040472-203461

FORM PTO-1618A
Expires 06/30/99
OMB 0651-0027

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# RECORDATION FORM COVER SHEET
# TRADEMARKS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

## Submission Type

1-19-01

- [x] New
- [ ] Resubmission (Non-Recordation) Document ID #
- [ ] Correction of PTO Error Reel # Frame #
- [ ] Corrective Document Reel # Frame #

## Conveyance Type

- [ ] Assignment
- [ ] License
- [ ] Security Agreement
- [ ] Nunc Pro Tunc Assignment
- [ ] Merger
- [ ] Change of Name
- [x] Other Release of Security Interest

Effective Date Month Day Year

## Conveying Party

[ ] Mark if additional names of conveying parties attached

Name: U.S. Bank of Washington

Execution Date Month Day Year: 1 2 2001

Formerly:

[ ] Individual [ ] General Partnership [ ] Limited Partnership [ ] Corporation [ ] Association

[x] Other: National Association

[x] Citizenship/State of Incorporation/Organization: Washington

## Receiving Party

[ ] Mark if additional names of receiving parties attached

Name: Eagle Hardware & Garden, Inc.

DBA/AKA/TA:

Composed of:

Address (line 1): 101 Andover Park East, Suite 200

Address (line 2):

Address (line 3): Tukwila (City) Washington (State/Country) 98188 (Zip Code)

[ ] Individual [ ] General Partnership [ ] Limited Partnership

[x] Corporation [ ] Association

[ ] Other

[ ] If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. *(Designation must be a separate document from Assignment.)*

[x] Citizenship/State of Incorporation/Organization: Washington

01/29/2001 DBYRNE 00000290 2016615

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Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

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

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U.S. Department of Commerce
Patent and Trademark Office
TRADEMARK

## Domestic Representative Name and Address

Enter for the first Receiving Party only.

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Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

## Correspondent Name and Address

Area Code and Telephone Number 704-331-6000

Name Brian M. Davis, Esq.

Address (line 1) Alston & Bird LLP

Address (line 2) P.O. Drawer 34009

Address (line 3) Charlotte, North Carolina 28234

Address (line 4)

## Pages

Enter the total number of pages of the attached conveyance document including any attachments. # (7) seven

## Trademark Application Number(s) or Registration Number(s)

☐ Mark if additional numbers attached

*Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).*

| Trademark Application Number(s) | | | Registration Number(s) | | |
|---|---|---|---|---|---|
| | | | 2,016,615 | | |
| | | | | | |
| | | | | | |

## Number of Properties

Enter the total number of properties involved. # 1 (one)

## Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): $ 40.00

Method of Payment: Enclosed [x] Deposit Account [ ]

Deposit Account
(Enter for payment by deposit account or if additional fees can be charged to the account.)
Deposit Account Number: # 16-0605

Authorization to charge additional fees: Yes [x] No [ ]

## 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. Charges to deposit account are authorized, as indicated herein.*

| Brian M. Davis | | Jan. 11, 2001 |
|---|---|---|
| Name of Person Signing | Signature | Date Signed |

# RELEASE OF SECURITY INTEREST IN TRADEMARKS

This Release is entered into this 2nd day of January, 2001.

WITNESSETH:

WHEREAS, EAGLE HARDWARE & GARDEN, INC., a Washington corporation, ("Borrower"), and U.S. BANK OF WASHINGTON, National Association, as agent for and representative of (in such capacity herein called "Secured Party"), the financial institutions ("Lenders'), have entered into a SECURITY AGREEMENT dated June 30, 1995 and recorded in the records of the United States Patent and Trademark Office on April 9, 1993 at Reel 0952, Frame 181-188.

WHEREAS, pursuant to said SECURITY AGREEMENT, Borrower granted security interest to the Secured Party for the benefit of the Lenders (as defined in said SECURITY AGREEMENT) in certain property including, inter alia, all of the trademarks listed on SCHEDULE A to said SECURITY AGREEMENT;

WHEREAS, the obligations and undertakings of Borrower to the Lenders that were secured by the security interest granted to the Secured Party have now been performed and satisfied;

WHEREAS, the Secured Party therefore desires to release its security interest in and to said trademarks;

NOW, THEREFORE, it is agreed that the Secured Party hereby releases any and all of its security interest, in and to the trademarks listed on SCHEDULE A to said SECURITY AGREEMENT, attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the Secured Party has caused this Release to be executed and delivered by its duly authorized officer as of the date first above written.

U. S. BANK OF WASHINGTON, National Association,
as Secured Party

By: Vance B. Gledhill

Title: Vice President

Address: 1420 Fifth Avenue
Seattle, Washington 98101

STATE OF Washington )
) ss:
COUNTY OF King )

Subscribed and sworn to before me this 2nd day of January, 2001.

SEAL

PACHARUNG K. HANCOCK
COMMISSION EXPIRES
NOTARY
PUBLIC
12-9-03
STATE OF WASHINGTON

Pacharung K Hancock
Notary Public

My commission expires 12-09-03.

4450034

SCHEDULE A
to
Security Agreement

# LIST OF MARKS

| Mark | Serial No. | Country | Reg. No. |
|---|---|---|---|
| EAGLE HARDWARE & GARDEN Design | 74/224,159 | U.S.A. | 2,016,615 |
| MORE OF EVERYTHING Design | 74/224,155 | U.S.A. | 1,728,432 |

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