

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	Loan and Security Agreement

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Whittaker Builders, Inc.		08/28/2003	CORPORATION: MISSOURI

RECEIVING PARTY DATA

Name:	First Bank
Street Address:	11901 Olive Boulevard
City:	Creve Coeur
State/Country:	MISSOURI
Postal Code:	63141
Entity Type:	Banking Corporation: MISSOURI

PROPERTY NUMBERS Total: 13

Property Type	Number	Word Mark
Registration Number:	2989178	NEW TOWN
Registration Number:	3521808	NEW TOWN IN A BOX
Registration Number:	3728914	NEW TOWN IN A BOX
Registration Number:	2960981	THE NEW TOWN AT ST. CHARLES
Registration Number:	2927982	THE NEW TOWN AT ST. CHARLES
Registration Number:	2958118	THE NEW TOWN AT ST. CHARLES
Registration Number:	2958119	THE NEW TOWN AT ST. CHARLES
Registration Number:	2966763	THE NEW TOWN AT ST. CHARLES
Registration Number:	2966764	THE NEW TOWN AT ST. CHARLES
Registration Number:	3281502	NT HOME FOR SALE
Registration Number:	3065568	NT THE NEW TOWN AT ST. CHARLES EST. MISSOURI 2004
Registration Number:	2635327	WHITTAKER HOMES
Registration Number:	1858878	WHITTAKER HOMES

CORRESPONDENCE DATA

900193297

**TRADEMARK
 REEL: 004552 FRAME: 0216**

CH \$340.00 2989178

Fax Number: (314)612-2323
Correspondence will be sent via US Mail when the fax attempt is unsuccessful.
Phone: 314-621-5070
Email: gashbrook@armstrongteasdale.com
Correspondent Name: Meredith P. Gammill
Address Line 1: 7700 Forsyth Boulevard, Suite 1800
Address Line 4: St. Louis, MISSOURI 63105

ATTORNEY DOCKET NUMBER:	9379-545
NAME OF SUBMITTER:	Meredith P. Gammill
Signature:	/MPG-ATLLP/
Date:	06/01/2011

Total Attachments: 7

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LOAN AND SECURITY AGREEMENT

THIS LOAN AND SECURITY AGREEMENT (the "Agreement"), is made and entered into as of the 28th day of August, 2003 by and among WHITTAKER BUILDERS, INC., a Missouri corporation having its chief executive office and principal place of business at 355A Mid Rivers Mall Drive, St. Peters, Missouri 63376 ("Builders"), GW LAND LLC, a Missouri limited liability company having its chief executive office and principal place of business at 355A Mid Rivers Mall Drive, St. Peters, Missouri 63376 ("Land"), GW LUMBER LLC, a Missouri limited liability company having its chief executive office and principal place of business at 2120 North Third Street, St. Charles, Missouri 63301 ("Lumber"), and LC TITLE COMPANY LLC, a Missouri limited liability company having its chief executive office and principal place of business at 355A Mid Rivers Mall Drive, St. Peters, Missouri 63376 ("Title") (said Builders, Land, Lumber and Title being co-borrowers and co-obligors, jointly and severally, and being hereinafter sometimes referred to collectively as "Borrowers"), and FIRST BANK, a Missouri banking corporation ("Bank") having its principal place of business at 11901 Olive Boulevard, Creve Coeur, Missouri 63141.

WITNESSETH:

REDACTED

WHEREAS, Bank has agreed to the foregoing upon the terms and conditions hereinafter set forth;

NOW, THEREFORE, in consideration of the mutual promises herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and all parties intending to be legally bound hereby, the parties agree as follows:

PAGES 2-24

REDACTED

REDACTED

8.03 Rights in Personal Property of Borrowers. As security for the prompt satisfaction of all Obligations, Borrowers hereby assign, transfer and set over to Bank all of their right, title and interest in and to, and grant Bank a continuing lien and security interest in and against, all of the following properties, rights, interests and privileges of Borrowers:

REDACTED

(D) The books, customer lists, mailing lists, data bases, software programs and other records relating to any properties, rights, interest and privileges, including, but not limited to, those relating to all Collateral of Borrowers and all general intangibles of Borrowers of every kind and nature (including, but not limited to, patents, trademarks, service marks, copyrights, goodwill, franchises, licenses, tax refunds and all blueprints, specifications and plans relating to the business of Borrowers), whether now owned or hereafter acquired; and

REDACTED

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REDACTED

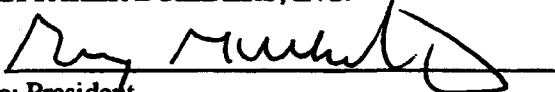
REDACTED

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the day and year first above written.

"BORROWERS"

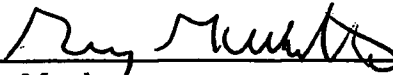
WHITTAKER BUILDERS, INC.

(Seal)

By: 
Title: President
Print Name: Gregory G. Whittaker

GW LAND LLC


(Seal)

By: 
Title: Member
Print Name: Gregory G. Whittaker

GW LUMBER LLC

By: Whittaker Builders, Inc., Sole Member

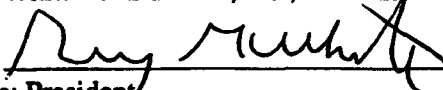
(Seal)

By: 
Title: President
Print Name: Gregory G. Whittaker

LC TITLE COMPANY LLC

By: Whittaker Builders, Inc., Sole Member

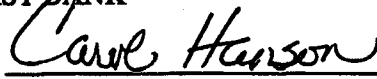
(Seal)

By: 
Title: President
Print Name: Gregory G. Whittaker

"BANK"

FIRST BANK

(Seal)

By: 
Title: Vice President
Print Name: Carol Hanson

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REDACTED