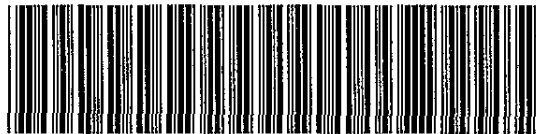


T04000001264



200041112562

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

PICK-UP WAIT MAIL

(Business Entity Name)

(Document Number)

09/20/04--01052--016 **87.50

Certified Copies _____ Certificates of Status _____

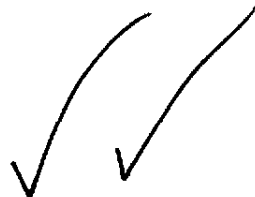
Special Instructions to Filing Officer:

789/2928/304/1747
(36)
745/671

The services would be

"the management & leasing/rental of spaces for shopping centers"

7 T04-1264
~~1004-35035~~



FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
04 OCT -5 AM 10:50

CAPELL & HOWARD P.C.
ATTORNEYS AT LAW

FRANK H. McFADDEN
JOHN F. ANDREWS
JAMES M. SCOTT
THOMAS S. LAWSON, JR.
GEORGE L. BECK, JR.
WILLIAM D. COLEMAN
WILLIAM K. MARTIN
DAVID B. BYRNE, JR.
BRUCE J. DOWNEY III
HENRY C. BARNETT, JR.
K. PALMER SMITH
ROBERT T. MEADOWS III
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D. KYLE JOHNSON
ROBERT F. NORTHCUTT
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DEBRA DEAMES SPAIN
C. CLAY TORBERT III
R. BROOKE LAWSON III

ROBERT D. RIVES
RICHARD H. ALLEN
M. COURTNEY WILLIAMS
PAIGE R. JACKSON
WYNDALL A. IVEY
JOHN HERBERT ROTH
CHAD W. BRYAN

OF COUNSEL:
ROBERT S. RICHARD
JOHN B. SCOTT, JR.

Writer's Direct Number
(334) 241-8094
e-mail: kathy@chlav.com

September 15, 2004

Registration Section
Division of Corporations
Post Office Box 6327
Tallahassee, Florida 32314

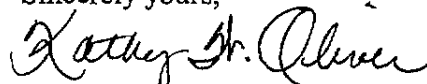
**RE: Application for the Registration of a Service Mark
Ninety Eight Palms**

Dear Sir or Madam:

Enclosed is an application for the above referenced entity along with specimens and a check made payable to Division of Corporations in the amount of \$87.50, for the required filing fee.

Please return the filing evidence in the envelope provided. Thank you for your assistance.

Sincerely yours,



Kathy W. Oliver
Paralegal

/kwo
Enclosures

cc: Ms. Sarah L. Jordan
John H. Roth, Esq.

MONTGOMERY • OPELIKA / AUBURN



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State

September 21, 2004

KATHY W. OLIVER
CAPELL & HOWARD P.C.
P.O. BOX 2069
MONTGOMERY, AL 36102-2069

SUBJECT: NINETY EIGHT PALMS IN STYLIZED FORM WITH THE "I"
FORMING AN IMAGE OF A PALM TREE
Ref. Number: W04000035035

We have received your document for NINETY EIGHT PALMS IN STYLIZED FORM WITH THE "I" FORMING AN IMAGE OF A PALM TREE and your check(s) totaling \$87.50. However, the enclosed document has not been filed and is being returned for the following correction(s):

You must list a more specific service in #2(a) in Part I of the application.

The services you are providing are lose of the "MANAGEMENT AND LEASING/RENTAL OF SPACES FOR A SHOPPING CENTER."

Class(es) (36) would appear applicable to your specific mark. Please delete the class(es) you have on line 2 (d) and insert the pertinent class(es) (36).

In Part II(1) a & b we need a month, a day, and a year for the date the mark was first used anywhere and for the date it was first used in Florida.

Please return your document, along with a copy of this letter, within 60 days or your filing will be considered abandoned.

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

Nanette Causseaux
Document Specialist Supervisor

Letter Number: 704A00055681

CAPELL & HOWARD P.C.
ATTORNEYS AT LAW

FRANK H. MCFADDEN
JOHN F. ANDREWS
JAMES M. SCOTT
THOMAS S. LAWSON, JR.
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WYNDALL A. IVEY
JOHN HERBERT ROTH
CHAD W. BRYAN

OF COUNSEL:
ROBERT S. RICHARD
JOHN B. SCOTT, JR.

Writer's Direct Number
(334) 241-8094
e-mail: kathy@chlaw.com

September 27, 2004

Registration Section
Division of Corporations
Post Office Box 6327
Tallahassee, Florida 32314

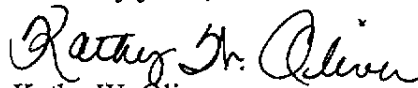
**RE: Application for Registration of a Service Mark
Ninety Eight Palms-Ref. Number-W04000035035**

Dear Sir or Madam:

Enclosed is a corrected application for the above referenced entity along with a copy of your letter dated September 21, 2004.

Please return the filing evidence in the envelope provided. Thank you for your assistance.

Sincerely yours,



Kathy W. Oliver
Paralegal

/kwo
Enclosures

cc: John H. Roth, Esq.

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

Name & address to whom acknowledgment should be sent:

John H. Roth, Esq.

150 South Perry Street

Montgomery, Alabama 36104

(334) 241-8079
Daytime Telephone number

PART I

1. (a) Applicant's name: 98 PALMS, LTD.

(b) Applicant's business address: 250 South Washington Street

Prattville, Alabama 36067

City/State/Zip

(c) Applicant's telephone number: (334) 361-8500

Individual Corporation Joint Venture Other
 General Partnership Limited Partnership Union

If other than an individual,

(1) Florida registration number: B98000000533 (2) Domicile State: Alabama

(3) Federal Employer Identification Number: 63-1207305

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.)

Shopping Center - Management and leasing spaces

(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 mode or manner in which the mark is used:(i.e., labels, decals, newspaper advertisements, brochures, etc.)

The service mark is used in advertising such as brochures, business cards, newspaper and
advertisements.

(Continued)

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

Class 36 Management and Leasing spaces for a shopping center

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: Florida 8/17/98 (b) Date first used in Florida: 8/17/98

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 NINETY EIGHT PALMS are positioned on a white background with the words

NINETY EIGHT printed in yellow gold over a slightly curved line with the word Palms, centered

below the curved line, printed in blue with pink edging with the "I" forming an image of a palm tree

English Translation _____

2. DISCLAIMER (if applicable)

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

I, Thomas E. Newton, 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 no other person except a related company has the right to use such mark in Florida either in the identical form or in such near resemblance as to be likely to deceive or confuse or to be mistaken therefor. 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

98 PALMS, LTD. By: Corporate General, Inc. Thomas E. Newton
Typed or printed name of applicant Its President

[Signature]
Applicant's signature or authorized person's signature
(List name and title)

STATE OF ALABAMA

COUNTY OF AUTAUGA

On this 14th day of September, 2004, Thomas E. Newton personally appeared before me,

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

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
04 OCT -5 AM 10:50

(Seal)

[Signature]
Notary Public Signature
Sarah L Jordan
Notary's Printed Name

My Commission Expires: 8-8-05

FEE: \$87.50 per class

NINETY EIGHT
PALMS

WINN-DIXIE
Marketplace



BENGALOWS