

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	NUNC PRO TUNC ASSIGNMENT		
EFFECTIVE DATE:	06/29/2011		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Whitman Cellars, L.L.C.		05/10/2012	LIMITED LIABILITY COMPANY: WASHINGTON
RECEIVING PARTY DATA			
Name:	Community Bank		
Street Address:	1288 SE Commercial Drive		
City:	College Place		
State/Country:	WASHINGTON		
Postal Code:	99324		
Entity Type:	CORPORATION: OREGON		
PROPERTY NUMBERS Total: 2			
Property Type	Number	Word Mark	
Serial Number:	78719622	KILLER CAB SIT BACK... ENJOY THE RIDE TAXI KILLER CAB CO. 13.8% AL C. BY VOL.	
Serial Number:	76092892	WHITMAN CELLARS	
CORRESPONDENCE DATA			
Fax Number:	5095250630		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.</i>			
Phone:	509-529-0630		
Email:	andrea@burkhartandburkhart.com		
Correspondent Name:	Andrea Burkhart		
Address Line 1:	6 1/2 N. 2nd Ave., Suite 200		
Address Line 4:	Walla Walla, WASHINGTON 99362		
NAME OF SUBMITTER:	Andrea Burkhart		

Signature:	/s/Andrea Burkhart
Date:	05/11/2012
Total Attachments: 6 source=Order Appointing General Receiver#page1.tif source=Order Appointing General Receiver#page2.tif source=Order Appointing General Receiver#page3.tif source=Order Appointing General Receiver#page4.tif source=Order Appointing General Receiver#page5.tif source=Assignment of Trademarks#page1.tif	

FILED
SALLY THOMASON
COUNTY CLERK

2011 MAR -9 A 10:53

WALLA WALLA COUNTY
WASHINGTON

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WALLA WALLA

No. 11-2-00087-8

COMMUNITY BANK, an Oregon banking
corporation,

Plaintiff,

vs.

WHITMAN CELLARS, LLC, a Washington
limited liability company; JOHN R.
EDWARDS, individually; LARRY THOMASON
and SALLY THOMASON, husband and wife,
individually and the marital community
comprised thereof; STEPHEN LESSARD,
individually,

Defendants.

ORDER APPOINTING GENERAL
RECEIVER

THIS MATTER having come on regularly before me on the 14th day of February,
2011, on Plaintiff's Application for an Order Appointing a General Receiver, the Court
having considered Plaintiff's Application, the Declaration of Andrea Burkhardt In Support
of Application for Order Appointing General Receiver, the Declaration of Vickie Stone,
the Opposition to Plaintiff's Application for Order Appointing General Receiver, and the
record and files herein, the parties having received adequate notice of Plaintiff's

ORDER APPOINTING GENERAL RECEIVER – p. 1

BURKHART & BURKHART, PLLC
6½ North Second Ave., Suite 200
Walla Walla, WA 99362
(509) 529-0630

TRADEMARK
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1 application as required by RCW 7.60.025(3) and Defendants Larry Thomason and Sally
2 Thomason having appeared through their attorney of record, Tom Scribner and Minnick-
3 Hayner, P.S., and the Court finding that Plaintiff Community Bank has a probable right
4 to or interest in the property of Whitman Cellars, LLC for which this Order was sought,
5 and further finding that said property or its revenue-producing potential is in danger of
6 being lost or materially injured or impaired, and further finding that the Defendant
7 Whitman Cellars, LLC has consented to the appointment of a receiver as requested by
8 Plaintiff, and the Court determining that Winery Compliance Services, LLC is eligible
9 and qualified to serve as receiver,
10

11 NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

- 12 1. Plaintiff's application for appointment of a general receiver is GRANTED.
- 13 2. Winery Compliance Services, LLC is hereby appointed general receiver of all of
14 the real and personal property belonging to Defendant Whitman Cellars, LLC,
15 including the real property more particularly described in Exhibit A hereto
16 together with all personal property, equipment, furniture and fixtures contained
17 therein. Winery Compliance Services, LLC shall serve without bond.
- 18 3. The Walla Walla County Sheriff is hereby directed and ordered to turn over to the
19 general receiver any property belonging to Defendant Whitman Cellars, LLC
20 taken into custody pursuant to that certain Writ of Attachment issued by this
21 Court on January 25, 2011.
- 22 4. The general receiver is empowered to demand that any property belonging to
23 Whitman Cellars, LLC in the possession of any person be turned over to the
24 general receiver, as permitted by RCW 7.60.070.
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- 1 5. The general receiver is hereby granted all of the powers of a receiver as provided
2 in RCW 7.60.060 and is hereby ordered to file a copy of this Order with the
3 Auditor's Office of Walla Walla County, pursuant to RCW 7.60.070(2)(c).
4
5 6. The general receiver is hereby empowered to complete any wine production
6 activities necessary to obtain maximum value for the wine inventory, including
7 any blending, bottling, testing, labeling, or any other activity necessary to prepare
8 the inventory for retail sale and as permitted by the Washington State Liquor
9 Control Board and the federal Alcohol & Tobacco Tax and Trade Bureau.
10
11 7. The general receiver is hereby empowered to pay any and all federal wine taxes
12 incurred as a result of removing any wine inventory from any bonded wine
13 storage facility and to file any and all required reports and returns associated with
14 the collection and payment of such taxes.
15
16 8. The general receiver is hereby authorized to liquidate any and all wine inventory
17 by sale to any wholesale distributor or in bulk to any other permitted winery, or as
18 otherwise permitted by the Washington State Liquor Control Board and the
19 federal Alcohol & Tobacco Tax and Trade Bureau.
20
21 9. It is the intent of this Court that the general receiver shall be considered a
22 fiduciary under 27 C.F.R. § 24.125(b) and (c).
23

24 SO ORDERED this 9th day of March, 2011.

25 

26 Hon. Donald W. Schacht
27 Superior Court Judge

1 Presented by:

2 Burkhart & Burkhart, PLLC

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5 Andrea Burkhart, WSBA #38519
6 Attorney for Plaintiff
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EXHIBIT A

Legal Description of Real Property subject to Order Appointing General Receiver

Parcel A: Lots 16, 17, 18 and 19 in Block 2 of Headley's Addition to Walla Walla City, as per plat thereof recorded in Volume A of Plats at Page 87, records of Walla Walla County, Washington, lying South of Pine Street in said City as now established.

Parcel B: Lots 13, 14 and 15 in Block 2 of Headley's Addition to the City of Walla Walla, according to the official plat thereof of record in the office of the Auditor of Walla Walla County, Washington. EXCEPTING THEREFROM, HOWEVER, the East 7.5 feet thereof used as an alley, all being situated in the County of Walla Walla, State of Washington.

Assessor's Tax Parcel Nos. 36-07-19-58-0226 and 36-14-19-58-0227.

Commonly known as 1015 West Pine Street, Walla Walla, WA 99362.

ASSIGNMENT OF TRADEMARKS

THIS ASSIGNMENT OF TRADEMARKS is entered into, effective June 29, 2011, by and between Community Bank, an Oregon banking corporation (hereinafter referred to as "Community Bank"), and Whitman Cellars, LLC, a Washington limited liability company (hereinafter referred to as "Whitman Cellars").

WHEREAS, on March 9, 2011, the Walla Walla County Superior Court entered an order appointing Winery Compliance Services, LLC, as general receiver over all real and personal property of Whitman Cellars, LLC, under Cause No. 11-2-00087-8;

WHEREAS, in consideration of the resolution of disputes, the parties entered into a Settlement Agreement effective June 29, 2012;

WHEREAS, pursuant to Paragraph 3 of the Settlement Agreement, Whitman Cellars agreed to relinquish its interest in any personal property collateral in favor of Community Bank;

WHEREAS, all parties to the Settlement Agreement agreed to cooperate and assist in any way reasonably required by Community Bank to effectuate any sale or transfer of the personal property collateral, and to sign any documents required by Community Bank to complete any such sale or transfer;

WHEREAS, Whitman Cellars remains registered as the owner of certain general intangibles, specifically trademarks for the marks "Whitman Cellars" and "Killer Cab Sit Back ... Enjoy the Ride Taxi Killer Cab Co. 13.8% Alc. By Vol.", pursuant to the records of the United States Patent and Trademark Office;

WHEREAS, this Assignment is necessary to transfer the trademark registrations to Community Bank in fulfillment of Paragraph 3 of the Settlement Agreement,

Now, therefore, for and in consideration of fulfillment of settlement, Whitman Cellars, LLC, by and through the duly appointed receiver, Winery Compliance Services, LLC, does assign any and all interest in the marks "Whitman Cellars" and "Killer Cab Sit Back ... Enjoy the Ride Taxi Killer Cab Co. 13.8% Alc. By Vol." to Community Bank, and further authorizes Community Bank or its authorized representative to take any action necessary to assign or transfer ownership of the trademarks to Community Bank through the United States Patent and Trademark Office.

Dated the 10th day of May, 2012.



Winery Compliance Services, LLC

By: Vickie Stone, Owner and sole Member