

SETTLEMENT AGREEMENT

FILED

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'90 SEP 24 A8 50

Candy Dance, Inc., and Janice E. Carpenter and Robert P. Carpenter enter into the following agreement with the Genoa Town Board and Douglas County.

1. RECITALS

1.1 For approximately 70 years the Town of Genoa has sponsored an annual fund raiser commonly known as the "Genoa Candy Dance" or the "Candy Dance." The Town of Genoa uses the proceeds from the Candy Dance to finance and maintain various public projects. The Genoa Candy Dance and its fundraiser purpose are widely known through Northern Nevada and Northern California, attracting thousands of visitors annually.

1.2 On or about April 24, 1989, Janice and Robert Carpenter (the "Carpenters") filed Articles of Incorporation for Candy Dance, Inc., (the "Corporation").

1.3 On or about July 7, 1989, the Town of Genoa registered with the Nevada Secretary of State the trade name "Genoa Candy Dance."

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- 1.4 On or about September 7, 1989, the Carpenters registered with the Nevada Secretary of State the Trade name "Candy Dance, Inc."

1.5 The Douglas County District Attorney's Office is prepared to seek a court injunction against and obtain money damages from the Carpenters and the Corporation for trade name infringement on behalf of the Town of Genoa and Douglas County.

1.6 The Carpenters and the Corporation wish to resolve all disputes that presently exist between them and the Town of Genoa and Douglas County.

Accordingly, the Carpenters, the Corporation, the Genoa Town Board, and Douglas County agree as follows:

## 2. CONSIDERATION

2.1 As of September 1, 1990, the Carpenters and the Corporation agree to permanently discontinue using for any reason the name "Candy Dance, Inc.," or "Candy Dance" or any similar name.

2.2 As of September 1, 1990, the Carpenters and the Corporation agree to remove from Douglas County, Nevada all products they market under the name or bearing the logo or

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trade-name of "Candy Dance, Inc.," or "Candy Dance" or any similar name.

2.3 As soon as possible, but no later than Aug 30, 1990, the Carpenters and the Corporation agree to file with the Nevada Secretary of State and the Douglas County Clerk all necessary paperwork to permanently change the name of the Corporation to Jan's Designs, Inc., or other similar name.

2.4 The Town of Genoa and Douglas County agree to file no legal action against the Carpenters and/or the Corporation, except for breach of this Settlement Agreement.

2.5 The Town of Genoa and Douglas County agree that, if they must file legal action for breach of this Settlement Agreement, the Town of Genoa and Douglas County will not seek any monetary damages that accrued before September 1, 1990.

### 3. Mutual Releases

3.1 Upon execution of this Settlement Agreement, the Carpenters and the Corporation agree to release and discharge the Town of Genoa and Douglas County and their successors, assignees, employees, and elected officials from any and all actions or possible causes of action, claims, demands, liabilities, or damages, whether known or unknown, accrued or not yet accrued, arising from or in any way relating, directly

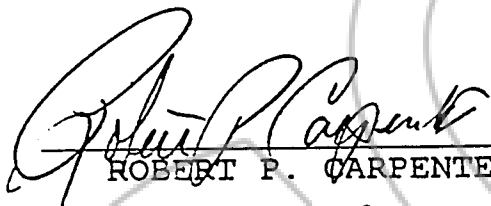
or indirectly, to the trade name of "Genoa Candy Dance", or "Candy Dance, Inc.," or "Candy Dance."


3.2 Upon execution of this Settlement Agreement, the Town of Genoa and Douglas County agree to release and discharge the Carpenters and the Corporation and their successor, assignees, employees, and officers from any and all actions, or possible causes of action, claims, demands, liabilities, or damages, whether known or unknown, accrued or not yet accrued, arising from or in any way relating, directly or indirectly, to the trade name of "Genoa Candy Dance" or "Candy Dance, Inc.," or "Candy Dance."

DATED: September 6, 1990

DATED: September 8, 1990

TOWN OF GENOA

  
ROBERT P. CARPENTER

By   
DAVID J. BERES,  
Chairman

  
JANICE E. CARPENTER

CANDY DANCE, INC.

DATED: September 20, 1990.

DOUGLAS COUNTY

By:   
JANICE E. CARPENTER,  
President

By:   
MICHAEL E. FISCHER,  
Chairman

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CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original and the same is on record in my office.

DATE: September 20, 1990

B. Reed Clerk of the 9th Judicial District Court of the State of Nevada, in and for the County of Douglas.

By Lula L. Lynn Deputy

REQUESTED BY  
**DOUGLAS COUNTY**  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

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SUZANNE BEAUDREAU  
RECORDER

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