

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	Release of Service Mark Security Interest (releasing Assignment recorded at Reel/Frame 3093/0172)		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Wells Fargo Bank, N.A., as successor in interest by merger to Wachovia Bank, National Association		06/24/2013	National Banking Association: UNITED STATES
RECEIVING PARTY DATA			
Name:	Ahern Rentals, Inc.		
Street Address:	1401 Mineral Avenue		
City:	Las Vegas		
State/Country:	NEVADA		
Postal Code:	89106-4342		
Entity Type:	CORPORATION: NEVADA		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	3010812	AHERN RENTALS	
CORRESPONDENCE DATA			
Fax Number:	2128366337		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.</i>			
Email:	psomelofske@kayescholer.com		
Correspondent Name:	Paul J. Somelofske c/o Kaye Scholer LLP		
Address Line 1:	425 Park Avenue		
Address Line 2:	16-06		
Address Line 4:	New York, NEW YORK 10022-3598		
ATTORNEY DOCKET NUMBER:	03191-0231-05948		
NAME OF SUBMITTER:	Paul J. Somelofske		

CH \$40.00 3010812

Signature:	/Paul J. Somelofske/
Date:	06/24/2013
Total Attachments: 12 source=Executed Release of Service Mark Security Interest#page1.tif source=Executed Release of Service Mark Security Interest#page2.tif source=Executed Release of Service Mark Security Interest#page3.tif source=Executed Release of Service Mark Security Interest#page4.tif source=Executed Release of Service Mark Security Interest#page5.tif source=Executed Release of Service Mark Security Interest#page6.tif source=Executed Release of Service Mark Security Interest#page7.tif source=Executed Release of Service Mark Security Interest#page8.tif source=Executed Release of Service Mark Security Interest#page9.tif source=Executed Release of Service Mark Security Interest#page10.tif source=Executed Release of Service Mark Security Interest#page11.tif source=Executed Release of Service Mark Security Interest#page12.tif	

RELEASE OF SERVICE MARK SECURITY INTEREST

This RELEASE OF SERVICE MARK SECURITY INTEREST (this “Release”) is made effective as of this 24th day of June, 2013 by Wells Fargo Bank, N.A., as Collateral Trustee for the noteholders as further described below (in such capacity, the “Collateral Trustee”), and Wells Fargo Bank, N.A., as successor in interest by merger to Wachovia Bank, National Association, as Collateral Agent for the lenders as further described below (in such capacity, the “Collateral Agent,” the Collateral Trustee and Collateral Agent are each referred to herein as a “Releasor” and collectively as the “Releasors”), in favor of Ahern Rentals, Inc., a Nevada corporation (“Releasee”).

A. Releasee is the owner of the service mark “Ahern Rentals,” which was filed for registration in the United States Patent and Trademark Office on March 25, 2004, Serial No. 78/390,965, and registered on November 1, 2005, Registration No. 3010812 (the “Service Mark”).

B. As collateral to secure the payment of Releasee’s obligations to the Releasors for borrowed money, Releasee pledged to Releasors (x) all of Releasee’s right, title and interest in and to, the Service Mark; (y) all common law rights and rights in non-U.S. registrations and service marks, if any, secured under the Assignments for Security (Trademarks) described below, and (z) all goodwill associated with the foregoing interests (collectively, the “Service Mark Collateral”), as follows:

i. Pursuant to that certain Assignment for Security (Trademarks) dated October 29, 2004, and recorded on November 2, 2004 at Reel/Frame 3093/0172, between Releasee and the Collateral Agent, as collateral agent for the lenders party to that certain Loan and Security Agreement dated as of October 29, 2004;

ii. Pursuant to that certain Assignment for Security (Trademarks) dated August 18, 2005, and recorded on August 19, 2005 at Reel/Frame 3143/0678, between Releasee and the Collateral Trustee, as collateral trustee under that certain Security Agreement dated August 18, 2005, for the holders of certain secured senior notes issued by Releasee and other Secured Parties described therein; and

iii. Pursuant to that certain Amended and Restated Assignment for Security (Trademarks) dated August 18, 2005, and recorded on August 26, 2005 at Reel/Frame 3186/0438 (and which was rerecorded as a clarification on November 4, 2005 as Reel/Frame 3221/0775), between Releasee and the Collateral Agent, as collateral agent for the lenders party to that certain Loan and Security Agreement dated as of October 29, 2004, as amended and restated on August 18, 2005.

C. Effective December 31, 2008, Wachovia Bank, National Association merged with and into Wells Fargo Bank, N.A. pursuant to orders approving such banking merger from the Office of the Comptroller of the Currency (Conditional Approval #941), a copy of which is attached hereto as Exhibit A, and the Federal Reserve Board (Order effective October 12, 2008), a copy of which is attached hereto as Exhibit B. The Certificate of Merger for this transaction has been recorded on January, 13, 2009 at Reel/Frame 3917/0996.

D. Releasors have agreed to release and discharge fully their security interests in the Service Mark Collateral and assign, transfer, and grant all of their right, title and interest in the Service Mark Collateral to Releasee.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, each Releasor hereby releases its security interest in the Service Mark Collateral and reverts Releasee with full right, title, and interest in, to, and under the Service Mark Collateral.

1. Release. Each Releasor, on behalf of itself and its successors, legal representatives and assigns, hereby terminates, fully discharges and releases in its entirety each of the four security interests in and to the Service Mark Collateral described in the recitals above. Each Releasor hereby reassigns any and all such right, title and interest that it may have in the Service Mark Collateral to Releasee.

2. Recordation. Each Releasor hereby authorizes and requests the Commissioner for Trademarks of the United States to record this release of each of the four security interests in the Service Mark Collateral described in the recitals above.

3. Further Assurance. Each Releasor hereby agrees to duly execute, acknowledge, procure and deliver any further documents, including, but not limited to, those documents necessary under the rules of the United States Patent and Trademark Office and Article 9 of the Uniform Commercial Code or other applicable law, and to do such other acts as may be reasonably necessary upon request by Releasee (or its assignees or designees) to effect the release of the security interests contemplated hereby and to confirm this Release and Releasee's (or its assignee's) right, title and interest in and to the Service Mark Collateral.

[Signature page follow; remainder of page left blank]

IN WITNESS WHEREOF, each Releasor has caused this RELEASE OF SERVICE
MARK SECURITY INTEREST to be duly executed as of the date above first written.

WELLS FARGO BANK, N.A., as
Collateral Trustee

By: Krista Wade
Name: Krista Wade
Title: Authorized Signatory
Date: JUNE 24, 2013

WELLS FARGO BANK, N.A., as successor
in interest by merger to Wachovia Bank,
National Association, as Collateral Agent

By: Krista Wade
Name: Krista Wade
Title: Authorized Signatory
Date: JUNE 24, 2013

Exhibit A
To Release of Service Mark Security Interest



Comptroller of the Currency
Administrator of National Banks

Washington, DC 20219

November 24, 2009

**Conditional Approval #941
February 2010**

Mr. James E. Hanson
Vice President
Wells Fargo Bank, National Association
90 South Seventh Street
Minneapolis, MN 55479

Re: Applications to merge Wachovia Bank, National Association, Charlotte, North Carolina and Wachovia Bank of Delaware, National Association, Wilmington, Delaware with and into Wells Fargo Bank, National Association, Sioux Falls, South Dakota.
Application Control Number: 2009-ML-02-0012

Dear Mr. Hanson:

The Office of the Comptroller of the Currency (“OCC”) hereby approves the application to merge Wachovia Bank, National Association, Charlotte, North Carolina (“WBNA”) and Wachovia Bank of Delaware, National Association, Wilmington, Delaware (“WBDNA”) with and into Wells Fargo Bank, National Association, Sioux Falls, South Dakota (“WFBNA”) under the charter of WFBNA and with the title Wells Fargo Bank, National Association, for the reasons and subject to the conditions and requirements set forth herein. This approval is granted after a thorough evaluation of the application, other materials you have supplied, and other information available to the OCC, including representations made in the application and by the applicant’s representatives during the application process.

The Transaction

WFBNA, WBNA and WBDNA are wholly-owned indirect subsidiaries of Wells Fargo & Company (“WFC”). WFBNA has branches in 22 states, WBNA has branches in 18 states and the District of Columbia, and WBDNA has branches only in Delaware. WFBNA will not retain WBNA’s main office in Charlotte, North Carolina as a branch, but will retain the main office of WBDNA in Wilmington, Delaware as a branch of the resulting bank. WFBNA plans to operate the branches of WBNA and WBDNA as branch offices of the resulting bank.

Legal Authority for the Merger

WFBNA has applied to the OCC for approval to acquire by merger WBNA and WBDNA pursuant to 12 U.S.C. §§ 215a-1, 1828(c) and 1831u. The home state of WFBNA is South Dakota and the home states of the target banks are North Carolina and Delaware. Consequently,

in this transaction it is proposed that three affiliated banks with different home states will merge under the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 (“Riegle-Neal”). The OCC may not approve an interstate merger if the transaction involves a bank whose home state has enacted a law between September 29, 1994, and May 31, 1997, that expressly prohibits all mergers with all out-of-state banks. All three states have laws permitting interstate mergers.

Approval of an interstate merger transaction under 12 U.S.C. § 1831u is also subject to certain requirements and conditions set forth in sections 1831u(a)(5) and 1831u(b). These conditions are: (1) compliance with state-imposed age limits, if any, subject to the Riegle-Neal limits; (2) compliance with filing requirements, including certain state filing requirements permitted by Riegle-Neal; (3) compliance with deposit concentration limits; (4) expanded community reinvestment compliance; and (5) adequacy of capital and management skills. The OCC has determined that the merger satisfies applicable conditions regarding age, filing, and capital and management skills. The requirements relating to deposit concentration limits and expanded community reinvestment analysis are inapplicable to mergers, such as this, between affiliated banks. Pursuant to 12 U.S.C. § 1831u(d)(1), the OCC also has determined that WFBNA may retain its main office as its main office following consummation of the merger, and may retain as branches its own branches, the branches of WBNA, and the main office and branches of WBDNA.

WFBNA is also authorized to retain each of WBNA’s permissible operating, financial, and statutory subsidiaries and non-controlling investments as established or acquired in accordance with applicable law and OCC regulations.

Bank Merger Act

The OCC reviewed the proposed merger transaction under the criteria of the Bank Merger Act, 12 U.S.C. § 1828(c). Among other matters, we found that the proposed transaction would have no anticompetitive effects. The OCC also considered the financial and managerial resources of the banks, their future prospects, and the convenience and needs of the communities to be served. In addition, the Bank Merger Act requires the OCC to consider “. . . the effectiveness of any insured depository institution involved in the proposed merger transaction in combatting money laundering activities . . .” The OCC considered these factors and found them to be consistent with approval of this application.

Community Reinvestment Act

The OCC also is required to consider the applicants’ records of compliance with the Community Reinvestment Act (“CRA”), 12 C.F.R. § 25.29(a)(3), including the applicant’s record of helping to meet the credit needs of the community, including low- and moderate-income (“LMI”) neighborhoods, when evaluating certain applications, including consolidation and merger transactions that are subject to the Bank Merger Act. The OCC considers the CRA performance evaluation of each institution involved in the transaction. A review of the record of these applicants and other information available to the OCC as a result of its regulatory responsibilities

revealed no evidence that the applicants' record of helping to meet the credit needs of their communities, including LMI neighborhoods, is less than satisfactory.

Section 1818 Condition

This approval is subject to the following conditions:

- Prior to consummation of the merger, as approved, WFBNA shall execute an operating agreement ("Operating Agreement") with the OCC. The Operating Agreement shall provide, among other requirements, that prior to the consummation of the merger, WFBNA shall enter into an agreement, acceptable to the OCC, with WFC pursuant to which WFC shall indemnify WFBNA for losses and related expenditures, as specified, that may be incurred directly or indirectly by WFBNA arising from the acquisition, directly or indirectly, of specified assets or interests in specified assets, or any activity assumed by WFBNA with respect to such assets or interests in such assets.
- The WFBNA Board of Directors shall assure that the Operating Agreement is fully adopted, timely implemented, and adhered to thereafter.

These conditions of approval are conditions "imposed in writing by a Federal Agency in connection with any action on any application, notice or other request" within the meaning of 12 U.S.C. § 1818. As such, the conditions are enforceable under 12 U.S.C. § 1818.

Consummation Requirements

This approval is granted based on our understanding that other applicable regulatory approvals, non-objections or waivers with respect to the proposed transaction will have been received prior to the transaction.¹

With respect to the merger application, please ensure that you have submitted the following prior to your desired consummation date:

- A Secretary's Certificate for each institution, certifying that a majority of the board of directors approved.
- An executed merger agreement and, if appropriate, the Articles of Association for the resulting bank attached.

¹ We note that upon consummation of the merger, WFBNA, as successor to WBNA, and WFC, as the holding company of WFBNA and successor to Wachovia Corporation, as provided for in WBNA's December 2008 Operating Agreement with the OCC, and the December 2008 Indemnification and Repurchase Agreement between WBNA and Wachovia Corporation, hold or continue to hold all rights, duties, responsibilities, and obligations set forth in those agreements.

We also note that while the merger is structured as a merger of WBNA and WBDNA into WFBNA, in accordance with your request, the OCC will renumber WFBNA's charter to take the charter number of WBNA, Charter No. 1.

- A Secretary's Certificate from each institution, certifying that the shareholder approvals have been obtained, if required.

If the merger is not consummated within one year from the approval date, the approval shall automatically terminate, unless the OCC grants an extension of the time period.

This approval and the activities and communications by OCC employees in connection with the filing, do not constitute a contract, express or implied, or any other obligation binding upon the OCC, the United States, any agency or entity of the United States, or any officer or employee of the United States, and do not affect the ability of the OCC to exercise its supervisory, regulatory and examination authorities under applicable law and regulations. Our decision is based on the bank's representations, submissions, and information available to the OCC as of this date. The OCC may modify, suspend or rescind this decision if a material change in information on which the OCC relied occurs prior to the date of the transaction to which this decision pertains. The foregoing may not be waived or modified by any employee or agent of the OCC or the United States.

All correspondence regarding this application should reference the application control number. If you have any questions, please contact me at (202) 874-5294 or by email at Stephen.Lybarger@occ.treas.gov.

Sincerely,

Steven A. Lybarger

Stephen A. Lybarger
Large Bank Licensing Expert

Exhibit B
To Release of Service Mark Security Interest

FEDERAL RESERVE SYSTEM

Wells Fargo & Company
San Francisco, California

Order Approving the Acquisition of a Bank Holding Company

Wells Fargo & Company (“Wells Fargo”), a financial holding company within the meaning of the Bank Holding Company Act (“BHC Act”), has requested the Board’s approval under section 3 of the BHC Act to acquire Wachovia Corporation (“Wachovia”),¹ Charlotte, North Carolina, and thereby indirectly acquire Wachovia’s subsidiary banks, Wachovia Bank, National Association (“Wachovia Bank”), Charlotte, and Wachovia Bank of Delaware, National Association, Wilmington, Delaware.² In addition, Wells Fargo has requested the Board’s approval under section 4 of the BHC Act³ to acquire the nonbanking subsidiaries of Wachovia, including Wachovia’s two subsidiary savings associations.⁴ Wells Fargo also proposes to acquire the agreement corporation and Edge Act subsidiaries and the foreign operations of Wachovia pursuant to sections 25 and 25A of the Federal Reserve Act and the Board’s Regulation K.⁵

¹ 12 U.S.C. § 1842.

² Wells Fargo initially would acquire shares of newly issued voting preferred securities of Wachovia, representing approximately 39.9 percent of aggregate voting securities. After shareholder approval, a wholly owned subsidiary of Wells Fargo would merge with and into Wachovia, with Wachovia surviving the merger and becoming a wholly owned subsidiary of Wells Fargo. Wells Fargo also seeks the Board’s approval pursuant to section 3 of the BHC Act to acquire Wachovia’s indirect ownership of 5.7 percent of the voting shares of United Bancshares, Inc. (“United”) and thereby indirectly acquire voting shares of United’s subsidiary bank, United Bank of Philadelphia, both of Philadelphia, Pennsylvania.

³ 12 U.S.C. § 1843.

⁴ Wachovia’s two savings associations are Wachovia Mortgage, F.S.B., North Las Vegas, Nevada, and Wachovia Bank, F.S.B., Houston, Texas. Wells Fargo also proposes to acquire all of Wachovia’s other nonbanking subsidiaries pursuant to section 4 of the BHC Act, including (but not limited to) Wachovia Bank’s insured credit card subsidiary, Wachovia Card Services, National Association, Atlanta, Georgia, and its nondepository trust company, Delaware Trust Company, National Association, Wilmington, Delaware. See 12 U.S.C. § 1843. Both of these Wachovia Bank subsidiaries engage only in limited operations and, therefore, are not banks for purposes of the BHC Act. See 12 U.S.C. § 1841(c)(2)(D) and (F).

⁵ 12 U.S.C. §§ 601 et seq. and 611 et seq.; 12 CFR Part 211.

Section 3(b)(1) of the BHC Act requires that the Board provide notice of an application under section 3 to the appropriate federal or state supervisory authority for the banks to be acquired and provide the supervisor a period of time (normally 30 days) within which to submit views and recommendations on the proposal.⁶ Section 4(i)(4) of the BHC Act imposes a similar requirement with respect to a notice to acquire a savings association.⁷ In light of the unusual and exigent circumstances affecting the financial markets, the weakened financial condition of Wachovia, and all other facts and circumstances, the Board has shortened to 10 days the notice period to the primary regulators of the banks and savings associations involved in, and waived public notice of, this proposal, in accordance with the provisions of the BHC Act and the Board's regulations.⁸ The Board has contacted the primary federal supervisors of the insured depository institutions and the Department of Justice; those agencies have indicated that they have no objection to the approval of the proposal.

The Board has carefully considered the statutory factors in light of all the facts of record, including confidential examination and other supervisory information, publicly reported and additional financial information, the supervisory experiences of the Board and the other federal supervisors of the organizations and institutions involved in the proposal, information provided by Wells Fargo and Wachovia, and comments received on the proposal. Based on all the facts of record, the Board has concluded that all the factors the Board must consider in acting on the application and notices are consistent with approval. The application and notices are hereby approved by the Board for the reasons set forth in the Board's Statement, which will be released at a later date.

The Board's approval is specifically conditioned on compliance by Wells Fargo with all the commitments made in connection with the proposal, including the commitments and conditions discussed in the forthcoming Statement. This approval also is subject to all the conditions set forth in Regulation Y and to the Board's authority to require such modification or termination of the nonbanking activities of a bank holding company or any of its subsidiaries as the Board finds necessary to ensure compliance with, and to prevent evasion of, the provisions of

⁶ 12 U.S.C. § 1842(b)(1); 12 CFR 225.25(b).

⁷ 12 U.S.C. § 1843(i)(4).

⁸ 12 U.S.C. §§1842(b)(1) and 1843(i)(4); 12 CFR 225.16(b)(3), 225.16(g)(2), 225.25(d), and 262.3(l).

the BHC Act and the Board's regulations and orders issued thereunder. These commitments and conditions are deemed to be conditions imposed in writing by the Board in connection with its findings and decision and, as such, may be enforced in proceedings under applicable law.

The proposed bank-related acquisitions may not be consummated before the fifth calendar day⁹ after the effective date of this order, and the proposal may not be consummated later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of San Francisco, acting pursuant to delegated authority.

By order of the Board,¹⁰ effective October 12, 2008.

(signed) Robert deV. Frierson

Robert deV. Frierson
Deputy Secretary of the Board

⁹ 12 U.S.C. § 1849(b)(1); 12 CFR 225.16(h)(2).

¹⁰ Voting for this action: Chairman Bernanke, Vice Chairman Kohn, and Governors Warsh, Kroszner, and Duke.