

TRADEMARK ASSIGNMENT

Electronic Version v1.1  
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	RELEASE BY SECURED PARTY

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Bank of America, N.A.		05/31/2013	national banking association: ILLINOIS

RECEIVING PARTY DATA

Name:	Empire Comfort Systems, Inc.
Street Address:	918 Freeburg Avenue
City:	Belleville
State/Country:	ILLINOIS
Postal Code:	62220
Entity Type:	CORPORATION: ILLINOIS

PROPERTY NUMBERS Total: 40

Property Type	Number	Word Mark
Serial Number:	78677403	LEISURE CHEF
Serial Number:	78942191	STONE RIVER
Serial Number:	78942182	ROCK CREEK
Serial Number:	78845187	MANTIS
Serial Number:	78666250	
Serial Number:	78665654	
Serial Number:	78329981	HEARTHRITE
Serial Number:	78162968	SMOKER SHUTTER
Serial Number:	77085510	YARDWARMER
Serial Number:	76397192	SUPERB OUTFITTERS
Serial Number:	76397155	WHITE MOUNTAIN HEARTH
Serial Number:	76397154	TAOS
Serial Number:	76397152	WHITE MOUNTAIN LOG COLLECTION
Serial Number:	76397151	FLAGSTAFF

**TRADEMARK**

Serial Number:	76397150	VAIL
Serial Number:	76397072	ECS
Serial Number:	76397071	BRECKENRIDGE
Serial Number:	76397051	TAHOE
Serial Number:	76397050	KEYSTONE
Serial Number:	76396753	EMPIRE
Serial Number:	76396752	EMPIRE HEATING SYSTEMS
Serial Number:	76305837	FLAME ART
Serial Number:	76112760	OPTIONS BY BROILMASTER
Serial Number:	76095819	OPTIONS
Serial Number:	75668605	SUPERB
Serial Number:	74728060	EMPIRE
Serial Number:	74403586	SOLSTAR
Serial Number:	74159600	EMPIRE INDIGLO
Serial Number:	74156645	EMPIRE INDIGO
Serial Number:	73785850	EMPULSE
Serial Number:	73528030	EMPIRE COMFORT SYSTEMS
Serial Number:	71447103	EMPIRE
Serial Number:	72204778	EMPIRE
Serial Number:	71674380	EMPIRE
Serial Number:	73544453	GEMINI II
Serial Number:	73439279	BROILMASTER
Serial Number:	75525689	'HUGGA-RACK'
Serial Number:	75791630	BROILMASTER PREMIUM GAS GRILLS
Serial Number:	75787390	THE MOST DURABLE GRILL KNOWN TO MAN
Serial Number:	75837477	THE CINCH

**CORRESPONDENCE DATA**

Fax Number: 2029068669  
*Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.*  
Phone: 202.906.8790  
Email: smckeon@dykema.com  
Correspondent Name: Shannon McKeon  
Address Line 1: 1300 I Street, N.W.  
Address Line 2: Suite 300  
Address Line 4: Washington, DISTRICT OF COLUMBIA 20005

	011485.1659
NAME OF SUBMITTER:	Shannon McKeon
Signature:	/Shannon McKeon/
Date:	06/05/2013
Total Attachments: 4 source=trademark release#page1.tif source=trademark release#page2.tif source=trademark release#page3.tif source=trademark release#page4.tif	

**RELEASE OF SECURITY INTEREST IN TRADEMARKS**

THIS RELEASE OF SECURITY INTEREST IN TRADEMARKS (this "Release") is made as of May 31, 2013, by BANK OF AMERICA, N.A., a national banking association, with an office at 800 Market Street, 12th Floor, St. Louis, Missouri 63101-2510 ("Lender"), in favor of EMPIRE COMFORT SYSTEMS, INC., an Illinois corporation ("Grantor").

**WITNESSETH:**

WHEREAS, pursuant to that certain Trademark Security Agreement dated as of January 30, 2009 made by Grantor in favor of Lender, Grantor granted a security interest in its entire right, title and interest in and to all of its trademarks, trade names, corporate names, company names, business names, fictitious business names, trade styles, service marks, logos, other business identifiers, prints and labels on which any of the foregoing have appeared or appear, all registrations and recordings thereof, and all applications (other than "intent to use" applications until a verified statement of use is filed with respect to such applications) in connection therewith, including, without limitation, the trademarks and applications listed on Schedule A attached hereto and made a part hereof and the trademarks, and renewals thereof, and all income, royalties, damages and payments due and/or payable under or with respect to any of the foregoing, including, without limitation, damages and payments for infringements of any of the foregoing and the right to sue for infringements of any of the foregoing, and all rights corresponding to any of the foregoing throughout the world and the goodwill of the Grantor's business connected with the use of and symbolized by the foregoing (all of the foregoing are collectively referred to herein as the "Trademarks") to Lender to secure certain debt and obligations owing from Grantor and certain other obligors to Lender;

WHEREAS, Grantor has requested that Lender (a) terminate and release the liens and interests of Lender in the Trademarks, and (b) execute and deliver evidence of such termination and release for filing in the United States Patent and Trademark Office; and

WHEREAS, Lender has agreed to such release and termination;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lender hereby (i) releases and terminates its security interests in and to the Trademarks, and (ii) reassigns to Grantor all right, title and interest of Lender in and to the Trademarks.

*[Remainder of page intentionally left blank; signature page follows]*

IN WITNESS WHEREOF, Lender has caused this Release of Security Interest in Trademarks to be duly executed and delivered by its officer thereunto duly authorized as of the date first above written.

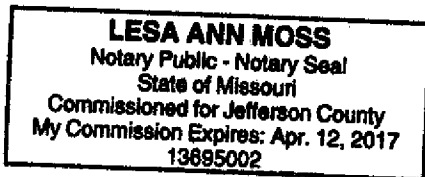
**BANK OF AMERICA, N.A.**

By: *Richard W. Warriner III*  
Name: Richard W. Warriner, III  
Title: Vice President

STATE OF Missouri )  
) SS.  
COUNTY OF St. Louis

The undersigned, a Notary Public in and for said County, in the State aforesaid, does hereby certify that Richard Warriner III the Vice President of BANK OF AMERICA, N.A., personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such Vice President, he or she signed and delivered said instrument as his or her free and voluntary act, and as the free and voluntary act and deed of said bank, for the uses and purposes therein set forth.

Given under my hand and notarial seal as of this 31<sup>st</sup> day of May, 2013.



*Lesa Ann Moss*  
Notary Public

My Commission Expires: April 12, 2017

SCHEDULE A  
TRADEMARK REGISTRATIONS

Trademark Description	Serial No.	Filing Date	Reg. No.	Reg. Date
LEISURE CHIEF	78677403	7/25/2005	3412864	4/15/2008
STONE RIVER	78942191	8/1/2006	3383353	2/12/2008
ROCK CREEK	78942182	8/1/2006	3383352	2/12/2008
MANTIS	78845187	3/24/2006	3321381	10/23/2007
[Design Mark]	78666250	7/8/2005	3150750	10/3/2006
[Design Mark]	78665654	7/7/2005	N/A	N/A
HEARTHRITE	78329981	11/19/2003	3059470	2/14/2006
SMOKER SHUTTER	78162968	9/11/2002	N/A	N/A
YARDWARMER	77085510	1/18/2007		
SUPERB OUTFITTERS	76397192	4/17/2002	N/A	N/A
WHITE MOUNTAIN HEARTH	76397155	4/17/2002	2832704	4/13/2004
TAOS	76397154	4/17/2002	2823881	3/16/2004
WHITE MOUNTAIN LOG COLLECTION	76397152	4/17/2002	N/A	N/A
FLAGSTAFF	76397151	4/17/2002	2823880	3/16/2004
VAIL	76397150	4/17/2002	2825932	3/23/2004
ECS	76397072	4/17/2002	2821615	3/9/2004
BRECKENRIDGE	76397071	4/17/2002	2823879	3/16/2004
TAHOE	76397051	4/17/2002	2942471	4/19/2005
KEYSTONE	76397050	4/17/2002	N/A	N/A
EMPIRE	76396753	4/17/2002	2818100	2/24/2004
EMPIRE HEATING SYSTEMS	76396752	4/17/2002	2818099	2/24/2004
FLAME ART	76305837	8/28/2001	2753951	8/19/2003
OPTIONS BY BROILMASTER	76112760	8/18/2000	2650245	11/12/2002

Trademark Description	Serial No.	Filing Date	Reg. No.	Reg. Date
OPTIONS	76095819	7/25/2000	2650213	11/12/2002
SUPERB	75668605	3/26/1999	2477106	8/14/2001
EMPIRE	74728060	9/12/1995	2070597	6/10/1997
SOLSTAR	74403586	6/21/1993	N/A	N/A
EMPIRE INDIGLO	74159600	4/22/1991	1775820	6/8/1993
EMPIRE INDIGO	74156645	4/12/1991	N/A	N/A
EMPUSE	73785850	3/10/1989	1686240	5/12/1992
EMPIRE COMFORT SYSTEMS	73528030	3/21/1985	1370018	11/12/1985
EMPIRE and Design	71447103	9/17/1941	393184	1/27/1942
EMPIRE and Design	72204778	10/26/1964	794056	8/10/1965
EMPIRE	71674380	10/6/1954	618674	1/3/1956
GEMINI II	73544453	6/24/1985	1373657	12/3/1985
BROILMASTER	73439279	8/15/1983	1368816	11/5/1985
HUGGA-RACK	75525689	7/27/1998	2318201	2/15/2000
BROILMASTER PREMIUM GAS GRILLS	75791630	9/3/1999	2375183	8/8/2000
THE MOST DURABLE GRILL KNOWN TO MAN	75787390	8/30/1999	2391484	10/3/2000
THE CINCH	75837477	11/1/1999	2488975	9/11/2001

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RECORDED: 06/05/2013

TRADEMARK  
REEL: 005041 FRAME: 0651