

01.03.02

01-10-2002

Form PTO-1594 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002) Tab settings



U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

101940505

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

1. Name of conveying party(ies):

Conrad Elliott and Mark Peterson

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

Additional name(s) of conveying party(ies) attached? [] Yes [checked] No

3. Nature of conveyance:

- Assignment [checked] Merger [] Security Agreement [] Change of Name [] Other []

Execution Date: July 19, 2001

2. Name and address of receiving party(ies)

Name: Estates West II, LLC

Internal Address: 750 Kearns Blvd., Suite 280 Street Address: Post Office Box 680160 City: Park City State: Utah Zip: 84060

- Individual(s) citizenship [] Association [] General Partnership [] Limited Partnership [] Corporation-State [] Other [checked] limited liability company (Utah)

If assignee is not domiciled in the United States, a domestic representative designation is attached: [] Yes [] No (Designations must be a separate document from assignment) Additional name(s) & address(es) attached? [] Yes [] No

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

A. Trademark Application No.(s)

75/936,043

B. Trademark Registration No.(s)

Additional number(s) attached [] Yes [checked] No

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

Name: Joe W. Gibbs, Esq. Internal Address: Boulton, Cummings, Connors & Berry, PLC

Street Address: 414 Union Street, Suite 1600 City: Nashville, State: TN Zip: 37219

6. Total number of applications and registrations involved: 1

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

- Enclosed [checked] Authorized to be charged to deposit account []

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

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.

Signature of Joe W. Gibbs

Joe W. Gibbs

Signature

November 9, 2001

Date

Total number of pages including cover sheet, attachments, and document: 3

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

01/09/2002 LMUELLER 00000121 75936043

01 FC:481

40.00 OP

Peter M. de Jonge
THORPE, NORTH & WESTERN, L.L.P.
P.O. Box 1219
Sandy, Utah 84091-1219

A S S I G N M E N T

WHEREAS, CONRAD ELLIOTT and MARK PETERSON (hereinafter referred to as "ASSIGNORS"), both citizens of the United States and individuals, as joint applicants and co-owners of all right, title, and interest in and to the trademark "ESTATES WEST", and all common law rights and goodwill associated therewith, which is filed in the United States Patent and Trademark Office under Serial No. 75/936,043, having a filing date of February 23, 2000 (hereinafter referred to as the "application"); and


WHEREAS, ESTATES WEST II, LLC (hereinafter referred to as "ASSIGNEE"), a limited liability company organized and existing under the laws of the State of Utah, having an address of 750 Kearns Blvd, st280 PO Box 680160 Park City, Utah 84060, is desirous of acquiring all right, title and interest in and to the Mark and application held by the said ASSIGNORS;

NOW, THEREFORE, in consideration of one dollar (\$1.00) and other good and valuable consideration paid to the ASSIGNORS by the ASSIGNEE, the receipt and sufficiency of which is hereby acknowledged, THE ASSIGNORS HEREBY ASSIGN TO THE ASSIGNEE any and all right, title and interest which they may hold in and to the Mark, the above-identified application, and any registration issuing therefrom, together with the goodwill of the business symbolized by and associated with the Mark.

The ASSIGNORS hereby authorize and request the United States Commissioner of Patents and Trademarks to issue any and all certificates of registration of the Mark to the ASSIGNEE as the owner of the entire interest of said Mark, for the sole use and benefit of the said ASSIGNEE, its successors, assigns and legal representatives.

This Assignment and Agreement shall be binding upon any and all successors of the ASSIGNORS.

EFFECTIVE as of this 19th day of July, 2001.

By: 
Conrad Elliott

By: 
Mark Peterson