checkbox"/> Association <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input checked="" type="checkbox"/> Corporation, State of <u>South Dakota</u> <input type="checkbox"/> Other: _____</p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>2. Name and address of receiving party(ies):</p> <p>Name: <u>Cornerstone Propane GP, Inc.</u> Address: <u>432 Westridge Drive</u> <u>Watsonville, CA 95076</u></p> <p><input type="checkbox"/> Individual(s) citizenship: _____ <input type="checkbox"/> Association: _____ <input type="checkbox"/> General Partnership: _____ <input type="checkbox"/> Limited Partnership: _____ <input checked="" type="checkbox"/> Corporation, State of <u>California</u> <input type="checkbox"/> Other: _____</p> <p>If assignee is not domiciled in the United States, a domestic representative designation is attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Designation must be a separate document from Assignment) Additional name(s) of receiving party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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3. Nature of Conveyance:

Assignment _____ Merger
 Security Agreement _____ Change of Name
 Other: _____

Execution Date: November 6, 1998

<p>4. Application Number(s) or Registration Number(s):</p> <p>A. Trademark Application Number(s). <u>75/177,534</u> <u>75/177,531</u></p> <p>Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>B. Trademark Registration Number: <u>2,188,322</u></p> <p>Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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<p>5. Name and address of party to whom correspondence concerning this document should be mailed:</p> <p>Name: <u>Stephanie Lamarre</u></p> <p>Address: <u>McCutchen, Doyle, Brown & Enersen, LLP</u> <u>Three Embarcadero Center</u> <u>San Francisco, CA 94111</u></p>	<p>6. Total applications and registrations involved: <u>3</u></p> <p>7. Total fee (37 C.F.R. § 2.6)(\$40.00 per assignment): <u>\$90.00</u></p> <p><input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account. <input checked="" type="checkbox"/> The Commissioner is authorized to charge underpayment of any fees or credit any overpayment to deposit Account Number 13-0257.</p> <p>8. Deposit Account Number: <u>13-0257</u></p>
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DO NOT USE THIS SPACE

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.

Stephanie Lamarre Stephanie Lamarre 11/9/98
Name Signature Date

Total number of pages including cover sheet, attachments and document: 4

11/13/1998 DNGUYEN 00000198 75177534

01 FC:481 40.00 DP
02 FC:482 50.00 DP

Mail documents to be recorded with required cover sheet information to: Commissioner of Patents and Trademarks
Box Assignments
Washington, D.C. 20231

ASSIGNMENT OF MARKS

WHEREAS, Northwestern Growth Corporation (“Assignor”), a South Dakota corporation doing business at 125 South Dakota Avenue, Suite 1100, Sioux Falls, South Dakota 57104, has intended to use the mark CORNERSTONE (in Class 38) in commerce and has filed an application for registration with the U.S. Patent & Trademark Office (“PTO”), now assigned Serial Number 75/177,534, indicating that intention, but has not yet filed an allegation of use under §§ 1(c) or 1(d) of The Trademark Act;

WHEREAS, Assignor has intended to use the mark CORNERSTONE (Class 39) in commerce in connection with “utility services, namely, transmission of electricity and provision of natural gas, Assignor has adopted, used and is using the mark CORNERSTONE (Class 39) in connection with “distribution services, namely the distribution of propane,” and Assignor has filed an application for registration (along with a request to divide that application) in the PTO, now assigned Serial Number 75/177,531;

WHEREAS, Assignor has adopted, used and is using the mark CORNERSTONE PROPANE which is registered in the PTO under Registration Number 2,188,322;

WHEREAS Assignor is assigning the marks in the above-identified applications as part of the entire business or portion thereof to which the marks pertain as required by 15 U.S.C. § 1060; and

WHEREAS Cornerstone Propane GP, Inc. (“Assignee”), a California corporation located at 432 Westridge Drive, Watsonville, California 95076, the successor of the ongoing and existing business of Assignor to which the marks pertain, is desirous of acquiring said trademarks and the pending applications and registration therefore;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, Assignor does hereby assign unto said Assignee, all right, title and interest in and to the said marks, together with the goodwill of the business symbolized by the marks.

This assignment includes the right to sue and recover damages for past and future infringements of Assignor’s rights in the marks and to bring any proceeding in the U.S. Patent and Trademark Office for cancellation or opposition or other proceeding in connection with said marks. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this assignment not been made.

Assignor further agrees that it will execute, verify, acknowledge and deliver all such further papers, including any instruments of transfer and recordable assignments, and perform such other acts as Assignee lawfully may request, to perfect and vest title in the marks in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignor has executed this document on the date indicated.

Northwestern Growth Corporation:

By: Daniel K. Newell

Date: 11-6-98

Name: Daniel K. Newell

Title: President/CEO

STATE OF South Dakota }
COUNTY OF Minnehaha }

On 6 NOV 98 before me, Rebecca L. Bauman, Notary Public,

personally appeared Daniel K. Newell
NAME(S) OF SIGNER(S)

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Rebecca L. Bauman
SIGNATURE OF NOTARY

—OPTIONAL SECTION—
CAPACITY CLAIMED BY SIGNER
Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

- INDIVIDUAL
- CORPORATE OFFICER(S)
President / CEO
TITLE(S)
- PARTNER(S) LIMITED
 GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

SIGNER IS REPRESENTING:
Name of Person(s) or Entity(ies)
Nathurstan Youth Corp

—OPTIONAL SECTION—

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:
Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

Title or Type of Document Assignment of Marks
Number of Pages 2 Date of Document 6 NOV 98
Signer(s) Other Than Named Above _____

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