

03-29-1999

ET

Docket No.:

72-005



Y

Tab settings

To the Honorable Commissioner of Patents

100995124

attached original documents or copy thereof.

1. Name of conveying party(ies):

Capital Seekers Inc.

2. Name and address of receiving party(ies):

Name: Moneytree, Inc.

Internal Address: _____

Street Address: 6720 Fort Dent Way Suite 230

City: Seattle State: WA ZIP: 98188

- Individual(s)
- General Partnership
- Corporation-State North Carolina
- Other _____

- Individual(s) citizenship _____
- Association _____
- General Partnership _____
- Limited Partnership _____
- Corporation-State Washington
- Other _____

Additional names(s) of conveying party(ies) Yes No

If assignee is not domiciled in the United States, a domestic designation is Yes N
(Designations must be a separate document from Additional name(s) & address(es) Yes N

3. Nature of conveyance:

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

Execution Date: March 11, 1999

4. Application number(s) or registration numbers(s):

A. Trademark Application No.(s)

75/325,934

B. Trademark Registration No.(s)

Additional numbers Yes No

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

Name: Kathleen T. Petrich

Internal Address: P.O. Box 15316

Seattle, WA 98115

Street Address: 3513 NE 45th, Suite 2-West

City: Seattle State: WA ZIP: 98105

6. Total number of applications and registrations involved:.....

1

7. Total fee (37 CFR 3.41):.....\$ \$40.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

50-0667 (deficiencies only)

DO NOT USE THIS SPACE

3/26/1999 JSHABAZZ 00000041 75325934

1 FC:481

40.00 DP

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document of the Assignment

1070 3/15/99

Kathleen T. Petrich, Reg. No. 37,205

Name of Person Signing

Signature

3/15/99

Date

Total number of pages including cover sheet, attachments, and

TRADEMARK

REEL: 1874 FRAME: 0905

3-22-99

ASSIGNMENT OF SERVICE MARK APPLICATION

WHEREAS, CAPITAL SEEKERS INC., a corporation of the State of North Carolina, is the sole and exclusive owner of the right, title, and interest in and to a certain service mark and application for federal service mark registration thereof, namely:

<u>Mark</u>	<u>Application No.</u>	<u>Filing Date</u>
MONEYTREE MORTGAGE CENTER For: Mortgage brokerage and mortgage lending services	75/325,934	July 17, 1997

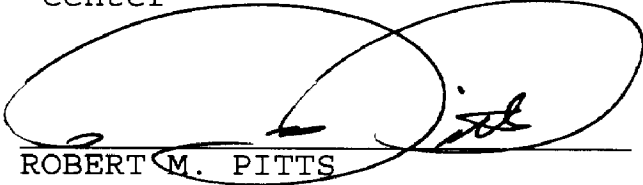
WHEREAS, MONEYTREE, INC., a corporation of the State of Washington, having a business address at 6720 Fort Dent Way, Suite 230, Seattle, Washington 98188, desires to acquire certain assets of CAPITAL SEEKERS INC. including the aforementioned service mark and application for federal registration;

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged, CAPITAL SEEKERS INC. by these presents, does hereby assign and transfer to MONEYTREE, INC., its successors and assigns, the entire right, title, and interest in and to the aforementioned service mark and application for registration, and any registration resulting therefrom, including without limitation, the good will appurtenant thereto, and the right to sue and recover thereon, all claims and causes of action for, and all rights to sue and recover and retain damages and profits for past infringements of or unpaid royalties with respect to the use of any party or parties, the same to be held and enjoyed by MONEYTREE, INC., its successors and assigns, or other legal representatives, as fully and entirely as the same would have been enjoyed by CAPITAL SEEKERS INC., had this Assignment not been made.

Executed this 11th day of March, 1999.

CAPITAL SEEKERS INC.

By: PITTS, HAY, HUGENSCHMIDT
& DEVEREUX, P.A., Trustee
for Capital Seekers Inc.
d/b/a Moneytree Mortgage
Center

By: 
ROBERT M. PITTS
P.O. Box 2868
Asheville, NC 28801
(828) 255-8085

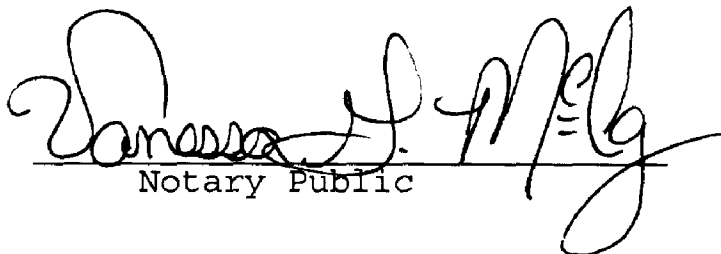
STATE OF NORTH CAROLINA)
)
COUNTY OF BUNCOMBE)

SS:

I, VANESSA G. McCOY, a Notary Public for said County and State, do hereby certify that ROBERT M. PITTS personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 11th day of MARCH, 1999.

(Official Seal)


Notary Public

My commission expires:

AUGUST 4, 2002

C:\TMMISC\CSI-1.ASS

10/14

FILED
U.S. Bankruptcy Court
WDNC, Asheville, NC

AUG 27 1998

Geraldine Treutelaar Crockett,
Clerk
/edc

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA

IN RE:

Case No.: 98 - 10761

Capital Seekers, Inc.

SSN/EIN: 56-1637962

Chapter: 7

dba

Money Tree Mortgage Center

Debtor(s).

ORDER APPOINTING INTERIM TRUSTEE AND
APPROVING BLANKET BOND

IT IS SO ORDERED AND NOTICE IS HEREBY GIVEN THAT:

1. The following interim trustee is hereby appointed, and the trustee's standing bond is fixed under the general blanket bond heretofore approved.

Pitts Hay Hugenschmidt & Devereux, PA
P.O. Box 2868
Asheville, NC 28801

2. The undersigned hereby certifies that on this date a copy of this order was mailed to the above-named trustee and the debtor(s) and all attorneys of record.

Dated: August 27, 1998

FOR THE COURT



George R. Hodges, U.S. Bankruptcy Judge

5
FEB - 11 1999 *etc*

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

Ceraldine Treutelaar Crockett,
Clerk

IN RE)
)
CAPITAL SEEKERS, INC.)
dba Money Tree Mortgage Center)
TIN: 56-1637962)
)
Debtors)

Case no. 98-10761
Chapter 7

ORDER ALLOWING TRUSTEE'S
APPLICATION TO SETTLE
DISPUTED MATTER AND TO
ASSIGN TRADEMARK

JUDGEMENT ENTERED ON FEB - 5 1999

THIS CAUSE came on to be heard before the undersigned United States Bankruptcy Judge, upon the Trustee's Application to Settle Disputed Matter and Assign Trademark. Notice was provided to all creditors, the time for responses has passed, and none have been filed. The Court, after reviewing the file and the pleadings in this matter, makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

1. Prior to the filing of the debtor's bankruptcy petition, the debtor, by and through counsel, had filed an application in the United States Patent and Trademark Office for the registration of a federal service mark for Moneytree Mortgage Center.
2. Moneytree, Inc. of Seattle, Washington intimated that they were likely to oppose this trademark application and had requested an extension of time to oppose the application.
3. Steven C. Schnedler, previously the attorney for the debtor in this matter, and now acting for the Trustee and the bankruptcy estate, has negotiated a settlement with Moneytree, Inc of Seattle, Washington.
4. The terms of the settlement are that Moneytree, Inc. of Seattle, Washington, will pay the trustee the sum of \$5,000 for Capital Seekers, Inc.'s entire interest in the mark MONEYTREE MORTGAGE CENTER and for any registrations and registration applications, both domestic and foreign, and especially including any federal registration resulting from the U.S. Trademark Application Serial No. 75/325, 934.
5. This settlement is fair and reasonable and in the best interests of the estate and its creditors and should be approved by the Court.

Based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, it is hereby ORDERED that:

1. The settlement with Moneytree, Inc. of Seattle, Washington, as set out above are approved, and

2. The trustee may assign the debtor's interests in the trademark, Moneytree Mortgage Center to Moneytree, Inc.

/s/ GEORGE R. HODGES

UNITED STATES BANKRUPTCY JUDGE

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
U. S. BANKRUPTCY COURT
WESTERN DISTRICT OF N. C.

BY: Elaine Cummings
DEPUTY CLERK

DATE: FEB -5 1999