## 900239265

## TRADEMARK ASSIGNMENT

# Electronic Version v1.1 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	Release of Security Interest

## **CONVEYING PARTY DATA**

Name	Formerly	Execution Date	Entity Type	
Wells Fargo Capital Finance, Inc.	FORMERLY Wells Fargo Foothill, Inc.	11/20/2012	CORPORATION: CALIFORNIA	

## RECEIVING PARTY DATA

Name:	The Old Evangeline Downs, L.L.C.		
Street Address:	600 Star Brewery Dr., Ste. 110		
City:	Dubuque		
State/Country:	IOWA		
Postal Code:	52001		
Entity Type:	LIMITED LIABILITY COMPANY: LOUISIANA		

Name:	Belle of Orleans, L.L.C.		
Street Address:	c/o Boyd Gaming Corporation		
Internal Address:	3883 Howard Hughes Parkway, Ninth Floor		
City:	Las Vegas		
State/Country:	NEVADA		
Postal Code:	89169		
Entity Type:	LIMITED LIABILITY COMPANY: LOUISIANA		

Name:	Peninsula Gaming, LLC		
Street Address:	c/o Boyd Gaming Corporation		
Internal Address:	3883 Howard Hughes Parkway, Ninth Floor		
City:	Las Vegas		
State/Country:	NEVADA		
Postal Code:	89169		
Entity Type:	LIMITED LIABILITY COMPANY: DELAWARE		

Name:	Diamond Jo, LLC	
Street Address:	c/o Boyd Gaming Corporation	

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Internal Address:	3883 Howard Hughes Parkway, Ninth Floor	
City:	Las Vegas	
State/Country:	NEVADA	
Postal Code:	89169	
Entity Type:	LIMITED LIABILITY COMPANY: DELAWARE	

Name:	Diamond Jo Worth, LLC		
Street Address:	c/o Boyd Gaming Corporation		
Internal Address:	3883 Howard Hughes Parkway, Ninth Floor		
City:	Las Vegas		
State/Country:	NEVADA		
Postal Code:	89169		
Entity Type:	LIMITED LIABILITY COMPANY: DELAWARE		

#### PROPERTY NUMBERS Total: 4

Property Type	Number	Word Mark		
Serial Number:	85138916	BECAUSE WINNING IS JUST THE BEGINNING		
Serial Number:	85101233	KANSAS STAR		
Serial Number:	76518029	RACES & ACES EVANGELINE DOWNS CASINO & OFF- TRACK BETTING		
Serial Number:	78960649	AMELIA BELLE		

#### **CORRESPONDENCE DATA**

**Fax Number**: 4152687522

Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent

via US Mail.

Phone: 415-268-6327

Email: kanderson@mofo.com, msm9@mofo.com

Correspondent Name: Lynn M. Humphreys
Address Line 1: Morrison & Foerster LLP
Address Line 2: 425 Market Street

Address Line 4: San Francisco, CALIFORNIA 94105-2482

ATTORNEY DOCKET NUMBER:	28130-67
NAME OF SUBMITTER:	Lynn M. Humphreys
Signature:	/Lynn M. Humphreys/
Date:	11/20/2012

Total Attachments: 4

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**REEL: 004904 FRAME: 0878** 

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TRADEMARK REEL: 004904 FRAME: 0879

## RELEASE OF SECURITY INTEREST IN TRADEMARKS

THIS RELEASE OF SECURITY INTEREST IN TRADEMARKS (this "Release") is made as of November 20, 2012, by WELLS FARGO CAPITAL FINANCE, INC., a California corporation (formerly known as Wells Fargo Foothill, Inc.), in its capacity as agent for the Lenders (as defined below) (in such capacity, "Agent"), in favor of THE OLD EVANGELINE DOWNS, L.L.C., a Louisiana limited liability company ("Old Evangeline"), BELLE OF ORLEANS, L.L,C., a Louisiana limited liability company ("Belle of Orleans"), PENINSULA GAMING, LLC, a Delaware limited liability company ("Peninsula"), DIAMOND JO, LLC, a Delaware limited liability company ("Diamond Jo"), and DIAMOND JO WORTH, LLC, a Delaware limited liability company ("Diamond Jo Worth"; and, together with Old Evangeline, Belle of Orleans, Peninsula and Diamond Jo, the "Grantors" and each a "Grantor").

WHEREAS, reference is made to that certain Amended and Restated Loan and Security Agreement dated as of October 29, 2009 (as amended, restated, supplemented, or otherwise modified from time to time, the "Loan Agreement"), by and among the lenders identified on the signature pages thereof (such lenders, together with their respective successors and permitted assigns, are referred to hereinafter each individually as a "Lender" and collectively as the "Lenders"), Agent, and Grantors; and

WHEREAS, Agent holds a security interest in certain intellectual property assets of (a) Old Evangeline pursuant to a certain security agreement among Agent and Old Evangeline recorded with the United States Patent and Trademark Office on August 7, 2009 at Reel 004040 / Frame 0309 (the "Old Evangeline Trademark Security Agreement"), (b) the Grantors pursuant to a certain security agreement among Agent and the Grantors recorded with the United States Patent and Trademark Office on October 30, 2009 at Reel 004088 / Frame 0835 (the "Grantors Trademark Security Agreement"), and (c) Peninsula pursuant to a certain security agreement among Agent and Peninsula recorded with the United States Patent and Trademark Office on April 19, 2011 at Reel 004524 / Frame 0769 (the "Peninsula Trademark Security Agreement"; and, together with the Old Evangeline Trademark Security Agreement and the Grantors Trademark Security Agreement, the "Trademark Security Agreements").

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Agent hereby covenants and agrees as follows:

1. Without representation or warranty of any kind or nature, Agent hereby releases its security interest and all of its right, title, and interest in and to the following, each of which was granted under the Trademark Security Agreements (collectively, the "Released Trademark Collateral"):

#### Trade Names

Grantor

Belle of Orleans, L.L.C.

Trade/Assumed Name Amelia Belle Casino www.ameliabellecasino.com www.belleoforleans.com www.belleoforleans.net www.belloforleans.com www.belloforleans.net

Diamond Jo, LLC

Diamond Jo Casino Dubuque Diamond Jo Casino Mojo's Sports Bar Woodfire Grill

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Kitchen Buffet Cherry Lanes

Mississippi Moon Bar

Diamond Jo Worth, LLC

Diamond Jo Casino

Jo Stop

Pheasant Links Woodfire Grill Kitchen Buffet

The Old Evangeline Downs, L.L.C.

Evangeline Downs Racetrack & Casino

Races & Aces Mojo's Sports Bar Zydeco's Center Bar

Po Boy's

Paddock Lounge

Finish Line Bar & Grill

Blackberry's Café 24/7

Bayou Gifts & Smokes

Cajun Buffet

Horseman's Bar & Grill

John Henry Room Silk's Restaurant

## **Trademarks**

<u>Grantor</u>	Jurisdiction	<u>Title</u>	<u>Status</u>	Application No./ Registration No.
Peninsula Gaming, LLC	Iowa	WOODFIRE GRILLE (and Design)	Registered	359,501
Peninsula Gaming, LLC	Minnesota	WOODFIRE GRILLE (and Design)	Registered	27,272,072
Peninsula Gaming, LLC	Federal	BECAUSE WINNING IS JUST THE BEGINNING	Registered	85,138,916
Peninsula Gaming, LLC	Federal	KANSAS STAR	Registered	85,101,233
The Old Evangeline Downs, L.L.C.	Louisiana	EVANGELINE DOWNS RACETRACK & CASINO (and Design)	Registered	579617

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**TRADEMARK** 

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The Old Evangeline Downs, L.L.C.	Louisiana	RACES & ACES	Registered	577432; 577476
The Old Evangeline Downs, L.L.C.	Louisiana	Design only consisting of a drawing of jester/Mardi Gras figure on horseback	Registered	577430
The Old Evangeline Downs, L.L.C.	Federal	RACES & ACES EVANGELINE DOWNS CASINO & OFF-TRACK BETTING (and Design)	Registered	76,518,029; 3,022,401
Belle of Orleans, L.L.C.	Federal	AMELIA BELLE	Registered	78,960,649; 3,403,618

- 2. Agent agrees to execute and deliver such further instruments and take or cause to be taken such other or further action, in each case at Grantors' expense, as any Grantor may reasonably request in order to perfect, confirm or evidence such release.
- 3. If and to the extent Agent has acquired any right, title or interest to any of the Released Trademark Collateral or the goodwill associated therewith, it hereby assigns and transfers such rights, title or interest to each Grantor, as applicable.

[signature page follows]

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TRADEMARK REEL: 004904 FRAME: 0882 IN WITNESS WHEREOF, Agent, by its duly authorized officer, has executed this Release to be executed as of the date first above written.

WELLS FARGO CAPITAL FINANCE, INC.,

as Agent

Name:

Title:

[SIGANTURE PAGE TO RELEASE OF SECURITY INTEREST IN TRADEMARKS (WELLS FARGO)]

TRADEMARK REEL: 004904 FRAME: 0883

**RECORDED: 11/20/2012**