

03-01-2001

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Application Number(s) or Patent Number(s) Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

Patent Number(s)

<input type="text" value="5852077"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor. Month Day Year

Patent Cooperation Treaty (PCT)
Enter PCT application number PCT PCT
only if a U.S. Application Number PCT PCT PCT
has not been assigned.

Number of Properties Enter the total number of properties involved. #

Fee Amount Fee Amount for Properties Listed (37 CFR 3.41): \$

Method of Payment: Enclosed Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: #

Authorization to charge additional fees: Yes No

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. Charges to deposit account are authorized, as indicated herein.

Alan C. Bryan

Name of Person Signing



Signature

2-16-01

Date

WHEREAS, Composite Industries of America, Inc., of 4505 W. Hacienda Ave., Unit #I-1, Las Vegas, NV 89118, hereinafter referred to as Patentee, did obtain an assignment of a United States patent for a method of forming a lightweight, waterproof building product, said patent numbered as **5,852,077**, and dated **December 22, 1998**; and whereas, Patentee is the sole owner of said patent, and,

WHEREAS, by court order dated the 13 day of ~~January~~^{February}, 2001, entered in the Montana Thirteenth Judicial District Court, Yellowstone County, *Delores A. Cass v. Composite Industries of America, Inc., et al.* Cause No. DV-98-878 (the "Action"), Jean A. Thompson, Clerk of District Court, Yellowstone County, Montana, was duly appointed legal representative of Patentee for the sole purposes of executing this assignment,

WHEREAS, by court order dated the 13th day of February, 2001, entered in the Action, Chuck Maxwell, Sheriff of Yellowstone County, Montana, was directed to receive said patent through assignment of the same, and is hereby referred to as "Assignee," with a mailing address is P.O. Box 35007, Billings, Montana, 59107;

Now, therefore, Patentee, by and through its duly appointed legal representative, Jean A. Thompson, Clerk of District Court, Yellowstone County, Montana, does hereby sell, assign and transfer unto said Assignee the entire right, title and interest in and to the said Patent aforesaid; the same to be held and enjoyed by the said Assignee for his own use and behoof, and for his legal representatives and assigns, to the full end of the term for which said Patent is granted, as fully and entirely as the same would have been held by Patentee had this assignment and sale not been made.

Executed this 13 day of February, 2001.

Jean A. Thompson,
Clerk of District Court

By: Jean A. Thompson
Clerk / Deputy

State of Montana)
 : ss.
County of Yellowstone)

The foregoing instrument was acknowledged before me by Jean A. Thompson this 13th day of February, 2001.

(SEAL)

Connie R. Schuman
Notary Public for the State of Montana
Residing at Billings, Montana
My commission expires 3-26-04

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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

DELORES A. CASS, individually, and as) Cause No.: DV-98-878
named representative of Todd Thompson,)
Thomas Thompson and Lisa O'Brien,) G. TODD BAUGH,
) District Judge
Plaintiff,)

ORDER OF ASSIGNMENT

vs.

COMPOSITE INDUSTRIES OF AMERICA,)
INC., CS&S ENTERPRISES, MERLE A.)
FERGUSON, and AFFORDABLE HOMES)
OF AMERICA, INC.,)
)
Defendants.)

On December 21, 2000, Delores A. Cass ("Cass") filed with this Court a Verified Application for Hearing on Aid in Execution, pursuant to Mont. Code Ann. § 25-14-102. Cass further filed an Amended Application for Hearing in Aid of Execution on January 19, 2001. In the Application, and amendment thereto, Cass requested this Court to set a hearing on the Application and to command the Defendants to assign certain patents to the Sheriff of Yellowstone County, Montana, or for the Court to execute all documents necessary to effectuate the same, and order a sale, with all proceeds to be applied to the outstanding Judgment in this action.

A hearing was set for this matter for January 19, 2001, at 8:30 a.m., in District Courtroom 608, located in the Yellowstone County Courthouse, Billings, Montana. Counsel

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2 for the Defendants was served with an Order to Show Cause on December 21, 2000, by U.S.
3 mail. Additionally, Defendants were personally served in Las Vegas, Nevada, on January 5,
4 2001. This Court discovered at the hearing that Defendants' counsel had been suspended.
5 The hearing was, therefore, continued until February 13, 2001, to give Cass the opportunity
6 to serve the notice required by Rule 10, Montana District Court Rules. That notice was
7 properly served on January 19, 2001, and Defendants filed a Notice of Substitution of
8 Counsel, naming Douglas Anderson as counsel for Defendants. Defendants also filed a
9 Response to Plaintiff's Application, to which Cass replied.
10

11 After consideration of the Verified Application for Hearing on Aid and Execution,
12 and the amendment thereto, the Brief in Support thereof, the Defendants' Response to
13 Plaintiffs' Verified Application and Brief in Opposition, and Cass's reply thereto, as well as
14 the hearing in this matter, the Court finds as follows:
15

- 16 1. This Court has jurisdiction over this matter.
- 17 2. As of December 19, 2000, Defendants, jointly and severally, owed Cass
18 \$1,802,185.50 pursuant to Judgment entered by this Court.
19
- 20 3. Writs of Execution have been issued out of this Court to enforce payment of
21 the Judgment against the Defendants, but have been returned wholly unsatisfied.
- 22 4. No part of Cass's Judgment has been paid or satisfied.
- 23 5. Cass has made a search for assets, but has been unable to discover assets or
24 estate of Defendants subject to execution under the laws of the State of Montana to satisfy the
25 Judgment debt, with the exception of certain patents.
26

1
2 6. Defendant Composite Industries of America and/or Affordable Homes of
3 America, now know as World Homes, Inc., are the owners through assignment of certain
4 letters of patent of the United States for a method of forming a light-weight, waterproof
5 building product, said patents including Nos. 5,782,970 and 5,852,077.
6

7 7. The Defendants have not voluntarily agreed to assign the patents. Therefore
8 this Court may exercise its equitable powers to compel such assignments. *McClaskey v.*
9 *Harbison-Walker Refractories Co.*, 138 F.2d 493, 495-499 (3rd Cir. 1943).
10

11 **ORDER**

12
13 Based on the foregoing Findings, **IT IS HEREBY ORDERED** that Jean A.
14 Thompson, Clerk of District Court, is duly appointed legal representative of Composite
15 Industries of America, Inc. and/or Affordable Homes of America, Inc., now known as World
16 Homes, Inc. for the purpose of executing certain Assignment of Patents, relating to Patent
17 No. 5,852,077, dated December 22, 1998, and No. 5,782,970 dated July 21, 1998. As duly
18 appointed legal representative, Jean A. Thompson shall immediately execute the appropriate
19 Assignments of Patents. True and correct copies of the Assignment of Patents which shall be
20 executed by the Clerk are attached hereto collectively as Exhibit "A" and incorporated by this
21 reference. Further, each Assignment of Patent shall assign the patents to Chuck Maxwell,
22 Sheriff of Yellowstone County, Montana, for the sole purpose of conducting a Sheriff's sale
23 of the patents. All proceeds of such sale shall first be applied to the costs of the sale and then
24 applied toward the satisfaction of the Judgment in this action.
25
26

1
2 DATED this 13th day of February, 2001.
3
4

G. Todd Baugh

5 _____
6 G. Todd Baugh
7 DISTRICT COURT JUDGE

DV 98-878

WHEREAS, Composite Industries of America, Inc., of 4505 W. Hacienda Ave., Unit #I-1, Las Vegas, NV 89118, hereinafter referred to as Patentee, did obtain an assignment of a United States patent for a method of forming a lightweight, waterproof building product, said patent numbered as **5,852,077**, and dated **December 22, 1998**; and whereas, Patentee is the sole owner of said patent, and,

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Now, therefore, Patentee, by and through its duly appointed legal representative, Jean A. Thompson, Clerk of District Court, Yellowstone County, Montana, does hereby sell, assign and transfer unto said Assignee the entire right, title and interest in and to the said Patent aforesaid; the same to be held and enjoyed by the said Assignee for his own use and behoof, and for his legal representatives and assigns, to the full end of the term for which said Patent is granted, as fully and entirely as the same would have been held by Patentee had this assignment and sale not been made.

Executed this ___ day of February, 2001.

Jean A. Thompson,
Clerk of District Court

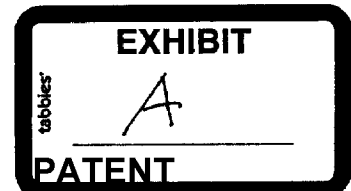
By: _____
Clerk / Deputy

State of Montana)
 : ss.
County of Yellowstone)

The foregoing instrument was acknowledged before me by _____ this ___ day of February, 2001.

(SEAL)

Notary Public for the State of Montana
Residing at _____, Montana
My commission expires _____



WHEREAS, Composite Industries of America, Inc., of 4505 W. Hacienda Ave., Unit #I-1, Las Vegas, NV 89118, hereinafter referred to as Patentee, did obtain an assignment of a United States patent for a method of forming a lightweight, waterproof building product, said patent numbered as **5,782,970**, and dated **July 21, 1998**; and whereas, Patentee is the sole owner of said patent, and,

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Executed this ___ day of February, 2001.

Jean A. Thompson,
Clerk of District Court

By: _____
Clerk / Deputy

State of Montana)
 : ss.
County of Yellowstone)

The foregoing instrument was acknowledged before me by _____ this ___ day of February, 2001.

(SEAL)

Notary Public for the State of Montana
Residing at _____, Montana
My commission expires _____

