

11-21-2003

RECORD



11-3-03

102606400

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

<p>1. Name of conveying party(ies): Gordon Bailey Revocable Trust</p> <p><input type="checkbox"/> Individual(s) <input type="checkbox"/> Association <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited <input type="checkbox"/> Corporation-State Partnership <input checked="" type="checkbox"/> Other <u>Trust</u></p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>2. Name and address of receiving party(ies):</p> <p>Name: <u>Bartch, Jonathan</u></p> <p>Internal Address: _____</p> <p>Street Address: <u>14301 S.E. Wallace Road</u></p> <p>City <u>Dayton</u> State <u>OR</u> ZIP <u>97114</u></p> <p><input checked="" type="checkbox"/> Individual(s) citizenship <u>United States</u> <input type="checkbox"/> Association _____ <input type="checkbox"/> General Partnership _____ <input type="checkbox"/> Limited Partnership _____ <input type="checkbox"/> Corporation-State _____ <input type="checkbox"/> Other _____</p> <p>If assignee is not domiciled in the United States, a domestic representative designation is attached: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(Designation must be a separate document from Assignment) Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>3. Nature of conveyance:</p> <p><input type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input checked="" type="checkbox"/> Other <u>Release of Security Interest</u></p> <p>Execution Date: <u>April 11, 2003</u></p>	
<p>4. Application number(s) or registration number(s):</p> <p>A. Trademark Application No.(s): <u>74,334,334; 74,334,485</u> B. Trademark Registration No.(s): <u>1,403,364; 1,638,559; 1,372,904; 1,202,246; 1,073,732</u></p> <p>Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Name: <u>Charles D. McClung</u> Address: <u>Chernoff, Vilhauer, McClung & Stenzel, LLP</u> <u>1600 ODS Tower, 601 S.W. Second Avenue</u> <u>Portland, OR 97204-3157</u></p>	<p>6. Total number of applications and registrations involved: [7]</p> <p>7. Total fee (37 CFR 3.41 and 2.6(6))---\$190.00 <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account <input type="checkbox"/> Any deficiencies in enclosed fees authorized to be charged to deposit account</p> <p>8. Deposit Account No. <u>03-1550</u> (Attach duplicate copy of this page if paying by deposit account)</p>
<p style="text-align: center;">DO NOT USE THIS SPACE</p>	
<p>9. Statement and signature.</p> <p>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.</p> <p><u>Charles D. McClung</u> <i>Chay</i> <u>October 29, 2003</u> Name of Person Signing Signature Date</p> <p>Total number of pages comprising cover sheet, attachments, and documents: [6]</p>	
<p style="text-align: center;">Do not detach this portion</p> <p>Mail documents to be recorded with required cover sheet information to:</p> <p style="text-align: center;">Commissioner of Patents and Trademarks Box Assignments Washington, DC 20231</p> <p>Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503.</p>	



11-03-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #50

11/20/2003 ECOOPER 00000122 74334334

01 FC:4521
02 FC:0222

40.00 DP
150.00 DP

TRADEMARK
REEL: 002867 FRAME: 0228

RELEASE OF TRADEMARK SECURITY INTEREST

RECITALS:

A. Effective January 10, 1997, JONATHAN BARTCH (hereinafter "Purchaser") purchased a nursery business with its headquarters at 14301 S.E. Wallace Road, Dayton, Oregon 97114-0398 from MARGARET M. BAILEY, THOMAS J. CAMPBELL, VIRGINIA KAREN BARTCH, JONATHAN BARTCH and JAMES FRITZ, SUCCESSOR-CO-TRUSTEES OF THE GORDON BAILEY REVOCABLE TRUST, dated November 9, 1989, as amended (hereinafter "Seller"). As part of this transaction, Purchaser granted to Seller a security interest in various United States trademarks to secure his obligation to the Seller. A copy of the Trademark Security Interest whereby this grant was made is attached hereto as Exhibit "A" and by this reference incorporated herein.

B. Effective January 1, 1998, the Purchaser assigned his interest in the United States trademarks identified in Exhibit "A" to Carlton Plants, LLC, subject to the Seller's rights under the Exhibit "A" Agreement.

C. On February 28, 2003, the Purchaser's obligation to the Seller was paid in full by the Purchaser. The Seller now desires to release its security position in those United States trademarks identified in Exhibit "A." The purpose of this document is to memorialize the Seller's release of its Trademark Security Interest.

RELEASE:

1. The Recitals above are hereby incorporated by reference.

2. The Seller hereby releases all of its interests in the Purchaser's United States trademarks which arise out of or are related to the Exhibit "A" Trademark Security Interest. This Release is intended to be effective February 28, 2003.

3. The Seller authorizes the Purchaser to take the necessary steps to record this release in the United States Patent and Trademark Office.

Dated this 11th day of ~~March~~^{April}, 2003.

Margaret M. Bailey
Margaret M. Bailey

Thomas J. Campbell
Thomas J. Campbell

Virginia Karen Bartch
Virginia Karen Bartch

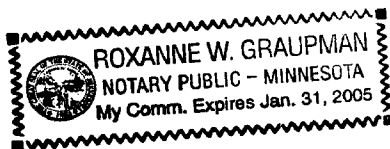
Jonathan Bartch
Jonathan Bartch

James Fritz
James Fritz

Successor-Co-Trustees of THE GORDON BAILEY REVOCABLE TRUST, dated November 9, 1989, as amended

Washington County, Minnesota ss.
On this 1st of April, 2003, personally appeared Margaret M. Bailey and acknowledged the foregoing instrument to be her voluntary act and deed.

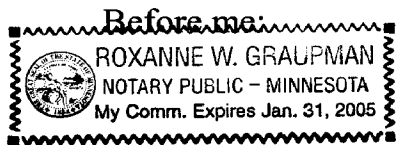
Before me:



Roxanne W. Graupman
Notary Public for ~~Oregon~~
My Commission Expires: _____

Washington County, Minnesota -- ss.

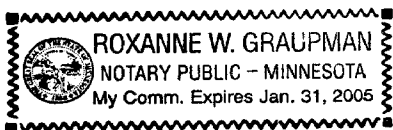
On this 1st of April, 2003, personally appeared Thomas J. Campbell and acknowledged the foregoing instrument to be his voluntary act and deed.



Roxanne W. Graupman
Notary Public ~~for Oregon~~
My Commission Expires: _____

Washington County, Minnesota -- ss.

On this 1st of April, 2003, personally appeared Virginia Karen Bartch and acknowledged the foregoing instrument to be her voluntary act and deed.



Before me:

Roxanne W. Graupman
Notary Public ~~for Oregon~~
My Commission Expires: _____

Yamhill County, Oregon -- ss.

On this 11th of April, 2003, personally appeared Jonathan Bartch and acknowledged the foregoing instrument to be his voluntary act and deed.

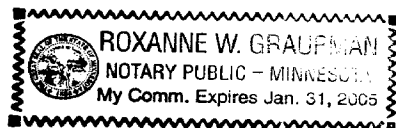


Before me:

Michele Thomas
Notary Public for Oregon
My Commission Expires: 11/28/04

Washington County, Minnesota -- ss.

On this 1st of April, 2003, personally appeared James Frtiz and acknowledged the foregoing instrument to be his voluntary act and deed.



Before me:

Roxanne W. Graupman
Notary Public ~~for Oregon~~
My Commission Expires: _____

TRADEMARK SECURITY INTEREST

WHEREAS, Jonathan Bartch (the "Purchaser"), an individual, whose mailing address is 14301 S.E. Wallace Road, Dayton, Oregon 97114-0398, is now the owner of the following United States trademarks pursuant to an Asset Purchase Agreement (the "Agreement") effective January 10, 1997, between Jonathan Bartch and the Gordon Bailey Revocable Trust, a Minnesota trust U/T/D November 9, 1989 (the "Seller"):

1. U.S. Trademark Registration No. 1,403,364, issued July 29, 1986, for the trademark LUSTRE ELSTAR;
2. U.S. Trademark Registration No. 1,638,559, issued March 19, 1991, for the trademark GOLDEN RUSSET BOSCH;
3. U.S. Trademark Registration No. 1,372,904, issued November 26, 1985, for the trademark AUTUMN RADIANCE;
4. U.S. Trademark Registration No. 1,202,246, issued July 20, 1982, for the trademark KARPICK;
5. U.S. Trademark Registration No. 1,073,732, issued September 20, 1977, for the trademark OLD HOME X FARMINGDALE (Brooks Selection
6. U.S. Trademark Registration Application Serial No. 74/334,334, filed November 24, 1992, for the trademark CARLTON PLANTS; and
7. U.S. Trademark Registration Application Serial No. 74/334,485, filed November 24, 1992, for the trademark CARLTON.

WHEREAS, the Purchaser is obligated to Seller pursuant to the Agreement; and

WHEREAS, pursuant to said Agreement the Purchaser has agreed to grant to the Seller a security interest in the aforesaid trademarks.

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Purchaser does hereby grant to the Seller a security interest in and to the aforesaid trademarks, which security interest shall secure all the obligations of the Purchaser as defined in the Agreement and in accordance with the terms and provisions thereof.

Effective January 10, 1997.

PURCHASER:

By: *Jonathan Bartch*
Jonathan Bartch

STATE OF OREGON)
) ss.
County of Yamhill)

This instrument was acknowledged before me on January 14, 1997 by Jonathan Bartch, Purchaser.



David C Haugeberg
Notary Public for Oregon
My Commission Expires: 12-5-97