

11-10-1998



100875235

RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

MRO 11-5-98

Submission Type

- New
- Resubmission (Non-Recordation)  
Document ID #
- Correction of PTO Error  
Reel #  Frame #
- Corrective Document  
Reel #  Frame #

Conveyance Type

- Assignment  License
- Security Agreement  Nunc Pro Tunc Assignment
- Merger
- Change of Name
- Other Release of Trademark Security

Effective Date  
Month Day Year  
10 30 98

Conveying Party

Mark if additional names of conveying parties attached

Name FLEET NATIONAL BANK

Execution Date  
Month Day Year  
11 2 98

Formerly

- Individual  General Partnership  Limited Partnership  Corporation  Association
- Other
- Citizenship/State of Incorporation/Organization

Receiving Party

Mark if additional names of receiving parties attached

Name EARTH GRO, INC.

DBA/AKA/TA

Composed of

Address (line 1) 14111 SCOTTS LAWN ROAD

Address (line 2)

Address (line 3) MARYSVILLE

OHIO

43041

- Individual  General Partnership  Limited Partnership  Corporation  Association
- Other

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

Citizenship/State of Incorporation/Organization CONNECTICUT

FOR OFFICE USE ONLY

11/06/1998 DNGUYEN 00000364 1378337

01 FD:481  
02 FD:482

40.00 DP  
275.00 DP

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Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

TRADEMARK  
REEL: 1822 FRAME: 0915

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name JOSEPH R. DREITLER

Address (line 1) VORYS SATER SEYMOUR and PEASE LLP

Address (line 2) 52 EAST GAY STREET

Address (line 3) COLUMBUS OHIO 43216-1008

Address (line 4)

Correspondent Name and Address

Area Code and Telephone Number 614 464-6383

Name JOSEPH R. DREITLER

Address (line 1) VORYS SATER SEYMOUR and PEASE LLP

Address (line 2) 52 EAST GAY STREET

Address (line 3) COLUMBUS OHIO 43216-1008

Address (line 4)

Pages

Enter the total number of pages of the attached conveyance document including any attachments. # 6

Trademark Application Number(s) or Registration Number(s)

Mark if additional numbers attached

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

Trademark Application Number(s)

Registration Number(s)

1,378,337 1,403,361 1,723,116  
1,378,721 1,404,311 1,726,060  
1,402,694 1,469,572 1,746,650

Number of Properties

Enter the total number of properties involved. # 12

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$ 315.00

Method of Payment: Enclosed  Deposit Account

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.

JOSEPH R. DREITLER

Name of Person Signing

Joseph R. Dreidler

Signature

11-4-98

Date Signed

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name JOSEPH R. DREITLER

Address (line 1) VORYS SATER SEYMOUR and PEASE LLP

Address (line 2) 52 EAST GAY STREET

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Trademark Application Number(s)

Registration Number(s)

1,746,652    
1,769,587    
1,785,077

Number of Properties

Enter the total number of properties involved. # 12

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$ 315.00

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Statement and Signature

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JOSEPH R. DREITLER

Name of Person Signing



Signature

11-4-98

Date Signed

## **RELEASE OF TRADEMARK SECURITY AGREEMENT**

THIS RELEASE OF TRADEMARK SECURITY AGREEMENT is dated as of October 30, 1998 by Fleet National Bank ("Bank").

WHEREAS, the Bank and Earthgro, Inc. ("Borrower") were parties to that certain Amended and Restated Loan and Security Agreement dated as of November 29, 1993, which was filed with the United States Patent and Trademark Office December 20, 1993 at Reel 1069, Frame 0473 of the Trademark Records.

WHEREAS, the Amended and Restated Loan and Security Agreement granted, assigned and conveyed to Bank a security interest in Borrower's rights, titles and interest in and to substantially all of its "Trademark Collateral" meaning, as of the effective date of the Amended and Restated Loan and Security Agreement, substantiated by all of its owned or existing and filed and acquired or arising and filed: trademarks, service marks, trademarks or service mark registrations, tradename or trademark and service mark applications, including without limitation, each mark, registration and application listed on Schedule I, attached hereto and made part hereof, and together in each case with the good will of the Borrower's business connected with the use of and symbolized by, the Trademark Collateral.

WHEREAS, the Amended and Restated Loan and Security Agreement provided that it would terminate upon the occurrence of certain events;

WHEREAS, Borrower has paid in full all of its Obligations to Bank, thereby satisfying the termination event set forth in the Amended and Restated Loan and Security Agreement.

NOW, THEREFORE, Bank hereby fully releases and terminates its security interest and liens in the Trademark Collateral set forth in the Amended and Restated Loan and Security Agreement.

Bank further agrees, at Borrower's expense, to execute and deliver to Borrower such documents as Borrower shall reasonably request to evidence such termination.

IN WITNESS WHEREOF, Bank has caused this Release of Trademark Security Agreement to be duly executed as of the day and year first above written.

FLEET NATIONAL BANK

Signature: *Jeffrey J. White*  
Name: Jeffrey J. White  
Title: Vice President

STATE OF CONNECTICUT )  
 ) SS:  
COUNTY OF Hartford )

The foregoing Release of Amended and Restated Loan and Security Agreement was executed and acknowledged before me on this 2nd day of November, 1998, by Jeffrey J. White, personally known to me to be the Vice President of Fleet National Bank, a national banking association, on behalf of such association.

*Robert T. Farley*  
Notary Public

My commission expires: 11/2/98

## SCHEDULE A

<u>Registration Number</u>	<u>Mark</u>	<u>Date of Registration</u>
1,378,337	Earthgro	1/14/86
1,378,721	Earthgro	1/21/86
1,402,694	EG and Symbol	7/29/86
1,403,361	Earthgro and Design	7/29/86
1,404,311	EG and Symbol	8/5/86
1,469,572	Compost Plus	12/22/87
1,723,116	Earthgro, the Natural Choice and Design	10/13/92
1,726,060	Earthgro, the Natural Choice and Design	10/20/92
1,746,650	1881 Select	1/19/93
1,746,652	1881 Select	1/19/93
1,769,587	Earthgro	5/11/93
1,785,077	E.C.O. and logo	8/3/93