

T0700000 1466

(Requestor's Name)

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(Address)

(City/State/Zip/Phone #)

PICK-UP WAIT MAIL

(Business Entity Name)

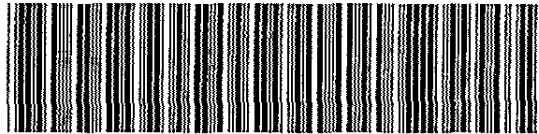
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10/04/07--01007--005 07.58

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OCT 18 AM 10:38
SEC. E. TERRY
TALLAHASSEE, FLORIDA

7

~~207-49469~~

T07-1466

LAW OFFICES OF
GOULD COOKSEY FENNELL, P.A.

JOHN R. GOULD (1921-1988)
DARRELL FENNELL (1937-2004)
BYRON T. COOKSEY
EUGENE J. O'NEILL*
CHRISTOPHER H. MARINE
DAVID M. CARTER
TODD W. FENNELL, LL.M.

*FL. BOARD CERTIFIED
CIVIL TRIAL, BUSINESS LITIGATION
AND CONSTRUCTION LAW

979 BEACHLAND BOULEVARD
VERO BEACH, FLORIDA 32963
TELEPHONE: (772) 231-1100
FAX: (772) 231-2020

TROY B. HAFNER, LL.M.**
BRIAN J. CONNELLY
SANDRA G. RENNICK
CLINT S. MALONE**
WILLIAM N. KIRK, LL.M.
JASON L. ODOM

**FL. BOARD CERTIFIED
WILLS, TRUSTS AND ESTATES

September 28, 2007

Registration Section
Division of Corporations
P.O. Box 6327
Tallahassee, FL 32314

*Re: The Avail Group, LLC
Service Mark - "The Avail Group"*

Ladies and Gentlemen:

Enclosed for filing please find an Application for the Registration of a Trademark or Service Mark along with our firm's check in the amount of \$87.50, representing the registration fee.

Should you have questions regarding this matter, please call me or my legal assistant, Diane Golovaty, who is familiar with this matter, at 772-231-1100.

Sincerely,



William N. Kirk

WNK:dg
Enclosures
cc: Eli M. Rozier, Jr.



FLORIDA DEPARTMENT OF STATE
Division of Corporations

October 5, 2007

WILLIAM N. KIRK, ESQUIRE
GOULD COOKSEY FENNELL, P.A.
979 BEACHLAND BLVD.
VERO BEACH, FL 32963

SUBJECT: THE AVAIL GROUP AND DESIGN OF THE WORDS "THE AVAIL GROUP" IN STYLIZED FORM, INCLUDING A FREEHAND LETTER "A" THAT IS INTEGRAL PORTION OF THE MARK
Ref. Number: W07000049469

We have received your document for THE AVAIL GROUP AND DESIGN OF THE WORDS "THE AVAIL GROUP" IN STYLIZED FORM, INCLUDING A FREEHAND LETTER "A" THAT IS INTEGRAL PORTION OF THE MARK and your check(s) totaling \$87.50. However, the enclosed document has not been filed and is being returned for the following correction(s):

Your mark contains word(s)/design(s) that must have a disclaimer. All geographical terms, such as cities, states, countries, and designs of same, must be disclaimed. Some commonly used words and corporate suffixes must also be disclaimed. You must disclaim the following term(s) by completing the disclaimer statement found in #2 of Part III of the application: "GROUP"

Although we received your application and check(s), no specimens were included. Section 495.031(5), F.S., requires every trademark and/or service mark application to be accompanied by three specimens (or examples). Please submit three specimens for each class of registration. (NOTE: Letterhead, stationery, envelopes, invoices and mailing labels are not accepted.)

The specimens provided this office are not acceptable; we need three permanent specimens, **which may be the same or different**. We do not accept camera ready copies. We do not accept specimens which have been altered or defaced in any manner. In order to register your service mark, we need specimens from which we can determine the services being rendered. We will accept brochures, newspaper, or magazine advertisements, or business cards. If business cards are used, we must be able to determine from the business card the services offered. The mere mark, address, city, etc., on the business card, brochure, or advertisement is not acceptable -- we must be able to look at the specimens provided and be able to determine the services being rendered. We need

specimens for each class of registration. We DO NOT accept letterhead, stationery, envelopes, invoices or mailing labels.

Please attach your specimens to a copy of this letter or to your corrected application, if it was returned to you for correction(s), and return it/them to this office for processing.

Pursuant to s. 495.035(5), F.S., this application will be considered abandoned if the applicant fails to reply or resubmit the corrected/amended application within three months from date of this letter.

If you have any questions concerning the filing of your document, please call (850) 245-6918.

Nanette Causseaux
Document Specialist Supervisor

Letter Number: 607A00058373

LAW OFFICES OF
GOULD COOKSEY FENNELL, P.A.

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DARRELL FENNELL (1937-2004)
BYRON T. COOKSEY
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JASON L. ODOM

**FL. BOARD CERTIFIED
WILLS, TRUSTS AND ESTATES

October 12, 2007

Registration Section
Division of Corporations
P.O. Box 6327
Tallahassee, FL 32314

Re: *The Avail Group, LLC*
Service Mark – "The Avail Group"

Ladies and Gentlemen:

Thank you for your response letter dated October 9, 2007, a copy of which is enclosed for your ready reference, regarding the service mark for "The Avail Group." As requested, enclosed please find the application which we are returning to you with the term "Group" disclaimed. My understanding is that you have retained our firm's check in the amount of \$87.50 pending our return of the application.

Also enclosed please find three (3) specimens using the name "The Avail Group." In a telephone conference with your office, we were advised that printed pages from the company's website would be acceptable examples, and have enclosed three pages from the company's website using the term "The Avail Group" and advising they are in the real estate market.

Should you have questions or require anything else regarding this matter, please contact me or my legal assistant, Diane Golovaty, who is familiar with this matter, at 772-231-1100.

Sincerely,



William N. Kirk

WNK:dg
Enclosures
cc: Eli M. Rozier, Jr.

APPLICATION FOR THE REGISTRATION OF A TRADEMARK OR SERVICE MARK
PURSUANT TO CHAPTER 495, FLORIDA STATUTES

TO: Division of Corporations
Post Office Box 6327
Tallahassee, FL 32314

PART I

1. (a) Applicant's name: The Avail Group, LLC

(b) Applicant's business address: 2200 Autumn Cove Circle
Orange Park, FL 32003
City/State/Zip

If different, Applicant's mailing address: _____
City/State/Zip

(c) Applicant's telephone number: (904) 234-0969
 Individual Corporation Joint Venture Limited Liability Company
 General Partnership Limited Partnership Union Other: _____

If other than an individual,

(1) Florida registration/document number: M07-5785 (2) Domicile State: South Carolina

(3) Federal Employer Identification Number: 20-4750666

2. (a) If the mark to be registered is a service mark, the services in connection with which the mark is used:
(i.e., furniture moving services, diaper services, house painting services, etc.)

Real estate consulting and management, and related services.

(b) If the mark to be registered is a trademark, the goods in connection with which the mark is used:
(i.e., ladies sportswear, cat food, barbecue grills, shoe laces, etc.)

(c) The specific way the mark is applied to the good(s) or used in advertising:(i.e., labels, decals, newspaper advertisements, brochures, etc.)

Letterhead, business cards, business forms and stationery, newspaper advertisements,
and signs.

d) The class(es) in which goods or services fall:

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(Continued)

PART II

1. Date first used by the applicant, predecessor, or a related company (must include month, day and year):

(a) Date first used anywhere: 03/31/2006 (b) Date first used in Florida: 9/24/2007

PART III

1. The mark to be registered is: (If logo/design is included, please give brief written description which must be 25 words or less.)

The words "The Avail Group" in stylized form, including a freehand letter "A" that is integral portion of the mark.



English Translation _____

2. DISCLAIMER (if applicable)

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE TERM "GROUP"
" APART FROM THE MARK AS SHOWN.

I, The Avail Group, LLC, being sworn, depose and say that I am the owner and the applicant herein, or that I am authorized to sign on behalf of the owner and applicant herein, and to the best of my knowledge no other person except a related company has registered this mark in this state or has the right to use such mark in Florida either in the identical form thereof or in such near resemblance as to be likely, when applied to the goods or services of such other person to cause confusion, to cause mistake or to deceive. I make this affidavit and verification on my/the applicant's behalf. I further acknowledge that I have read the application and know the contents thereof and that the facts stated herein are true and correct.

The Avail Group, LLC
Typed or printed name of applicant

Eli M. Rozier, Jr.

Applicant's signature by: Eli M. Rozier, Jr. Manager
(List name and title)

STATE OF Florida

COUNTY OF Clay

On this 15th day of September, 2007, Eli M. Rozier, Jr. personally appeared before me,

who is personally known to me whose identity I proved on the basis of _____

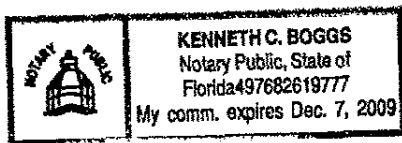
FILED
07 OCT 18 AM 10:49
SECRETARY OF STATE
TALLAHASSEE FLORIDA

Kenneth C Boggs
Notary Public Signature

Kenneth C Boggs
Notary's Printed Name

My Commission Expires: 12/7/09

(Seal)



FILING FEE: \$87.50 per class

COMMUNITIES

PROPERTIES

SERVICES

GRAD SCHOOL

ABOUT

CONTACT

Our Services

Since The Avail Group entered the real estate market, there's been nothing quite like it. The company was started as a market trendsetter... and we have every intention of remaining one.

Acquisition and Rehabilitation of Distressed Properties

Some See Distressed Properties. We See Potential.

Some times you just have to look a little harder for the good inside. Every community has areas where time and neglect have left individual homes — sometimes entire neighborhoods —with the need for a makeover.

We believe a new appearance can lift an entire community, encouraging them to regain their potential.

We work with municipalities to offer hope and opportunity — restoring homes to their previous luster. The Avail Group has the resources, experience and know-how to transform entire communities ... one home at a time.

Land Acquisition and Development

The Start Of Something Big

Sometimes it's amazing what one can do with raw land and a good plan.

The Avail Group calls on its years of construction, realty and development experience to create some of the area's most distinctive and time-tested communities. Across all price ranges and consumer desires for various amenities, we first do our homework to design and create a neighborhood residents are proud to call home.