

TRADEMARK ASSIGNMENT

Electronic Version v1.1
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SUBMISSION TYPE:		NEW ASSIGNMENT	
NATURE OF CONVEYANCE:		DECREE OF DISTRIBUTION	
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Estate of Jesus Duarte, deceased		09/30/2011	ESTATE: CALIFORNIA
RECEIVING PARTY DATA			
Name:	Luis Antonio Duarte, Jr.		
Street Address:	701 Del Mar Avenue		
City:	Chula Vista		
State/Country:	CALIFORNIA		
Postal Code:	91910		
Entity Type:	SOLE PROPRIETORSHIP: CALIFORNIA		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	3142973	LUCHA LIBRE	
CORRESPONDENCE DATA			
Fax Number:	(415)552-2158		
Phone:	(415) 552-1814		
Email:	LSiracusa@Witsir.com		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.</i>			
Correspondent Name:	James Vestal		
Address Line 1:	c/o 1550 Bryant Street, Suite 875		
Address Line 4:	San Francisco, CALIFORNIA 94013		
NAME OF SUBMITTER:		James Vestal	
Signature:		/,James Vestal, Administrator/	
Date:		09/30/2011	

OP \$40.00 3142973

Total Attachments: 7

900203544

**TRADEMARK
 REEL: 004634 FRAME: 0355**

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1 Lawrence S. Siracusa (State Bar No. 165221)
2 WITHERSPOON & SIRACUSA
3 1550 Bryant Street, Suite 875
4 San Francisco, CA 94103-4879
5 Telephone (415) 552-1814
6 Fax (415) 552-2158

7 Attorneys for James Vestal,
8 Administrator

ENDORSED
FILED
SAN FRANCISCO COUNTY
SUPERIOR COURT

2011 SEP 14 PM 2:27

CLERK OF THE COURT

BY: L. DOTSON
DEPUTY CLERK

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 CITY AND COUNTY OF SAN FRANCISCO

11 Estate of
12 JESUS DUARTE,
13 deceased)

CASE NUMBER: PES-11-294 192

14 ORDER FOR FINAL DISTRIBUTION;
15 ORDER DISPENSING WITH
16 REQUIREMENT OF ACCOUNTING OF
17 ADMINISTRATOR; ORDER AUTHORIZING
18 ADMINISTRATOR TO RETAIN RESERVE
FOR TAXES AND CLOSING COSTS;
ORDER AUTHORIZING PAYMENT OF
ATTORNEYS' FEES FOR ORDINARY
SERVICES

SEP 14 2011

19 James Vestal, as Administrator of the Estate of Jesus Duarte, deceased, *having*
20 presents ^{ed} his *First and Final Report of Administrator; Petition to Dispense with*
21 *Requirement of Accounting; Waiver of Administrator's Commission; Petition for*
22 *Payment of Attorneys' Statutory Fees for Ordinary Services; Petition for Authorization*
23 *to Retain Reserve for Payment of Taxes and Closing Costs; and Petition for Final*
24 *Distribution*, and the same having come regularly for hearing on 9/14/11,
25 the Court finds:

- 26 1. **Notice:** All notices of hearing have been given as required by law.
27 2. **Allegations:** All of the allegations of the petition are true.
28

1 **3. Period of Account and Report:** This Report covered the period
2 commencing December 13, 2010, and ending July 31, 2011.

3 **4. Date and Place of Death:** Jesus Duarte died intestate on December 13,
4 2010, at the San Francisco, California and was, at the time of his death, a resident of
5 the City and County of San Francisco, State of California.

6 **5. Appointment of Administrator:** By Order of this Court dated February 1,
7 2011, Petitioner was appointed Administrator of the decedent's estate. Letters of
8 Administration with full authority under the Independent Administration of Estates Act
9 were first issued to him that same day. At all times since, Petitioner has been and
10 remains the duly appointed and acting Administrator of the decedent's estate.

11 **6. Notice of Petition to Administer Estate:** Notice of the petition to
12 administer the estate was published for the period and in the manner prescribed by
13 law, and an affidavit verifying publication was filed with the Clerk of the Court.

14 **7. Notice to Creditors:** Petitioner made reasonable efforts to ascertain any
15 outstanding creditors of the decedent. More than four months have elapsed since
16 the issuance of Letters of Administration. All known and reasonably ascertainable
17 creditors of the estate described in Probate Code §9050 received the notice
18 described in Probate Code §9052 or are within the class of creditors described in
19 Probate Code §9054. The time for filing claims has expired.

20 **8. Compliance with Probate Code §9201 and §9202:** The decedent was
21 neither a recipient of Medi-Cal benefits nor the surviving spouse of a Medi-Cal
22 beneficiary, and notice to the Director of Health Services under Probate Code §9202
23 was not required. The estate is not required to notice any other "public entity"
24 described in Probate Code §9201. Notice was provided to the Franchise Tax Board
25 as required under Probate Code §9202(c)(1).

26 **9. Creditors' Claims:** The following Creditor Claims were presented against
27 the estate:
28

1 (a) On January 31, 2011, by the City and County of San Francisco Bureau
2 of Delinquent Revenue, in the amount of \$1,735; this claim was allowed
and paid in full;

3 (b) On about March 30, 2011, by James Vestal in the amount of
4 \$210,000; this claim was approved by this Court by Order dated May 20,
2011, and paid in full.

5 (c) On April 5, 2011, by Amelia Leyva in the amount of \$20,600; This
6 claim was approved and paid in full as evidenced by the Satisfaction of
Creditor Claim filed herein on April 27, 2011;

7 (d) On or about March 31, 2011, by Renal Medical Associates in the
8 amount of \$275; this claim was allowed in the amount of \$174.15, and
9 disallowed in the amount of \$100.85. Notice of Allowance or Rejection of
10 Creditor Claim was mailed to the creditor with payment of the allowed
11 portion on April 21, 2011, as evidenced by the proof of service filed herein
12 on April 22, 2011. More than 90 days have elapsed since the Notice of
13 Disallowance was served on the creditor and no action has been taken to
14 pursue the disallowed portion of the Claim;

15 (e) On or about April 25, 2011, by American Infosource as agent for Bank
16 of America in the amount of \$854. This claim was allowed for \$803.63 and
17 disallowed in the amount of \$50.36. Notice of Allowance or Rejection of
18 Creditor Claim was mailed to the creditor on May 5, 2011, as evidenced
19 by the proof of service filed in these proceedings on that same day. More
20 than 90 days have elapsed since the Notice of Disallowance was served
21 on the creditor and no action has been taken to pursue the disallowed
22 portion of this Claim;

23 (f) On May 3, 2011, by Capital One Bank (USA) N.A., in the amount of
24 \$4,625.94. This claim was allowed and paid in full as evidenced by the
25 Release of Claim filed herein on June 2, 2011.

26 All other debts of the decedent and of the estate and all costs of administration,
27 except the Administrator's commission, attorneys' statutory fees for ordinary
28 services, and out-of-pocket costs have been paid.

29 **10. Status of Administration:** Petitioner performed all duties required as
30 Administrator of the Estate. The estate is solvent and in a condition to be closed.

31 **11. Nature of Estate Property:** The decedent was a single man and all of the
32 assets of the estate were his separate property.

33 **12. Custody of Assets:** Petitioner kept all liquid assets of the estate in
34 Petitioner's possession either in interest-bearing accounts or other investments
35 authorized by law, except amounts necessary to administer the estate.

1 (b) Registered trademark "Lucha Libre" US Patent 0.00
2 and Trademark Office registration no. 3142973
3 registered September 12, 2006. (Supplemental
4 Inventory and Appraisal, Att. 2, Item 1)

4 TOTAL PROPERTY ON HAND \$575,564.79

5 19. Decedent's Sole Heir-at-law^s. The decedent was a single man who had no
6 issue, living or deceased. He died intestate. His only heir^s-at-law are his parents,
7 Pedro Duarte and Amparo Duarte. The name, current address, age and relationship
8 to the decedent of the decedent's heirs-at-law are:

9 Pedro Duarte, Adult, father
10 701 Del Mar Avenue
11 Chula Vista, CA 91910

12 Amparo Duarte, Adult, mother
13 701 Del Mar Avenue
14 Chula Vista, CA 91910

15 20. Assignment of Interest in Trademark: The decedent's parents, as the
16 decedent's only heirs-at-law, assigned their interest in and to US Patent and
17 Trademark Office registered trademark number 3142973, "Lucha Libre", registered
18 September 12, 2006, to Luis Antonio Duarte, Jr., as evidenced by the Assignment of
19 Interest filed herein on June 24, 2011. The Assignee's current address and
20 relationship to the decedent are:

21 Luis Antonio Duarte, Jr., Adult, nephew
22 701 Del Mar Avenue
23 Chula Vista, CA 91910

24 21. Waiver of Accounting: Pedro Duarte and Amparo Duarte, as the
25 decedent's only heirs-at-law, waived the requirement of an accounting as evidenced
26 by the Waiver of Accounting filed herein. ~~Petitioner requests the Court dispense with~~
27 ~~the requirement of an accounting of the Petitioner.~~

28 22. Request for Special Notice: A request for special notice was filed by the
Bureau of Delinquent Revenue, Office of the Treasurer of the City and County and
San Francisco, PO Box 7426, San Francisco, CA 94120-7426. All notices were sent

1 as required by law.

2
3 **THEREFORE, IT IS ORDERED and DECREED:**

4 1 Notice was given as required by law.

5 2. The requirement of an accounting of the Administrator is hereby dispensed;

6 3. All acts and proceedings of the Administrator as set forth in the Petition
7 herein are ratified and confirmed;

8 4. The Administrator is authorized to retain \$5,000 (five thousand dollars) as a
9 reserve for the payment for the preparation of final fiduciary tax returns and payment
10 of any tax due thereon and closing costs; any unused portion of such reserve shall
11 be distributed to the decedent's heirs-at-law as set forth herein;

12 5. The Administrator is authorized to pay Witherspoon & Siracusa, \$24,831.88
13 as attorneys' statutory fees for ordinary services;

14 6. After setting aside the reserve for preparation of tax returns and payment of
15 any tax due thereon, and payment of attorneys' statutory fees for ordinary services,
16 the Administrator will have property of the estate remaining in his hands consisting of
17 \$545,732.91 cash and the "Lucha Libre" USPTO registered trademark; all that
18 property, together with any other property of the decedent or his estate not now
19 known, and which may hereafter be discovered, shall be distributed to the
20 decedent's heirs-at-law and their assignee as follows:

21 (a) To Pedro Duarte, a married man, as his sole and separate property:
22 \$272,866.45 cash, together with one-half of any property of the decedent
or his estate not now known and which may hereafter be discovered;

23 (b) To Amparo Duarte, a married woman, as her sole and separate
24 property: \$272,866.45 cash, together with one-half of any other property
of the decedent or his estate not now known and which may hereafter be
25 discovered;

26 (c) To Luis Antonio Duarte, Jr., a single man, as his sole and separate
27 property: Registered trademark "Lucha Libre", meaning "free-style
28 wrestling" or "free struggle"; United States Patent and Trademark Office
registration number 3142973, registered September 12, 2006, designed
for use on clothing, namely T-shirts, sweatshirts, sweat pants, shirts,

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sweaters, shorts, pants, footwear and headgear, baseball caps, beanies, bandanas, brimmed hats. First Use: January 1, 2003, First Commerce: January 1, 2003.

7. Upon filing receipts for the distributions authorized herein, the Administrator shall be entitled to petition for final discharge.

SEP 14 2011

MARY E. WISS

Dated: _____, 2011

Judge of the Superior Court

ORDERED WITHOUT HEARING