

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT
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<b>NATURE OF CONVEYANCE:</b>	NUNC PRO TUNC ASSIGNMENT
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<b>CONVEYING PARTY DATA</b>			
<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>	<b>Entity Type</b>
RDE Adminstrative Trust		09/23/2003	Trust established under laws of North Carolina:

<b>RECEIVING PARTY DATA</b>	
<b>Name:</b>	Mrs Teresa H Earnhardt
<b>Street Address:</b>	1675 Dale Earnhardt Highway, No. 3
<b>Internal Address:</b>	c/o Dale Earnhardt, Inc.
<b>City:</b>	Mooresville
<b>State/Country:</b>	NORTH CAROLINA
<b>Postal Code:</b>	28115
<b>Entity Type:</b>	INDIVIDUAL: UNITED STATES

**PROPERTY NUMBERS Total: 18**

Property Type	Number	Word Mark
Registration Number:	1644237	DALE EARNHARDT
Registration Number:	2035107	DALE EARNHARDT
Registration Number:	2137990	SUNDAY MONEY
Registration Number:	2092602	THE INTIMIDATOR
Registration Number:	2673722	DALE EARNHARDT JR.
Registration Number:	2673723	DALE EARNHARDT JR.
Serial Number:	75619425	SUNDAY MONEY
Serial Number:	75721072	DR. DALE
Serial Number:	76145864	INTIMIDATORS
Serial Number:	76145863	KANNAPOLIS INTIMIDATORS
Serial Number:	75983023	INTIMIDATORS
Serial Number:	75982997	KANNAPOLIS INTIMIDATORS
Serial Number:	76287878	DALE JR.
Serial Number:	76505230	E DALE EARNHARDT

OP \$465.00 1644237

Serial Number:	76504612	E
Serial Number:	76505229	
Serial Number:	76504613	THE DALE EARNHARDT FOUNDATION
Serial Number:	76505228	E

**CORRESPONDENCE DATA**

Fax Number: (704)444-1111

*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*

Phone: 704-444-1000

Email: mpoveromo@alston.com

Correspondent Name: George M. Taulbee

Address Line 1: 101 South Tryon Street, Suite 4000

Address Line 2: Bank of America Plaza

Address Line 4: Charlotte, NORTH CAROLINA 28280-4000

**NAME OF SUBMITTER:**

George M. Taulbee

**Total Attachments: 5**

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**NUNC PRO TUNC ASSIGNMENT  
OF  
TRADEMARKS AND SERVICE MARKS  
FROM  
RDE ADMINISTRATIVE TRUST  
TO  
TERESA H. EARNHARDT**

WHEREAS, RDE Administrative Trust, a trust established under North Carolina law, having a mailing address of c/o Teresa H. Earnhardt, Trustee, 1675 Dale Earnhardt Highway, No. 3, Mooresville, North Carolina 28115 (hereinafter referred to as "ASSIGNOR"), was formerly the exclusive and record owner of the entire right, title, and interest in and to (1) the Trademarks and Service Marks, and the corresponding common law rights therein and applications and registrations therefor, identified in Schedules A, B, C and D attached hereto (collectively "Marks") and all goodwill associated therewith, and (2) to the extent such Marks are the subject of "intent-to-use" applications, the portion of all business of ASSIGNOR to which such Marks that are the subject of such "intent-to-use" applications pertain;

WHEREAS, Teresa H. Earnhardt, an individual, having a mailing address of c/o Dale Earnhardt, Inc., 1675 Dale Earnhardt Highway, No. 3, Mooresville, North Carolina 28115 (hereinafter referred to as "ASSIGNEE"), has acquired and purchased (1) the above-identified Marks, and all associated goodwill, and (2) to the extent such Marks are the subject of "intent-to-use" applications, the portion of all business of ASSIGNOR to which such Marks that are the subject of such "intent-to-use" applications pertain, from ASSIGNOR effective February 1, 2003 and is desirous of confirming that she has done so.

WHEREAS, ASSIGNOR and ASSIGNEE desire to confirm and perfect the sale and assignment of (1) said Marks and all associated goodwill, and (2) to the extent such Marks are the subject of "intent-to-use" applications, the portion of all business of ASSIGNOR to which

such Marks that are the subject of such "intent-to-use" applications pertain, effective February 1, 2003;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ASSIGNOR hereby acknowledges and confirms that effective February 1, 2003, ASSIGNOR sold, transferred, and assigned to said ASSIGNEE the entire right, title, and interest in and to the above-identified Marks, and to the extent such Marks are the subject of "intent-to-use" applications, the portion of all business of ASSIGNOR to which such Marks that are the subject of such "intent-to-use" applications pertain, together with the goodwill of the business appurtenant to and symbolized by said Marks, and all rights of action against third parties for past infringement, current infringement and future infringement thereof, the same to be held and enjoyed by said ASSIGNEE as fully and entirely as the same would have been held by ASSIGNOR had the sale, transfer, and assignment not been made.

ASSIGNOR hereby warrants and covenants that it had the full power and authority to convey the rights, title, and interests sold, transferred, and assigned to ASSIGNEE, that it has not executed and will not execute any agreement in conflict herewith, and that it will execute any and all other instruments which may be necessary to perfect and evidence ASSIGNEE's ownership of the property and rights herein conveyed.

IN WITNESS WHEREOF, ASSIGNOR, intending to be legally bound, has caused this Nunc Pro Tunc Assignment to be executed by its duly authorized person, as of the 23<sup>rd</sup> day of September, 2003.

ASSIGNOR

*Teresa H. Earnhardt*

By: Teresa H. Earnhardt  
Title: Trustee

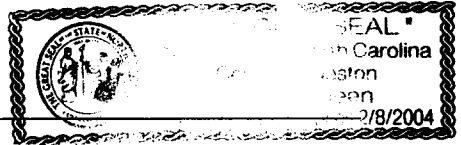
STATE OF NORTH CAROLINA )  
COUNTY OF Gaston )

Subscribed and sworn to before me, a Notary Public of the State of North Carolina, this the 23<sup>rd</sup> day of September 2003.

*Judy V. Queen*  
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NOTARY PUBLIC

SEAL

My Commission Expires: \_\_\_\_\_



**Schedule A**

**U.S. Registrations**

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
DALE EARNHARDT	1,644,237	05/14/1991
DALE EARNHARDT (Signature)	2,035,107	02/04/1997
SUNDAY MONEY	2,137,990	02/17/1998
THE INTIMIDATOR	2,092,602	09/02/1997
DALE EARNHARDT JR.	2,673,722	01/14/2003
DALE EARNHARDT JR. (Stylized)	2,673,723	01/14/2003

**Schedule B**

**U.S. Applications**

<b><u>Mark</u></b>	<b><u>Ser. No.</u></b>	<b><u>Filing Date</u></b>
SUNDAY MONEY	75/619,425	08/06/1998
DR. DALE	75/721,072	06/03/1999
INTIMIDATORS	76/145,864	10/12/2000
KANNAPOLIS INTIMIDATORS	76/145,863	10/12/2000
INTIMIDATORS	75/983,023	10/12/2000
KANNAPOLIS INTIMIDATORS	75/982,997	10/12/2000
DALE JR.	76/287,878	07/20/2001
DALE EARNHARDT & Silhouette & E Design	76/505,230	04/09/2003
DALE EARNHARDT Silhouette & E Design	76/504,612	04/08/2003
DALE EARNHARDT Silhouette Design	76/505,229	04/09/2003
THE DALE EARNHARDT FOUNDATION (Design)	76/504,613	04/08/2003
E (Design)	76/505,228	04/09/2003