

4-8-02

04-08-2002



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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): 4-8-02  
**HSBC Bank, USA, as Administrative Agent**

Individual(s)                       Association  
 General Partnership               Limited Partnership  
 Corporation-State (NY)  
 Other \_\_\_\_\_

Additional name(s) of conveying party(ies) attached?  Yes  No

2. Name and address of receiving party(ies):  
Name: Bush Industries, Inc.  
Internal Address: \_\_\_\_\_  
Street Address: One Mason Drive, P.O. Box 460  
City: Jamestown State: NY ZIP: 14702

Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State Delaware  
 Other \_\_\_\_\_

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
(Designations must be a separate document from Assignment)  
Additional name(s) & address(es) attached?  Yes  No

3. Nature of conveyance:  
 Assignment                               Merger  
 Security Agreement                   Change of Name  
 Other Termination and Release of Security Interest in Trademark Rights

Execution Date: March 25, 2002

4. Application number(s) or registration number(s):  
A. Trademark Application No.(s)

B. Trademark Registration No.(s) 1,599,025 ; 1,314,660 ; 1,082,564 ; 1,314,659 ; 1,585,709

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Michael Holland, Esq.  
Internal Address: Simpson Thacher & Bartlett  
\_\_\_\_\_  
\_\_\_\_\_  
Street Address: 425 Lexington Avenue  
\_\_\_\_\_  
\_\_\_\_\_  
City: New York State: NY ZIP: 10017

6. Total number of applications and registrations involved: 5

7. Total fee (37 CFR 3.41): ..... \$ 140.00  
 Enclosed  
 Authorized to be charged to credit card:

8. Deposit account number: \_\_\_\_\_

DO NOT USE THIS SPACE

9. Signature.

Michael Holland, Esq.                      Michael Holland                      4/5/02  
Name of Person Signing                      Signature                      Date

04/07/2002 LMEILLER 00000003 1599025

Total number of pages including cover sheet, attachments, and documents: 7

01 FC1481 40.00  
02 FC1482 100.00

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

TRADEMARK  
REEL: 002476 FRAME: 0442

**TERMINATION AND RELEASE OF SECURITY INTEREST  
IN TRADEMARK RIGHTS**

TERMINATION AND RELEASE dated as of March 25, 2002, from HSBC Bank USA, as Administrative Agent (the "Agent") for certain banks and other financial institutions (the "Lenders"), to Bush Industries, Inc., a Delaware Corporation, with its principal place of business located at One Mason Drive, P.O. Box 460, Jamestown, NY 14702-0460.

WITNESSETH:

WHEREAS, pursuant to the Security Agreement and Assignment of Trademarks and Service marks by Bush Industries, Inc. to Marine Midland Bank, N.A., dated July 31, 1990, made by the Grantors (as defined therein) in favor the Agent (the "Collateral Agreement"), a security interest (the "Security Interest") was granted by the Grantors to the Agent in certain collateral, including the Trademark Collateral (as hereinafter defined);

WHEREAS, the Collateral Agreement was recorded in the Trademark Division of the United States Patent and Trademark Office on August 9, 1990 at Reel 0729 and Frame 0853;

WHEREAS, pursuant to that certain Security Agreement and Assignment of Trademarks and Service marks by Bush Industries, Inc. to Marine Midland Bank, N.A., dated January 23, 1991, among the Agent and Bush Industries, Inc. (the "Security Agreement"), Bush Industries, Inc., by reference to the Collateral Agreement, reaffirmed its intent to grant a Security Interest to the Agent specifically in certain Trademark Collateral;

WHEREAS, the Security Agreement was recorded in the Trademark Division of the United States Patent and Trademark Office on February 6, 1991, at Reel 0766 and Frame 0086; and

WHEREAS, the Agent now desires to terminate and release the entirety of its Security Interest in the Trademark Collateral;

NOW, THEREFORE, for good and valuable consideration including the satisfaction of all obligations, indebtedness and liabilities secured by the Trademark Collateral pursuant to the Collateral Agreement, the receipt and adequacy of which are hereby acknowledged, and upon the terms set forth in this Termination and Release, the Agent hereby states as follows:

1. Definitions: The term "Trademark Collateral," as used herein, shall mean all of the Grantors' right, title and interest of every kind and nature as of the date hereof in the Trademarks (including, without limitation, those items listed on Schedule A hereto). The term "Trademarks" shall have the meaning provided by reference in the Collateral Agreement and the Security Agreement.

2. Release of Security Interest: The Agent hereby terminates, releases and discharges its Security Interest in the Trademark Collateral, and any right, title or interest of the Agent in such Trademark Collateral shall hereby cease and become void.

3. Further Assurances: The Agent hereby agrees to duly execute, acknowledge, procure and deliver any further documents and to do such other acts as may be reasonably necessary to effect the release of the Security Interest contemplated hereby.

IN WITNESS WHEREOF, the undersigned has executed this Termination and Release by its duly authorized officer as of the date first above written.

HSBC Bank USA, formerly known as Marine  
Midland Bank, N.A.

By:  \_\_\_\_\_

Name: Ted Oexle

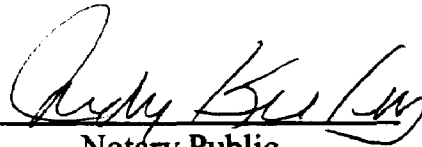
Title: Vice President

STATE OF New York  
COUNTY OF ERIE

ss.:

On this 25<sup>th</sup> day of MARCH, 2002, before me personally appeared

Ted Oexle to me known who, being by me duly sworn, did depose and say that he is Vice President of HSBC Bank USA, formerly known as Marine Midland Bank, N.A., described herein and which executed the foregoing instrument, and that he signed his name thereto pursuant to the authority granted by HSBC Bank USA, formerly known as Marine Midland Bank, N.A.

  
Notary Public

JUDY KEELEY  
Notary Public, State of New York  
Qualified in Niagara County  
My Commission Expires 03/30/2006

(Affix Seal Below)

Schedule A

**Registered U.S. Trademarks**

<b>TRADEMARK</b>	<b>REG. NO.</b>
BUSH	1,599,025
BUSH	1,314,660
BUSH	1,082,564
BUSH AND DESIGN	1,314,659
LAKWOOD OAK COLLECTION	1,585,709