

04-30-2003

Form PTO-1594

RECORDATION

(Rev. 03/01)

TRADE

OMB No. 0651-0027 (exp. 5/31/2002)

NT OF COMMERCE
and Trademark Office

Tab settings



102434292

To the Honorable Commissioner of Patents and Trademarks

I have enclosed original documents or copy thereof

1. Name of conveying party(ies):

795886 Ontario Limited

☐

Individual(s)

☐

Association

☐

General Partnership

☐

Limited Partnership

☒

Corporation

Canada

☐

Other

Additional name(s) of conveying party(ies) attached?

☒

Yes

☐

No

3. Nature of conveyance:

☐

Assignment

☐

Merger

☐

Security Agreement

☐

Change of Name

☒

Other

Appointment of Receiver

Execution Date: December 27, 1996

2. Name and address of receiving party(ies)

Name: Mendlowitz & Associates Inc.

Internal

Address: Suite 602

Street Address: 2 Sheppard Avenue East

City

North York, Ontario

State

Zip

M2N5Y7

☐

Individual(s) citizenship

☐

Association

☐

General Partnership

☐

Limited Partnership

☒

Corporation

Canada

☐

Other

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)

B. Trademark Registration No.(s) 2,056,436

Additional number(s) attached

☐

Yes

☒

No

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

Name: Louis K. Ebling

Internal Address: 2800 Chemed Center

Street Address: 255 East Fifth Street

City Cincinnati

State OH

Zip

45202

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: 50-0976

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

DO NOT USE THIS SPACE

9. 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.

Louis K. Ebling

Name of Person Signing

Signature

April 22, 2003

Date

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

4

Mail documents to be recorded with required cover sheet information to:

01/29/2003 DBY:NE 00000130 500976

2056436

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

01 FC:8 21

564820-1 40.00 CH

TRADEMARK
REEL: 002721 FRAME: 0915

Attachment to Recordation Cover Sheet
795886 Ontario Limited et al. to Mendlowitz & Associates Inc.
Additional Conveying Parties

Paul Baker (citizen of Canada)
c/o Stephen Frye C.A.
Suite 1010
48 Yonge Street
Toronto, Ontario M5E 1G6

Stewart Webb (citizen of Canada)
c/o Stephen Frye C.A.
Suite 1010
48 Yonge Street
Toronto, Ontario M5E 1G6

Dorothy Dalzell (citizen of Canada)
c/o Stephen Frye C.A.
Suite 1010
48 Yonge Street
Toronto, Ontario M5E 1G6

J. Glen Dalzell (citizen of Canada)
c/o Stephen Frye C.A.
Suite 1010
48 Yonge Street
Toronto, Ontario M5E 1G6

Marc P. Bedard (citizen of Canada)
c/o Stephen Frye C.A.
Suite 1010
48 Yonge Street
Toronto, Ontario M5E 1G6

A.V. Projects (association of Canada)
c/o Stephen Frye C.A.
Suite 1010
48 Yonge Street
Toronto, Ontario M5E 1G6

564820v1

APPOINTMENT

TO: MENDLOWITZ & ASSOCIATES INC.
2 Sheppard Avenue East
Suite 602
North York, Ontario
M2N 5Y7

RE: Don Valley Brewing Company (1990) Limited

(hereinafter referred to as the "Debtor")

WHEREAS the undersigned are the holders of a General Security Agreement given by the Debtor dated September 11, 1996 in respect of which a Financing Statement was registered pursuant to the provisions of the Personal Property Security Act on September 11, 1996 as Registration No. 960910190915296165;

(hereinafter the "Security").

The undersigned HEREBY APPOINT MENDLOWITZ & ASSOCIATES INC. as Receiver and Manager of the assets, property and undertaking of the Debtor pursuant to the terms of the Security with such powers as are contained therein, including the power:

1. To take possession of all the assets, property and undertaking of the Debtor.
2. To carry on or concur in carrying on the business of the Debtor.
3. To sell, lease or otherwise dispose of or concur in selling, leasing or otherwise disposing of the assets, property and undertaking of the Debtor pursuant to the power of sale therein and the laws of the Province of Ontario.

AND the undersigned HEREBY FURTHER APPOINT MENDLOWITZ & ASSOCIATES INC. as Agent pursuant to the terms of the Security to take all necessary actions to take possession of, collect, seize, deal with, dispose of and realize upon the assets, property and undertaking of the Debtor.

Pursuant to the terms of the Security, MENDLOWITZ & ASSOCIATES INC. shall be deemed to be the agent of the Debtor and the Debtor shall be responsible for the acts and omissions, remuneration and expense of MENDLOWITZ & ASSOCIATES INC. and the undersigned shall not be liable for any misconduct, negligence, nonfeasance or unlawful acts of MENDLOWITZ & ASSOCIATES INC.

In consideration of MENDLOWITZ & ASSOCIATES INC. accepting this appointment, we hereby indemnify you and undertake to keep you indemnified from and against all losses, liabilities, proceedings, claims, damages, costs and expenses incurred by you in the proper and reasonable conduct of all matters undertaken by you pursuant to this appointment provided always that you first seek to satisfy any claim under this indemnity out of the assets charged by the security and the aforesaid indemnity shall not render you our Agent for any purpose whatsoever.

This Appointment may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute but one and the same instrument.

DATED this 27 day of December, 1996.



PAUL BAKER


STEWART WEBB

TWO-WAY REALTY LIMITED
Per:

Authorized Officer

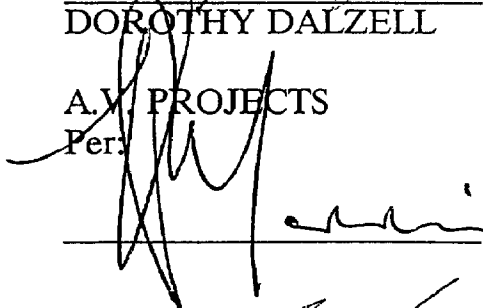
795886 ONTARIO LIMITED
Per:


Authorized Officer


J. GLEN DALZELL


DOROTHY DALZELL

A.V. PROJECTS
Per:

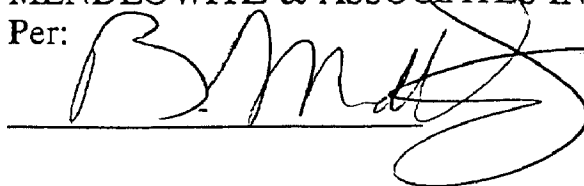



MARC P. BEDARD

MENDLOWITZ & ASSOCIATES INC. hereby consents to act as Receiver and Manager and Agent in accordance with the terms and conditions above.

DATED this 30TH day of DECEMBER, 1996.

MENDLOWITZ & ASSOCIATES INC.
Per:



recapp