

11-27-1998

*MPR 11-23-98*

RECOR



U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

100908027

To the Honorable Commissioner of Patents and Trademarks, Patent and Trademark Office, Washington, D.C. 20231, or copy thereof.

1. Name of Party(ies) conveying an interest:

Wayne Homes, L.L.C.  
2728 N. Harwood  
Dallas, Texas 75201

- Individual(s)
- General Partnership
- Corporation
- Other - Delaware limited liability company
- Association
- Limited Partnership

2. Name and Address of Party(ies) receiving an interest:

Centex Corporation  
2728 N. Harwood  
Dallas, Texas 75201

- Individual
- General Partnership
- Corporation - Nevada
- Other
- Citizenship
- Association
- Limited Partnership

3. Interest Conveyed:

- Assignment
- Security Agreement
- Other
- Change of Name
- Merger

If not domiciled in the United States, a domestic representative designation is attached:

- Yes
- No

Execution Date: April 30, 1998 (The attached document must not be an assignment)

4. Application number(s) or registration number(s). Additional sheet attached?

Yes  No

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

2,071,800  
2,146,832

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

Name: Anna Conyers Kuhn, Esq.  
Internal Address: Baker & Botts, L.L.P.  
Street Address: 2001 Ross Avenue  
City: Dallas  
State: Texas Zip: 75201

6. Number of applications and registrations involved: 2

7. Amount of fee enclosed or authorized to be charged: \$65.00

8. Deposit account number (Attach duplicate copy of this form if paying by deposit account):

N/A

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.

Anna Conyers Kuhn  
Name of Person Signing

*Anna Conyers Kuhn*  
Signature

11-20-98  
Date

11/27/1998 SSMITH 00000210 2071800

Total number of pages including cover sheet 5

01-FC-101 40.00 0P  
02-FC-102 25.00 0P

Do not detach this portion

Mail documents to be recorded with required cover sheet information:

Commissioner of Patent and Trademarks  
Box Assignments  
Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503.

## SERVICE MARK ASSIGNMENT

WHEREAS, **WAYNE HOMES, LLC** (also known as WAYNE HOMES, L.L.C. and hereafter "**Assignor**"), a Delaware limited liability company, having an address of 2728 North Harwood, Dallas Texas, 75201-1516, adopted and used the service marks listed on Exhibit A, and is the owner of all right, title, and interest in and to the service marks and to the associated registrations and applications for registrations in the United States of America listed in Exhibit A (the "**Marks**") attached hereto; and

WHEREAS, **CENTEX CORPORATION** (hereafter "**Assignee**"), a Nevada corporation, having an address of 2728 North Harwood, Dallas, Texas 75201-1516, desires to acquire all right, title, and interest in and to the Marks.


NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor does hereby grant, assign, and set over to Assignee, its successors, assigns, and legal representatives, the entire right, title, and interest in and to the Marks, together with the goodwill of the business symbolized by such Marks.

Assignor also assigns unto Assignee all claims for damages by reason of past infringement of such Marks, with the right to sue for and collect the same for its own use and benefit, and for the use and benefit of its successors, assigns, and other legal representatives.

IN WITNESS WHEREOF, the parties have caused their duly authorized representatives to execute this Service Mark Assignment on the dates and in the capacities shown below.

**ASSIGNOR:**

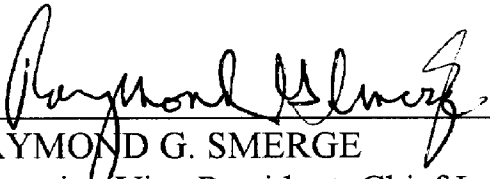
**WAYNE HOMES, LLC,**  
a Delaware limited liability company

By:   
\_\_\_\_\_  
BRIAN J. WORAM  
Vice President and Assistant Secretary

Date: November 10, 1998

**ASSIGNEE:**

**CENTEX CORPORATION,**  
a Nevada corporation

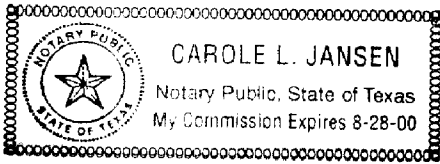
By:   
\_\_\_\_\_  
RAYMOND G. SMERGE  
Executive Vice President, Chief Legal  
Officer, General Counsel, and Secretary

Date: November 10, 1998

STATE OF TEXAS }  
COUNTY OF DALLAS }

On November 10, 1998, before me, Carole L. Jansen, a Notary Public in and for said County and State, personally appeared BRIAN J. WORAM, Vice President and Assistant Secretary of WAYNE HOMES, LLC, a Delaware limited liability company, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

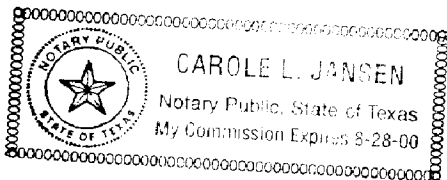


Carole L. Jansen  
Notary Public

STATE OF TEXAS }  
COUNTY OF DALLAS }

On November 10, 1998, before me, Carole L. Jansen, a Notary Public in and for said County and State, personally appeared RAYMOND G. SMERGE, Executive Vice President, Chief Legal Officer, General Counsel, and Secretary of CENTEX CORPORATION, a Nevada corporation, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Carole L. Jansen  
Notary Public

# EXHIBIT A

## United States Service Mark Registrations

U.S. Patent & Trademark Office Registration No.	Registration Date	Mark
2,071,800	6/17/97	Wayne Homes
2,146,832	3/24/98	Building Better for Less

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

I hereby certify that the attached documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, in an express mail envelope which is addressed to "Commissioner of Patents and Trademarks" on the 23<sup>rd</sup> day of November, 1998.

Respectfully submitted,

By: Willie Tyles  
Signature of Person Mailing

Express Mail Certificate Number:  
**EM 082 819 514 US**

DAL01:399748  
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