

Form PTO-1594 (Rev. 6-12)
OMB Collection #0651-0027 (exp. 04/30/20)

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

10/6/20
Re 103681467



11/4/20

To the Director of the U. S. Patent and

Documents or the new address(es) below.

1. Name of conveying party(ies):

MCO Properties Inc.
13620 N. Saguaro Blvd. #200
Fountain Hills AZ 85268

- Individual(s)
- Partnership
- Corporation- State: Delaware
- Other
- Association
- Limited Partnership

Citizenship (see guidelines)

Additional names of conveying parties attached? Yes No

3. Nature of conveyance/Execution Date(s) :

Execution Date(s) May 18, 2018

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

2. Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached? Yes No

Name: MJFFH7, LLC

Street Address: 9617 North Saguaro Blvd.

City: Fountain Hills

State: AZ

Country: USA Zip: 85268

- Individual(s) Citizenship
- Association Citizenship
- Partnership Citizenship
- Limited Partnership Citizenship
- Corporation Citizenship
- Other LLC Citizenship Arizona

If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No
(Designations must be a separate document from assignment)

4. Application number(s) or registration number(s) and identification or description of the Trademark.

A. Trademark Application No.(s) Text

B. Trademark Registration No.(s)

3099839

Additional sheet(s) attached? Yes No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

Eagles Nest, design plus words. Class 37: Real estate development services, Filing Date: June 15, 2005.

5. Name & address of party to whom correspondence concerning document should be mailed:

Name: Steven B. Vargo

Internal Address: President

MCO Realty Inc.

Street Address: 9617 N Saguaro Boulevard

City: Fountain Hills

State: AZ Zip: 85268

Phone Number: (480) 837-2500

Docket Number:

Email Address: svargo@mcorealty.com

6. Total number of applications and registrations involved:

1

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$40.00

- Authorized to be charged to deposit account
- Enclosed

8. Payment Information:

Deposit Account Number

Authorized User Name

9. Signature:

Steven B. Vargo
Signature

Steven B. Vargo

Name of Person Signing

10/30/20
Date

Total number of pages including cover sheet, attachments, and document: 7

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to: Mail Stop Assignment Recordation Branch, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

ASSIGNMENT AND ASSUMPTION AGREEMENT

This Assignment and Assumption Agreement ("Assignment") is between MCO Properties Inc., a Delaware corporation, EN LLC, a Delaware limited liability company, and MJFFH7, LLC, an Arizona limited liability company.

WHEREAS, MCO Properties Inc. is the owner of the name "Eagles Nest" and the logo associated therewith, and EN LLC is the sole and exclusive owner of the domain name www.eaglesnestliving.com, which are used in connection with the marketing, advertising, and sale of real estate goods and services of the Property defined below; and

WHEREAS, EN LLC has on the date hereof conveyed to MJFFH7, LLC (hereinafter referred to as "Assignee") real property described on Exhibit A, attached hereto (the "Property"); and

WHEREAS, in connection with the conveyance of the Property, MCO Properties Inc. and EN LLC (together, "Assignor") and Assignee intend that certain assets pertaining to the Property be assigned to Assignee; and

NOW THEREFORE, for valuable consideration the receipt and sufficiency of which are hereby acknowledged, Assignor do hereby assign and agree, and Assignee does hereby agree, as follows:

AGREEMENTS

1. Assignor hereby assigns to Assignee, but without warranty (other than that Assignor has not transferred or assigned the same to any other party), all of Assignor's assignable right, title and interest, if any, in and to all, of the following (the "Assigned Rights"):

(i) the License Agreement ("License") between EN LLC and Toll Brothers AZ Construction Company ("Licensee"), dated March 22, 2018;

(ii) the name "Eagles Nest" and logo (together, the "Trade Name"), and the domain name www.eaglesnestliving.com (the "Domain Name"); and

(iii) all surveys, plans, specifications, reports, engineering work-product, consultant work product and licenses.

2. Assignee hereby accepts the assignment of the Assigned Rights as set forth in this Assignment and assumes all obligations of Assignor that arise on or after the date of this Assignment. This Assignment shall not relieve Assignor of any obligations accruing, arising, and to be performed, during the time period prior to the date hereof.

3. Assignor hereby agrees to indemnify, defend and hold harmless Assignee and any of its affiliated entities and each of their officers, directors and employees, from, and against all liabilities, damages, losses, costs and expenses (including attorneys' fees and disbursements) incurred by Assignee as a result of or by reason of the failure of any of the duties, obligations,

liabilities and responsibilities of Assignor under the Trade Name, Domain Name and the License that were performable and arose before the Effective Date.

4. Assignee hereby agrees to indemnify, defend and hold harmless Assignor and any of its affiliated entities and each of their officers, directors and employees, from, and against all liabilities, damages, losses, costs and expenses (including attorneys' fees and disbursements) incurred by Assignor as a result of or by reason of the failure of any of the duties, obligations, liabilities and responsibilities of Assignor under the Trade Name, Domain Name and the License that are performable and arise on or after the Effective Date.

5. This Assignment shall be binding upon and enforceable against, and shall inure to the benefit of, Assignor and Assignee and their respective legal representatives, successors and assigns. This Assignment shall be governed by, construed under and interpreted and enforced in accordance with the laws of the State of Arizona. This Assignment may be executed in several counterparts, each of which shall be deemed an original, and all of such counterparts together shall constitute one and the same instrument.

Date: May 18, 2018 ("Effective Date").

ASSIGNOR:

MCO Properties Inc.,
a Delaware corporation

By: M. Emily Madison
Name: M. Emily Madison
As its: Treasurer

ASSIGNEE

MJFFH7, LLC,
an Arizona limited liability company

By: Steven B. Vargo
Name: Steven B. Vargo
As its: Manager

EN LLC,
a Delaware limited liability company

By: M. Emily Madison
Name: M. Emily Madison
As its: Treasurer

TRADEMARK

REEL: 007121 FRAME: 0887

EXHIBIT "A"**PARCEL NO. 1:**

LOTS 206 THROUGH 226 INCLUSIVE, OF EAGLES NEST PARCEL 1, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 936 OF MAPS, PAGE 33 .

EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, MINERALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE, IN, ON, OR UNDER THE PROPERTY, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS;

EXCEPT ALL UNDERGROUND WATER IN, UNDER OR FLOWING THROUGH SAID PROPERTY AND WATER RIGHTS APPURTENANT THERETO, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS.

PARCEL NO. 2:

PARCEL 2 OF EAGLES NEST, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 580 OF MAPS, PAGE 25.

EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, MINERALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE, IN, ON, OR UNDER THE PROPERTY, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS;

EXCEPT ALL UNDERGROUND WATER IN, UNDER OR FLOWING THROUGH SAID PROPERTY AND WATER RIGHTS APPURTENANT THERETO, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS.

PARCEL NO. 3:

LOTS 166 THROUGH 179 INCLUSIVE, OF PARCEL 3 OF EAGLES NEST, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1038 OF MAPS, PAGE 41.

EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, MINERALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE, IN, ON, OR UNDER THE PROPERTY, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS;

EXCEPT ALL UNDERGROUND WATER IN, UNDER OR FLOWING THROUGH SAID PROPERTY AND WATER RIGHTS APPURTENANT THERETO, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS.

PARCEL NO. 4:

LOTS 152 THROUGH 157, AND LOTS 159 THROUGH 165 INCLUSIVE, OF PARCEL 4 OF EAGLES NEST, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 756 OF MAPS, PAGE 7.

EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, MINERALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE, IN, ON, OR UNDER THE PROPERTY, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS;

EXCEPT ALL UNDERGROUND WATER IN, UNDER OR FLOWING THROUGH SAID PROPERTY AND WATER RIGHTS APPURTENANT THERETO, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS.

PARCEL NO. 5:

LOTS 132, 133, 135, 137, 138 AND 146, OF PARCEL 5 OF EAGLES NEST, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 742 OF MAPS, PAGE 13 AND AFFIDAVIT OF CORRECTION RECORDED AS 2008-108964 OF OFFICIAL RECORDS.

EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, MINERALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE, IN, ON, OR UNDER THE PROPERTY, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS;

EXCEPT ALL UNDERGROUND WATER IN, UNDER OR FLOWING THROUGH SAID PROPERTY AND WATER RIGHTS APPURTENANT THERETO, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS.

PARCEL NO. 6:

LOTS 21 AND 22 INCLUSIVE, OF EAGLES NEST, PARCEL 7, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 685 OF MAPS, PAGE 16 AND CERTIFICATE OF CORRECTION RECORDED AS 2004-1332435 OF OFFICIAL RECORDS.

EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, MINERALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE, IN, ON, OR UNDER THE PROPERTY, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS;

EXCEPT ALL UNDERGROUND WATER IN, UNDER OR FLOWING THROUGH SAID PROPERTY AND WATER RIGHTS APPURTENANT THERETO, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS.

PARCEL NO. 7:

LOTS 116 AND 125, OF EAGLES NEST PARCEL 10, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 685 OF MAPS, PAGE 17; CERTIFICATE OF CORRECTION RECORDED AS 2004-1332439 OF OFFICIAL RECORDS AND AFFIDAVIT OF CORRECTION RECORDED AS 2007-495822 OF OFFICIAL RECORDS.

EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, MINERALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE,

IN, ON, OR UNDER THE PROPERTY, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS;

EXCEPT ALL UNDERGROUND WATER IN, UNDER OR FLOWING THROUGH SAID PROPERTY AND WATER RIGHTS APPURTENANT THERETO, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS.

PARCEL NO. 8:

LOTS 236, 238, 239, 240, 243, OF EAGLES NEST PARCEL 11, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 831 OF MAPS, PAGE 17; AFFIDAVIT OF CHANGE RECORDED AS 2006-1030515 OF OFFICIAL RECORDS; 2006-1030516 OF OFFICIAL RECORDS; AFFIDAVIT OF CORRECTION RECORDED AS 2006-1386465 OF OFFICIAL RECORDS AND AFFIDAVIT OF CHANGE RECORDED AS 2007-495823 OF OFFICIAL RECORDS AND CERTIFICATE OF MODIFICATION RECORDED ON MARCH 22, 2016 AS 2016-0184802 OF OFFICIAL RECORDS.

EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, MINERALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE, IN, ON, OR UNDER THE PROPERTY, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS;

EXCEPT ALL UNDERGROUND WATER IN, UNDER OR FLOWING THROUGH SAID PROPERTY AND WATER RIGHTS APPURTENANT THERETO, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS.

PARCEL NO. 8A:

LOT 245, OF EAGLES NEST PARCEL 11, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 831 OF MAPS, PAGE 17; AFFIDAVIT OF CHANGE RECORDED AS 2006-1030515 OF OFFICIAL RECORDS; 2006-1030516 OF OFFICIAL RECORDS; AFFIDAVIT OF CORRECTION RECORDED AS 2006-1386465 OF OFFICIAL RECORDS AND AFFIDAVIT OF CHANGE RECORDED AS 2007-495823 OF OFFICIAL RECORDS AND CERTIFICATE OF MODIFICATION RECORDED ON MARCH 22, 2016 AS 2016-0184802 OF OFFICIAL RECORDS.

EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, MINERALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL URANIUM, THORIUM, OR ANY OTHER MATERIALS, WHETHER OR NOT OF COMMERCIAL VALUE, IN, ON, OR UNDER THE PROPERTY, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS;

EXCEPT ALL UNDERGROUND WATER IN, UNDER OR FLOWING THROUGH SAID PROPERTY AND WATER RIGHTS APPURTENANT THERETO, AS RESERVED ON DEED RECORDED DECEMBER 30, 1993 AS 93-921340 OF OFFICIAL RECORDS.

FARCEL NO. 9

PLAT 515 A:

LOT 27, OF FOUNTAIN HILLS ARIZONA FINAL PLAT NO. 515 AMENDED, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED AS BOOK 409 OF MAPS, PAGE 26.

EXCEPT ALL OIL, GASES AND OTHER HYDROCARBON SUBSTANCES, COAL, STONE, METALS, MINERALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL URANIUM, THORIUM OR ANY OTHER MATERIAL WHICH IS OR MAY BE DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS, WHETHER OF NOT OF COMMERCIAL VALUE, AND ALSO EXCEPT ALL UNDERGROUND WATER, IN, UNDER OF FLOWING THROUGH SAID LAND AND WATER RIGHTS APPURTENANT THERETO.