

09-28-2000

Docket No.:

0107962-011



Tab settings

To the Honorable Commissioner of Patent:

101475221

Attached original documents or copy thereof.

1. Name of conveying party(ies):

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

Edward Lowe

Name: The Edward Lowe Foundation

Internal Address:

Street Address: Big Rock Valley, 58220 Decatur Road

City: Cassopolis State: MI ZIP: 49031

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

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State
- Other Michigan nonprofit corporation

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

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

3. Nature of conveyance:

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

Execution Date: September 5, 2000

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

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

1,862,720
1,563,308
1,568,758

Additional numbers Yes No

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

6. Total number of applications and registrations involved: 3

Name: Melissa Masiello, Esq.

7. Total fee (37 CFR 3.41):.....\$ \$90.00

Internal Address:

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

Street Address: Bell, Boyd & Lloyd LLC

P.O. Box 1135

City: Chicago State: IL ZIP: 60690

02-818

DO NOT USE THIS SPACE

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D1 FC:481 40.00 DP
D2 FC:482 50.00 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.

Melissa Masiello, Esq.

September 18, 2000

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and

5

TRADEMARK

NUNC PRO TUNC ASSIGNMENT OF TRADEMARKS

WHEREAS, **HENRY EDWARD LOWE**, an individual now deceased (“Assignor”), had adopted, used, and is the record owner of the following trademarks, now registered in the United States Patent and Trademark Office:

<u>Trademarks</u>	<u>Registration Nos.</u>	<u>Registration Dates</u>
HAIL ENTREPRENEUR EDWARD LOWE	1,862,720	November 15, 1994
EDWARD LOWE COLLECTIBLES	1,563,308	October 31, 1989
THE EDWARD LOWE CELL SYSTEM	1,568,758	November 28, 1989;

WHEREAS, **THE EDWARD LOWE FOUNDATION**, a Michigan nonprofit corporation, having its principal offices at Big Rock Valley, 58220 Decatur Road, Cassopolis, Michigan, 49031-0008 (“Assignee”), is desirous of acquiring said trademarks; and

WHEREAS, **HENRY EDWARD LOWE**, was the founder of **THE EDWARD LOWE FOUNDATION**, and died on October 4, 1995, and intended for **THE EDWARD LOWE FOUNDATION** to own the above registrations. In support thereof, the Personal Representative of the Assignor attaches a copy of the Assignor’s Will, which provided for everything encompassed within the residuary clause, i.e., all property not specified in the Assignor’s Will, to pass to **THE EDWARD LOWE FOUNDATION**, the Assignee herein. (See Henry Edward Lowe Will pp. 5-6, at Exhibit A.) Because the above registrations are not specifically identified in the Assignor’s Will, they fall within the residuary clause. The Assignor, through his Will, appointed his wife, Ms. Darlene B. Lowe, as the personal representative of his Will and, in this capacity, to

have all power and discretion granted by law to sell or otherwise dispose of any property owned by Assignor. (See Exhibit A, at pp. 7-8.) Attached to this Assignment is a certified copy of the Letters of Administration issued by the Circuit Court for DeSoto County Florida, Probate Division, acknowledging Ms. Darlene B. Lowe's capacity as Personal Representative of the Assignor, with full power to transfer and assign the above-identified marks. (See Exhibit B.)

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, and through testamentary disposition as described above, **HENRY EDWARD LOWE**, by and through Ms. Darlene B. Lowe, hereby assigns to **THE EDWARD LOWE FOUNDATION** all rights, titles and interest in and to said trademarks and registrations, together with the goodwill of the business symbolized by said trademarks and registrations, all causes of action for damages by reason of past, present or future infringement thereof, and all income, royalties or payments due as of the date hereof or hereafter.

DATED this 5th day of Sept., 2000

By: Darlene B. Lowe
Darlene B. Lowe, Wife and Personal
Representative of the Assignor

STATE OF Michigan)
) ss:
COUNTY OF Cass)

On this 5th day of Sept., 2000, Darlene B. Lowe personally appeared before me, who is known by me to be the Chairman of The Edward Lowe Foundation, the assignee above named, and acknowledged that she executed the foregoing Nunc Pro Tunc Assignment of Trademarks on behalf of said assignee and pursuant to authority duly received.

Notary Public

Nancy E. Cleveland

NANCY E CLEVELAND
Notary Public, Cass County, MI
My Commission Expires Mar 21, 2004

WILL OF
EDWARD LOWE

I, EDWARD LOWE, also known as HENRY EDWARD LOWE, of Arcadia, Florida, declare this to be my last will, and revoke all other wills and codicils that I may have made.

ARTICLE I

Taxes

To the extent that the assets of my estate are sufficient for such purposes, all estate and inheritance taxes and all generation skipping transfer taxes, payable by reason of my death (together with any interest thereon or other additions thereto) with respect to property passing under my will or any codicil, under the EDWARD LOWE CHARITABLE ANNUITY TRUST AGREEMENT dated December 28, 1990, under the DARLENE B. LOWE IRREVOCABLE TRUST dated June 5, 1991, under the LOWE FAMILY IRREVOCABLE TRUST - 1993, dated February 16, 1993, or under the EDWARD LOWE AMENDED AND RESTATED REVOCABLE TRUST dated February 16, 1993, hereinafter referred to, adjusted taxable gifts as finally determined for federal estate tax purposes, insurance on my life, United States savings bonds (however held) and property held by me jointly with any person with right of survivorship, and with respect to the interest therein of any person, shall be paid out of and be charged generally against the principal of my residuary estate, without reimbursement from any person. In the event the assets

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of my estate are insufficient for such purposes, the personal representative of my estate may request reimbursement or the direct payment of some or all of such taxes out of the EDWARD LOWE AMENDED AND RESTATED REVOCABLE TRUST, in accordance with the applicable provisions thereof. All other estate and inheritance taxes and all other generation skipping transfer taxes payable by reason of my death, including any excise tax resulting from any excess retirement accumulation, shall be paid out of the property with respect to which the tax is payable.

ARTICLE II

Bequests

1. I give to my wife, DARLENE B. LOWE ("DARLENE"), the possession and use, for her lifetime only, of all photographs, works of art, as well as audio and video tapes of business meetings, speeches, etc., memorabilia, documents, drawings, paraphernalia, etc. relating to myself and my said wife, DARLENE, or relating to EDWARD LOWE INDUSTRIES, INC., THE EDWARD LOWE FOUNDATION, and any corporations or business ventures owned or controlled by me. Upon the death of my wife, following my death, or upon my death if my wife does not survive me, all of such above described items of tangible personal property shall be distributed to THE EDWARD LOWE FOUNDATION, of Cassopolis, Michigan, or its successor in interest (the "Foundation"), subject to the provisions of Paragraph 4 of this Article II, for retention and display at the facilities of THE EDWARD LOWE

FOUNDATION in such manner as the Trustees thereof shall determine is suitable and appropriate.

2. All of the antiques, furniture, furnishings, books and pictures that are currently located in my homes known as the Grand House in De Soto County, Florida, and the Barn House in Cassopolis, Michigan, are owned by my wife, DARLENE B. LOWE. If at the time of my death I own any furniture, furnishings, books and pictures in either such house I give such items to my wife, DARLENE B. LOWE, if she survives me subject, however, to the provisions of paragraph 1 of this Article.

3. I give all my other personal and household effects and the like not otherwise effectively disposed of, such as jewelry, clothing, automobiles, furniture, furnishings, silver, books and pictures, to THE EDWARD LOWE FOUNDATION, subject to the provisions of Paragraph 4 of this Article II to be sold or retained as the Trustees thereof determine to be in the best interests of the Foundation. In making my gifts of personal property, I advise my personal representative that I own several corporations, several houses, buildings, and offices in which personal property of mine is held. Also, within those same structures, there are numerous antiques, furnishings, linens, china, collections and personal property of considerable personal and financial value belonging to my wife, DARLENE ("DARLENE'S Personal Property"). My wife, DARLENE, continues to acquire new pieces of personal property and maintains records of DARLENE'S Personal Property, which is from time to time moved from one

H.E.S.

residence or building to another. Therefore, I instruct my personal representative to use particular care in identifying my personal property.

4. If The Edward Lowe Foundation is not an organization described in each of Sections 170(c), 2055(a), and 2522(a) of the Internal Revenue Code of 1986 (the "Code"), or corresponding provisions of any subsequent federal tax laws in effect at the time when any distribution is to be made to it, such distribution shall instead be made to such one or more organizations then described by such sections of the Code as my personal representative shall select to carry out this charitable intent.

5. My children living on the date of this Will are my daughter, MARILYN A. MILLER, born May 3, 1944, my daughter, KATHY A. SNYDER, born March 20, 1949, my daughter, MARCIA A. O'NEILL, born January 15, 1954, and my son, THOMAS E. LOWE, born August 28, 1959. I have great love and affection for my children, and have not made provision for them in this Will only because I have made gifts to them during my lifetime.

ARTICLE III

Alimony

I was divorced from ADELINE M. LOWE pursuant to a Judgment of Divorce entered on December 18, 1975, by the Honorable Julian E. Hughes, Judge of the Circuit Court for the County of Berrien, State of Michigan, in the action styled Adeline Lowe, Plaintiff v. Edward Lowe, Defendant, No. 74 2043 DM. The second Order of

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the Alimony provisions of said Judgment of Divorce, commencing on page 2 of the Judgment of Divorce, provides in its opening paragraph, and in paragraphs A, B and C, that I shall pay the said ADELINE M. LOWE the sum of \$115,000 per year, in alimony, for the rest of her life, in equal monthly payments, commencing on November 1, 1975. The third Order of the Alimony provisions of said Judgment of Divorce, commencing on the bottom of page 2 of the Judgment of Divorce, provides in its opening paragraph, and in paragraphs A, B, C and D, for the securing of the alimony payments under certain conditions, and in particular provides, in paragraph D, that I shall execute a testamentary document to secure the payment of the alimony after my death to ADELINE M. LOWE each year for her lifetime. I have made provision in the EDWARD LOWE AMENDED AND RESTATED REVOCABLE TRUST, previously referred to, for an "Alimony Trust" that is intended to satisfy my full alimony obligations to the said ADELINE M. LOWE contained in the said Judgment of Divorce. If for any reason such Alimony Trust does not fully satisfy such obligations, it is my intention that any payments received by said ADELINE M. LOWE from such Alimony Trust be first applied against any such obligations.

ARTICLE IV

Residuary Estate

I give all my residuary estate, being all property, real and personal, wherever situated, in which I may have any interest at the time of my death not otherwise effectively disposed of, but

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not including any property over which I may have power of appointment, to the trustees under an amended and restated trust instrument dated February 16, 1993, between me, EDWARD LOWE, as Grantor, and JOHN PAIRITZ and JOHN PYCIK, as Trustees, amending and restating a trust renamed as the EDWARD LOWE AMENDED AND RESTATED REVOCABLE TRUST, to be added to and commingled with the trust property of that trust and held, or distributed in whole or in part, as if it had been a part thereof immediately before my death, in accordance with the provisions of that instrument and any amendments made to it pursuant to its terms before my death. In the event the said EDWARD LOWE AMENDED AND RESTATED REVOCABLE TRUST has been completely revoked or is otherwise not in effect at the time of my death, then I give my said residuary estate to THE EDWARD LOWE FOUNDATION, or its successor; provided that if the Foundation or its successor is not an organization described in each of Sections 170(c), 2055(a) and 2522(a) of the Code, or corresponding provisions of any subsequent federal tax laws in effect at the time when such distribution is to be made to it, such distribution shall instead be made to such one or more organizations then described by such sections of the Code as the personal representative of my estate shall select, in the sole discretion of the personal representative, to carry out this charitable intent.

Heid

ARTICLE V

Personal Representatives

1. I appoint my wife, DARLENE B. LOWE, as my personal representative of this will. If my wife dies, resigns, fails to qualify or is unable to act, I appoint THE NORTHERN TRUST COMPANY, as my personal representative in her place. If for any reason THE NORTHERN TRUST COMPANY is unwilling or unable to act as personal representative, I appoint as personal representative such qualified corporation as THE NORTHERN TRUST COMPANY shall designate in writing. Any personal representative at any time acting shall serve without security on any bond required by law and shall have the following powers and discretion, and any others that may be granted by law, to be exercised without court order:

(a) To retain all property of my estate, regardless of risk, nonproductivity or lack of diversification;

(b) To sell any real or personal property of my estate, for cash or on credit, at public or private sales, for any purpose; to exchange any such property for other property; to grant options to purchase or acquire any such property; and to determine the prices and terms of sales, exchanges and options;

(c) To borrow money and to mortgage or pledge any property of my estate.

(d) To employ attorneys, auditors and investment advisers, and to act without independent investigation upon their recommendations, and to employ depositories, proxies and agents, with or without discretionary powers; and to keep any property in the name of a personal representative or a nominee, with or without disclosure of any fiduciary relationship, or in bearer form;

(e) To collect, pay, contest, compromise or abandon claims of or against my estate, wherever situated; and to execute contracts, notes, conveyances and other instruments,

including instruments containing covenants and warranties binding upon and creating a charge against my estate, and containing provisions excluding personal liability;

(f) To make any distribution of my estate in cash or in kind or both;

(g) To allocate different kinds or disproportionate shares of property or undivided interests in property among the beneficiaries, and to determine the value of any such property.

2. If the personal representative joins with my wife on my behalf in filing income tax returns, or consents for gift tax purposes to having gifts made by either of us during my life considered as made one-half by each of us, any resulting liability shall be borne by my estate, except such portion as the personal representative and my wife agree should be borne by my wife, and my estate shall exonerate the personal representative from personal liability therefor.

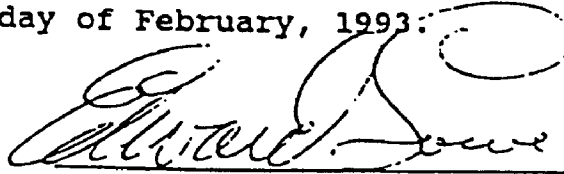
3. I direct the personal representative to elect that all of the trust property held in the Marital Trust established in the EDWARD LOWE AMENDED AND RESTATED REVOCABLE TRUST be treated as "qualified terminable interest property" on or before the date prescribed for making such an election. The personal representative shall make such other elections under the tax laws as the personal representative deems advisable, without regard to the relative interests of the beneficiaries. No adjustment shall be made between principal and income or in the relative interests of the beneficiaries to compensate for the effect of elections under the tax laws made by the personal executor.

H.E.S.

4. If my wife, DARLENE B. LOWE, and I shall die in a common disaster or under circumstances that it cannot readily be determined which of us survived the other then it is my wish that my said wife shall be deemed to have survived me.

5. Any reference in this will to the masculine shall include the feminine and the feminine the masculine; and any reference to the singular, the plural, and to the plural, the singular, all as the context may require.

IN WITNESS WHEREOF I have signed this will, consisting of Ten (10) pages, the following pages included, and for the purpose of identification have placed my signature at the foot of each preceding page, this 6th day of February, 1993:



Alice S. Louoff
Melinda M. Cleburn
John J. Fairly

7/11/93
H.C.S.

We saw the said EDWARD LOWE, in our presence, sign and seal the foregoing instrument at its end; he then declared it to be his last will and requested us to act as witnesses to it; we believed him to be of sound mind and memory and not under duress or constraint of any kind; and then we, in his presence and in the presence of each other signed our names as attesting witnesses; all of which was done on the date last above written in said instrument.

Signatures of Witnesses

Addresses of Witnesses

Alice S. Lonoff

900 Appletree Ct.

Northbrook IL 60062

Melinda M. Keenan

201 E. Chestnut

Chicago IL 60611

John W. Paritz

58511 Ireland Trail

Meriden, Ct. 06454

Edward Lowe

Rec
A.C.O.

STATE OF ILLINOIS)

COUNTY OF COOK)

We, the undersigned, being the testator and the witnesses, respectively, whose names are signed to the foregoing instrument, and having been sworn, do hereby declare to the undersigned officer that the testator, in the presence of witnesses, signed the instrument as his last will and that he signed willingly; and that each of the witnesses, in the presence of the testator and in the presence of each other, signed the will as a witness.

Edward Lowe
TESTATOR

Alice S. Donoff
WITNESS

Michelle M. Keeney
WITNESS

Joseph J. Paretz
WITNESS

Subscribed and sworn to before me by EDWARD LOWE, the testator, and by each of the above witnesses, each of whom is personally known to me or who produced the identification listed below, and each of whom (did) (did not) take an oath this 16th day of February, 1993.

Andrew G. McDonald
NOTARY PUBLIC

"OFFICIAL SEAL"
Andrew G. McDonald
Notary Public, State of Illinois
My Commission Expires 2/7/94

My commission expires 2/7/1994

Handwritten initials

FILED AND RECORDED
DATE 10/30/95 TIME 16:55
DELMA ALLEN CLERK
CO:DESOTO ST:FL

FL 957275 B 354 P 371
CO:DESOTO ST:FL

IN THE CIRCUIT COURT FOR
DESOTO COUNTY, FLORIDA

PROBATE DIVISION

File Number: 95- *106-CP*

Division:

IN RE: ESTATE OF

EDWARD LOWE,
a/k/a HENRY EDWARD LOWE,

Deceased.

FILED

OCT 30 1995

DELMA ALLEN
CLERK OF COURTS

LETTERS OF ADMINISTRATION

ALL WHOM IT MAY CONCERN:

WHEREAS, EDWARD LOWE, a/k/a HENRY EDWARD LOWE, a resident of
DeSoto County, Florida died on October 4, 1995 owning assets in the
State of Florida; and

WHEREAS, DARLENE B. LOWE has been appointed Personal Represent-
ative of the Estate of the Decedent and have performed all acts
prerequisite to issuance of Letters of Administration in the
Estate;

NOW, THEREFORE, I, the undersigned circuit judge, declare
DARLENE B. LOWE to be duly qualified under the laws of the State of
Florida to act as Personal Representative of the Estate of EDWARD
LOWE, a/k/a HENRY EDWARD LOWE, deceased, with full power to
administer the estate according to law; to ask, demand, sue for,
recover and receive the property of the Decedent; to pay the debts
of the Decedent as far as the assets of the estate will permit and
the law directs; and to make distribution of the estate according
to law.

WITNESS my hand and the seal of this court this 30 day of
Oct, 1995.

Don T. Hall
Active Circuit Judge

I CERTIFY THIS DOCUMENT TO BE A
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE.
STATE OF FLORIDA, COUNTY OF DESOTO
MITZIE W. MCGAVIC, CLERK OF COURT
DATE: 8-9-00
BY: *M. McGavie* D.C.



DeSoto Co. Clerk M. McGavie
TRADEMARK