

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	MERGER
EFFECTIVE DATE:	07/13/2007

**CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type
Merrick Pet Care, Ltd.		07/11/2007	LIMITED PARTNERSHIP: TEXAS

**RECEIVING PARTY DATA**

Name:	Merrick Pet Care, Inc.
Street Address:	101 S.E. 11th Ave.
City:	Amarillo
State/Country:	TEXAS
Postal Code:	79101
Entity Type:	CORPORATION: TEXAS

**PROPERTY NUMBERS Total: 1**

Property Type	Number	Word Mark
Serial Number:	78942406	WHOLE EARTH FARMS

**CORRESPONDENCE DATA**

Fax Number: (806)322-1252  
*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*  
 Phone: 806-322-1251  
 Email: Chris@ChrisStewartLaw.com  
 Correspondent Name: Christian D. Stewart  
 Address Line 1: 301 S. Polk, Suite 700  
 Address Line 4: Amarillo, TEXAS 79101

ATTORNEY DOCKET NUMBER:	MERRICK
NAME OF SUBMITTER:	Christian D. Stewart
Signature:	/Christian D. Stewart/

OP \$40.00 78942406

Date:

11/07/2007

**Total Attachments: 4**

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**Form 622**

**(Revised 01/06)**

Return in duplicate to:  
Secretary of State  
P.O. Box 13697  
Austin, TX 78711-3697  
512 463-5555  
FAX: 512 463-5709  
**Filing Fee: see instructions**



**Certificate of Merger  
Combination Merger  
Business Organizations Code**

This space reserved for office use.

**FILED**  
In the Office of the  
Secretary of State of Texas

JUL 13 2007

**Corporations Section**

**Parties to the Merger**

Pursuant to chapter 10 of the Texas Business Organizations Code, and the title applicable to each domestic filing entity identified below, the undersigned parties submit this certificate of merger.

The name, organizational form, state of incorporation or organization, and file number, if any, issued by the secretary of state for each organization that is a party to the merger are as follows:

**Party 1**

Merrick Pet Care, Ltd.

*Name of Organization*

The organization is a limited partnership It is organized under the laws of  
*Specify organizational form (e.g., for-profit corporation)*

Texas USA The file number, if any, is 800346616  
*State Country Texas Secretary of State file number*

Its principal place of business is 101 S.E. 11th Ave. Amarillo TX  
*Address City State*

The organization will survive the merger.  The organization will not survive the merger.

The plan of merger amends the name of the organization. The new name is set forth below.

*Name as Amended*

**Party 2**

2007 Merrick Pet Care, Inc.

*Name of Organization*

The organization is a Corporation It is organized under the laws of  
*Specify organizational form (e.g., for-profit corporation)*

Texas USA The file number, if any, is 800841966  
*State Country Texas Secretary of State file number*

Its principal place of business is 101 S.E. 11th Ave. Amarillo TX  
*Address City State*

The organization will survive the merger.  The organization will not survive the merger.

The plan of merger amends the name of the organization. The new name is set forth below.

Merrick Pet Care, Inc.

*Name as Amended*

**Party 3**

*Name of Organization*

The organization is a \_\_\_\_\_ It is organized under the laws of  
*Specify organizational form (e.g., for-profit corporation)*

The file number, if any, is \_\_\_\_\_  
*State Country Texas Secretary of State file number*

Its principal place of business is \_\_\_\_\_  
*Address City State*

The organization will survive the merger.  The organization will not survive the merger.

The plan of merger amends the name of the organization. The new name is set forth below.

\_\_\_\_\_  
*Name as Amended*

**Plan of Merger**

The plan of merger is attached.

*If the plan of merger is not attached, the following statements must be completed.*

**Alternative Statements**

By checking the following boxes, each domestic filing entity certifies that:

A signed plan of merger is on file at the principal place of business of each surviving, acquiring, or new domestic entity or non-code organization that is named in this form as a party to the merger or an organization created by the merger.

On written request, a copy of the plan of merger will be furnished without cost by each surviving, acquiring, or new domestic entity or non-code organization to any owner or member of any domestic entity that is a party to or created by the plan of merger.

*If a filing entity is to survive the merger, complete either A or B. If B is selected, provide relevant information in the space provided.*

**Amendments**

A. No amendments to the certificate of formation of any filing entity that is a party to the merger are effected by the merger.

B. The plan of merger effected changes or amendments to the certificate of formation of

2007 Merrick Pet Care, Inc.

*Name of filing entity effecting amendments*

The changes or amendments to the filing entity's certificate of formation, other than the name change noted previously, are stated below.

*Amendment Text Area*

**Organizations Created by Merger**

The name, jurisdiction of organization, principal place of business address, and entity description of each entity or other organization to be created pursuant to the plan of merger are set forth below. The certificate of formation of each new domestic filing entity to be created is being filed with this certificate of merger.

NEW ORGANIZATION 1			
Name	Jurisdiction	Entity Type (See instructions)	
Principal Place of Business Address	City	State	Zip Code

NEW ORGANIZATION 2			
Name	Jurisdiction	Entity Type (See instructions)	
Principal Place of Business Address	City	State	Zip Code

NEW ORGANIZATION 3			
Name	Jurisdiction	Entity Type (See instructions)	
Principal Place of Business Address	City	State	Zip

**Approval of the Plan of Merger**

The plan of merger has been approved as required by the laws of the jurisdiction of formation of each organization that is a party to the merger and by the governing documents of those organizations.

The approval of the owners or members of \_\_\_\_\_  
Name of domestic entity  
 was not required by the provisions of the BOC.

**Effectiveness of Filing** (Select either A, B, or C.)

- A.  This document becomes effective when the document is accepted and filed by the secretary of state.
  - B.  This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: \_\_\_\_\_
  - C.  This document takes effect on the occurrence of the future event or fact, other than the passage of time. The 90<sup>th</sup> day after the date of signing is: \_\_\_\_\_
- The following event or fact will cause the document to take effect in the manner described below:
- \_\_\_\_\_
- \_\_\_\_\_

**Tax Certificate**

- Attached hereto is a certificate from the comptroller of public accounts that all taxes under title 2, Tax Code, have been paid by the non-surviving filing entity.
- In lieu of providing the tax certificate, one or more of the surviving, acquiring or newly created organizations will be liable for the payment of the required franchise taxes.

**Execution**

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

Date: 7/11/07

Merrick Pet Care, Ltd.

Merging Entity Name

Garth Merrick president

Signature and title of authorized person Garth Merrick, President of Merrick Pet Care Management, LLC

2007 Merrick Pet Care, Inc.

Merging Entity Name

Garth Merrick president

Signature and title of authorized person Garth Merrick, President

\_\_\_\_\_  
Merging Entity Name

\_\_\_\_\_  
Signature and title of authorized person