

TRADEMARK ASSIGNMENT

Electronic Version v1.1  
 Stylesheet Version v1.1

<b>SUBMISSION TYPE:</b>	NEW ASSIGNMENT
<b>NATURE OF CONVEYANCE:</b>	Release of Security Interest Recorded at Reel 3497, Frame 0780

**CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type
General Electric Capital Corporation (successor-in-interest to Merrill Lynch Capital, a division of Merrill Lynch Business Financial Services Inc.)		12/15/2011	CORPORATION: DELAWARE

**RECEIVING PARTY DATA**

<b>Name:</b>	The Frank Gates Companies, Inc.
<b>Street Address:</b>	5000 Bradenton Avenue
<b>City:</b>	Dublin
<b>State/Country:</b>	OHIO
<b>Postal Code:</b>	43017
<b>Entity Type:</b>	CORPORATION: OHIO

**PROPERTY NUMBERS Total: 4**

Property Type	Number	Word Mark
Serial Number:	78706106	HIGHER GROUND
Serial Number:	78706104	HIGHER GROUND
Serial Number:	78706103	FRANK GATES
Serial Number:	78706099	FRANK GATES

**CORRESPONDENCE DATA**

Fax Number: (404)572-5134  
 Email: jhannon@kslaw.com  
*Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.*

Correspondent Name: James M. Hannon  
 Address Line 1: 1180 Peachtree Street  
 Address Line 2: King & Spalding LLP  
 Address Line 4: Atlanta, GEORGIA 30309

OP \$1115.00 78706106

**TRADEMARK**

ATTORNEY DOCKET NUMBER:	15009.009027
NAME OF SUBMITTER:	James M. Hannon
Signature:	/James M. Hannon/
Date:	12/15/2011
Total Attachments: 3 source=York TM Release FG Companies#page1.tif source=York TM Release FG Companies#page2.tif source=York TM Release FG Companies#page3.tif	

**TRADEMARK RELEASE AND REASSIGNMENT**

THIS TRADEMARK RELEASE AND REASSIGNMENT (this “**Release**”) is made as of December 15, 2011 by General Electric Capital Corporation (successor-in-interest to Merrill Lynch Capital, a division of Merrill Lynch Business Financial Services Inc.), in its capacity as Administrative Agent for the Lenders party to the Credit Agreement (defined below) (“**Grantee**”):

WITNESSETH:

WHEREAS, Grantee and THE FRANK GATES COMPANIES, INC., an Ohio corporation, (“**Grantor**”) are parties to that certain Trademark Security Agreement dated as of March 2, 2007 (the “**Trademark Security Agreement**”; capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to such terms in the Credit Agreement (as such term is defined in the Trademark Security Agreement)), pursuant to which Grantor granted a security interest to Administrative Agent in the Trademark Collateral (as defined in the Trademark Security Agreement) as security for certain obligations owing by Grantor to Administrative Agent, including the Trademark Collateral set forth on Schedule 1 annexed hereto; and

WHEREAS, the Trademark Security Agreement was recorded by the Trademark Division of the United States Patent and Trademark Office on March 12, 2007, at Reel 3497, Frame 0780; and

WHEREAS, Grantor has requested that Administrative Agent release its security interest in and Lien on all of Administrative Agent’s right, title and interest in, to and under the Trademark Collateral set forth on Schedule 1 annexed hereto.

NOW THEREFORE, for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged:

1. Administrative Agent hereby releases its security interest in and Lien on all of Administrative Agent’s right, title and interest in and to all the Trademark Collateral, including the Trademarks set forth in Schedule 1 annexed hereto.

This Release shall be governed by, and construed and interpreted in accordance with, the laws of the State of New York.

*[Signature Page Follows.]*

IN WITNESS WHEREOF, Administrative Agent has caused this Release to be executed as of the day and year first above written.

**GENERAL ELECTRIC CAPITAL  
CORPORATION**, as Administrative Agent  
for Lenders

By: 

Name: Keith Bird

Title: Duly Authorized Signatory

Trademark Release and Reassignment (FGC)

**TRADEMARK**  
**REEL: 004680 FRAME: 0191**

**SCHEDULE 1**

<b>Trademark</b>	<b>Serial Number</b>	<b>Filing Date</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Status</b>
HIGHER GROUND	78-706106	9/2/2005	3543664	12/9/2008	Registered
HIGHER GROUND	78-706104	9/2/2005	3543663	12/9/2008	Registered
FRANK GATES	78-706103	9/2/2005	3132676	8/22/2006	Registered
FRANK GATES	78-706099	9/2/2005	3132675	8/22/2006	Registered