

07-07-1999

Docket No.:

042891/0003

TRA



Tab settings

5-21-99

101084708

original documents or copy thereof.

1. Name of conveying party(ies):

JERED INDUSTRIES, INC.
1608 NEW CASTLE STREET
BRUNSWICK, GEORGIA 31521

med
5-21-99

- ☐ Individual(s) ☐ Association
☐ General Partnership ☐ Limited Partnership
☒ Corporation-State **DELAWARE**
☐ Other

Additional names(s) of conveying party(ies) ☐ Yes ☒ No

3. Nature of conveyance:

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

Execution Date: **EFFECTIVE AS OF 03191999**

2. Name and address of receiving party(ies):

Name: **BNY FINANCIAL CORPORATION**

Internal Address:

Street Address: **1290 AVENUE OF THE AMERICAS**

City: **NEW YORK** State: **NY** ZIP: **10104**

- ☐ Individual(s) citizenship
☐ Association
☐ General Partnership
☐ Limited Partnership
☒ Corporation-State **NEW YORK**
☐ Other

If assignee is not domiciled in the United States, a domestic designation is ☐ Yes ☒ N
(Designations must be a separate document from
Additional name(s) & address(es) ☐ Yes ☒ N

4. Application number(s) or registration numbers(s):

A. Trademark Application No.(s)

75/653,059

B. Trademark Registration No.(s)

Additional numbers ☐ Yes ☒ No

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

Name: **JOSHUA R. BRESSLER, ESQ.**

Internal Address: **SCHULTE ROTH & ZABEL LLP**

Street Address: **900 THIRD AVENUE**

City: **NEW YORK** State: **NY** ZIP: **10022**

6. Total number of applications and registrations involved:.....

1

7. Total fee (37 CFR 3.41):.....\$ **\$40.00**

- ☐ Enclosed
☒ Authorized to be charged to deposit account

8. Deposit account number:

SCHULTE ROTH & ZABEL 500675

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.

JOSHUA R. BRESSLER

Name of Person Signing

Signature

MAY 20, 1999

Date

Total number of pages including cover sheet, attachments, and

5

TRADEMARK

REEL: 001910 FRAME: 0726

TRADEMARK ASSIGNMENT OF SECURITY

WHEREAS, JERED INDUSTRIES, INC., a corporation formed under the laws of Delaware ("Borrower") located at 1608 New Castle Street, Brunswick, Georgia 31521, has adopted, used and is using the marks shown in the attached Schedule A (the "Marks"), for which there are registrations or applications in the United States Patent and Trademark Office under the numbers shown in the attached Schedule A; and

WHEREAS, Borrower is obligated to BNY FINANCIAL CORPORATION ("Lender") located at 1290 Avenue of the Americas, New York, New York 10104, pursuant to (i) a certain Revolving Credit, Term Loan and Security Agreement, dated as of August 7, 1997, between Lender and Borrower and (ii) a certain Trademark Collateral Security Agreement, dated the date hereof made by Borrower in favor of Lender (the "Agreements"); and

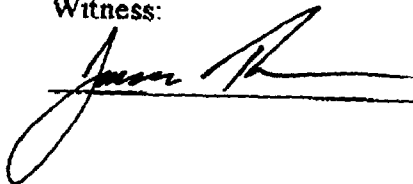
WHEREAS, pursuant to the Agreements, Borrower is granting to Lender a security interest in the Marks, the goodwill of the business symbolized by the Marks, and the registrations and applications therefor.

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged Borrower does hereby assign unto Lender and grant to Lender a security interest in and to the Marks, together with the goodwill of the business symbolized by the Marks, and registrations and applications therefor, which assignment and security interest shall secure all the Obligations as defined in the Agreements and in accordance with the terms and provisions thereof.

Borrower expressly acknowledges and affirms that the rights and remedies of Lender with respect to the assignment and security interest granted hereby are more fully set forth in the Agreements.

Dated: New York, New York
March 19, 1999

Witness:



Witness:

JERED INDUSTRIES, INC.

By: 

Title: Secretary of J. R. Thompson

BNY FINANCIAL CORPORATION

By: _____

Title: _____

TRADEMARK ASSIGNMENT OF SECURITY

WHEREAS, JERED INDUSTRIES, INC., a corporation formed under the laws of Delaware ("Borrower") located at 1608 New Castle Street, Brunswick, Georgia 31521, has adopted, used and is using the marks shown in the attached Schedule A (the "Marks"), for which there are registrations or applications in the United States Patent and Trademark Office under the numbers shown in the attached Schedule A; and

WHEREAS, Borrower is obligated to BNY FINANCIAL CORPORATION ("Lender") located at 1290 Avenue of the Americas, New York, New York 10104, pursuant to (i) a certain Revolving Credit, Term Loan and Security Agreement, dated as of August 7, 1997, between Lender and Borrower and (ii) a certain Trademark Collateral Security Agreement, dated the date hereof made by Borrower in favor of Lender (the "Agreements"); and

WHEREAS, pursuant to the Agreements, Borrower is granting to Lender a security interest in the Marks, the goodwill of the business symbolized by the Marks, and the registrations and applications therefor.

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged Borrower does hereby assign unto Lender and grant to Lender a security interest in and to the Marks, together with the goodwill of the business symbolized by the Marks, and registrations and applications therefor, which assignment and security interest shall secure all the Obligations as defined in the Agreements and in accordance with the terms and provisions thereof.

Borrower expressly acknowledges and affirms that the rights and remedies of Lender with respect to the assignment and security interest granted hereby are more fully set forth in the Agreements.

Dated: New York, New York
March 19, 1999

Witness:

JERED INDUSTRIES, INC.

By: _____

Title: _____

BNY FINANCIAL CORPORATION

Witness:

Robert Nuytten *HN*

By: Francis J. Janssens

Title: SCP

Massachusetts
STATE OF NEW YORK)
Suffolk)
COUNTY OF NEW YORK) ss:

On this 16th day of March, 1999, before me personally came David Coste
to me known, who, being by me duly sworn, did depose and say that he is the Secretary + Treasurer
of Jered Industries, Inc., the corporation described in and which executed the foregoing
instrument; and that he signed his name thereto by order of the board of directors of said
corporation.



Notary Public

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:

On this ____ day of March, 1999, before me personally came _____
to me known, who, being by me duly sworn, did depose and say that he is the _____
of BNY Financial Corporation, the corporation described in and which executed the foregoing
instrument; and that he was authorized to sign his name thereto on behalf of said corporation.

Notary Public

SCHEDULE A: NETEC MARKS

1. The trademark composed of the stylized letters "N" and "E" contained within a circle (the "NE Circle Mark"), and all common law rights thereto.
2. U.S. Trademark Reg. No. 1,745,519, issued January 3, 1993.
3. The pending U.S. trademark application for the NE Circle Mark for deck equipment, namely, winches, capstans, windlasses, davits, hoists, pulleys, oil skimmers, gallows frames and shock absorbers for use in towing and trawling, reels, blocks, and parts therefor for marine use and the above goods for general industrial use in International Class 7, filed March 3, 1999.