

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:		NEW ASSIGNMENT	
NATURE OF CONVEYANCE:		Release of Lien	
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Bank of the West		11/23/2009	banking Corporation: CALIFORNIA
RECEIVING PARTY DATA			
Name:	Salyer American Fresh Foods		
Street Address:	21 Lower Ragsdale Drive		
City:	Monterey		
State/Country:	CALIFORNIA		
Postal Code:	93940		
Entity Type:	CORPORATION: CALIFORNIA		
PROPERTY NUMBERS Total: 2			
Property Type	Number	Word Mark	
Registration Number:	1781641	SUN HARVEST	
Registration Number:	1736903	SUN HARVEST	
CORRESPONDENCE DATA			
Fax Number:	(626)577-8800		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
Phone:	626-795-9900		
Email:	pto@cph.com		
Correspondent Name:	CHRISTIE, PARKER & HALE, LLP		
Address Line 1:	P.O. BOX 7068		
Address Line 4:	PASADENA, CALIFORNIA 91109-7068		
ATTORNEY DOCKET NUMBER:	H697:110.2*2		
NAME OF SUBMITTER:	David A. Plumley		
Signature:	/David A. Plumley/		

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**TRADEMARK
 REEL: 004159 FRAME: 0419**

Date:

03/02/2010

Total Attachments: 3

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TRADEMARK

RELEASE OF LIEN

WHEREAS, Bank of the West, a California banking corporation, as Administrative Agent for itself, AgStar Financial Services, PCA/FLCA, and FCS Financial, PCA (collectively, "Bank of the West") holds a first priority security interest in, among other things, certain trademarks and trademark registrations by Salyer American Fresh Foods, a California corporation ("Salyer"), including the trademark and the goodwill associated therewith evidenced by the following registrations in the United States Trademark Office (the "Salyer SUN HARVEST Trademarks"):

<u>Marks</u>	<u>Reg. No.</u>	<u>Reg. Date</u>
SUN HARVEST	1,781,641	July 13, 1993
SUN HARVEST	1,736,903	December 1, 2001

WHEREAS, pursuant to the Order filed May 8, 2009 in *Bank of the West v. Salyer American Fresh Foods, et al.*, Case No. M98573, in the Superior Court of the State of California for the County of Monterey, the Salyer Trademarks and the goodwill associated therewith are now in the possession of a Receiver, Steve Franson, duly appointed by the Superior Court as the Receiver ("Receiver") over the assets of Salyer claimed by Bank of the West as its collateral.

WHEREAS, Receiver has entered into an agreement with Henry's Holdings, LLC, a Delaware limited liability company ("Henry's"), to sell all of Receiver's and Salyer's right, title and interest in the Salyer SUN HARVEST Trademarks and the Registrations identified above and the goodwill associated therewith, which sale is conditional upon (1) entry of an Order of the Superior Court approving such sale, and (2) the release of Bank of the West's lien on the Salyer SUN HARVEST Trademarks.

NOW, THEREFORE, in consideration of the sale of the Salyer SUN HARVEST Trademarks, receipt of which consideration is hereby acknowledged, Bank of the West, as Administrative Agent, hereby authorizes the Receiver to file a UCC-3 in the form attached hereto as Attachment A and incorporated herein by this reference thereby releasing its claims and liens on the Salyer SUN HARVEST Trademarks, conditioned upon (i) the entry of an Order of the Superior Court approving the sale of the Salyer SUN HARVEST Trademarks to Henry's, and (ii) unconditional receipt by the Receiver of the purchase price of \$27,500.00. Bank of the West further agrees, in furtherance of this Release, that it will take any additional necessary and sufficient actions to release its lien and security interest on the Salyer SUN HARVEST Trademarks.

Bank of the West, a California banking Corporation, as Administrative Agent for itself, AgStar Financial Services, PCA/FLCA, and FCS Financial, PCA

Date 11/23/09

By *David Miller*
Its: *Vice President*

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ATTACHMENT A

UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGEMENT TO: (Name and Address)

Diane M. Miller
 Vice President
 Special Assets Department
 Bank of the West
 633 17th Street, Suite 2000
 Denver, CO 80202

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE #
07-7111317462

1b. This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS.

2. TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3. CONTINUATION: Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4. ASSIGNMENT (full or partial): Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. AMENDMENT (PARTY INFORMATION): This Amendment affects Debtor or Secured Party of record. Check only one of these two boxes. Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.

CHANGE name and/or address: Give current record name in item 6a or 6b; also give new name (if name change) in item 7a or 7b and/or new address (if address change) in item 7c. DELETE name: Give record name to be deleted in item 6a or 6b. ADD name: Complete item 7a or 7b, and also item 7c; also complete items 7d-7g (if applicable).

6. CURRENT RECORD INFORMATION:

6a. ORGANIZATION'S NAME

OR

6b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
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7. CHANGED (NEW) OR ADDED INFORMATION:

7a. ORGANIZATION'S NAME

OR

7b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
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7c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY
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ADD'L INFO RE ORGANIZATION DEBTOR	7e. TYPE OF ORGANIZATION	7f. JURISDICTION OF ORGANIZATION	7g. ORGANIZATIONAL ID#, if any	<input type="checkbox"/> NONE
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8. AMENDMENT (COLLATERAL CHANGE): check only one box.

Describe collateral deleted or added, or give entire restated collateral description, or describe collateral assigned.

The trademark and the goodwill associated therewith evidenced by the following registrations in the United States Trademark Office:

Marks	Reg. No.	Reg. Date
SUN HARVEST	1,781,641	July 13, 1993
SUN HARVEST	1,736,903	December 1, 2001

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here and enter name of DEBTOR authorizing this Amendment.

8a. ORGANIZATION'S NAME
Bank of the West, as Administrative Agent

OR

9b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
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10. OPTIONAL FILER REFERENCE DATA
Debtor: Salyer American Fresh Foods

