

ESTTA Tracking number: **ESTTA643299**

Filing date: **12/09/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91205331
Party	Defendant Kerry Earnhardt, Inc.
Correspondence Address	CARY B DAVIS ROBINSON BRADSHAW HINSON PA 101 NORTH TRYON ST, SUITE 1900 CHARLOTTE, NC 28246-1900 UNITED STATES cdavis@rbh.com, bsanders@rbh.com, mtalley@rbh.com
Submission	Testimony For Defendant
Filer's Name	Jennifer Carusone
Filer's e-mail	jcarusone@rbh.com
Signature	/Jennifer Carusone/
Date	12/09/2014
Attachments	Applicants Notice of Filing Transcript with Exhibits _Rene Earnhardt Miller.pdf(4926292 bytes)

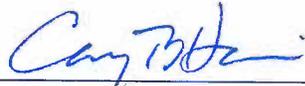
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Teresa H. Earnhardt,	§	Consolidated Opposition Nos.
	§	91205331 (parent) and 91205338
Opposer,	§	
	§	In the matter of:
vs.	§	
	§	Application Serial No. 85/383,910
Kerry Earnhardt, Inc.	§	Mark: EARNHARDT COLLECTION
	§	(Intl. Class 20)
Applicant,	§	
	§	Application Serial No. 85/391,456
	§	Mark: EARNHARDT COLLECTION
		(Intl. Class 37)

**APPLICANT'S NOTICE OF FILING OF THE TRANSCRIPT
AND EXHIBITS OF THE TESTIMONY PERIOD
DEPOSITION OF RENÉ CLINE EARNHARDT**

PLEASE TAKE NOTICE that Kerry Earnhardt, Inc. ("Applicant") hereby files the transcript and Applicant's Exhibit Nos. 8 and 9 of the October 23, 2014, testimony period deposition of René Cline Earnhardt.

Respectfully submitted,

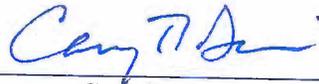


D. Blaine Sanders
Cary Baxter Davis
Matthew F. Tilley
ROBINSON, BRADSHAW & HINSON, P.A.
101 North Tryon Street, Suite 1900
Charlotte, NC 28246
Telephone: (704) 377-2536
Facsimile: (704) 373-4000
E-mail: bsanders@rbh.com; cdavis@rbh.com;
mtilley@rbh.com
Attorneys for Kerry Earnhardt, Inc.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing “Applicant’s Notice of Filing of the Transcript and Exhibits of the Testimony Period Deposition of René Cline Earnhardt” and the accompanying materials were duly served on Opposer by depositing copies of same in the United States mail, first-class postage prepaid, on the 5th day of December, 2014 addressed to Opposer’s attorneys of record as follows:

Larry C. Jones
Bruce J. Rose
Clara H. Clements
Alston & Bird, LLP
101 South Tryon Street, Suite 4000
Charlotte, North Carolina 28280-4000



Cary Baxter Davis

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

- - - - -X Consolidated Opposition No.

Teresa H. Earnhardt, : 91205331 (parent) and

Opposer, : 91205338

: In the Matter of:

v. : Application Serial

: No. 85/383,910

Kerry Earnhardt, : Mark: EARNHARDT COLLECTION

Inc., : (Intl. Class 20)

Applicant. : Application Serial

- - - - -X No. 85/391,456

Mark: EARNHARDT COLLECTION

(Intl. Class 37)

Deposition of RENE CLINE EARNHARDT

(Taken by Applicant)

Charlotte, North Carolina

October 23, 2014

Reported by: Andrea Nobrega

Court Reporter

Notary Public

1 APPEARANCE OF COUNSEL:

2 For the Opposer:

3 BRUCE J. ROSE, Esq.

4 GEORGE TAULBEE, Esq.

5 Alston & Bird, LLP

6 Bank of America Plaza

7 101 South Tryon Street, Suite 4000

8 Charlotte, North Carolina 28280-1000

9 (704) 444-1000

10 Bruce.rose@alston.com

11

12 For the Applicant:

13 D. BLAINE SANDERS, Esq.

14 CARY B. DAVIS, Esq.

15 Robinson Bradshaw & Hinson, P.A.

16 101 North Tryon Street, Suite 1900

17 Charlotte, North Carolina 28246-0106

18 (704) 377-8347

19 Bsanders@rbh.com

20 Cdavis@rbh.com

21

Also Present: KERRY EARNHARDT

22

23 Deposition of RENE CLINE EARNHARDT,
24 taken by the Applicant, at 100 North Tryon
25 Street, Charlotte, North Carolina, on the
23rd day of October 2014 at 9:34 a.m.,
before Andrea L. Nobrega, Notary Public
and Court reporter.

1	CONTENTS	
2	THE WITNESS: RENE CLINE EARNHARDT	
3	DIRECT EXAMINATION	
4	BY MR. SANDERS:	4
5	CROSS-EXAMINATION	
6	BY MR. ROSE:	36
7	INDEX OF EXHIBITS	
8	For the Applicant	Page
9	EXHIBIT 8 Document Containing Bates	
10	Labeled Numbers KEI00094,	
11	00095, 00096, 00097, 00108,	
12	00101, 00103, 00104 and	
13	00117	9
14	EXHIBIT 9 Document Containing Bates	
15	Labeled Numbers KEI00001,	
16	00002, 00010, 00011, 00026	
17	and 00085	23
18		
19		
20		
21		
22		
23		
24		
25		

1 P R O C E E D I N G S

2 Whereupon, RENE CLINE EARNHARDT, having
3 been first duly sworn, was examined and
4 testified as follows:

5 DIRECT EXAMINATION

6 BY MR. SANDERS:

7 Q. Good morning, Ms. Earnhardt.

8 A. Good morning.

9 Q. State your full name for the
10 record, please?

11 A. Rene Cline Earnhardt.

12 Q. Where do you live, Ms. Earnhardt?

13 A. Mooresville, North Carolina.

14 Q. Would you describe your family for
15 me, please?

16 A. My family would consist of my
17 husband, Kerry and our four children,
18 Bobby, Jeffrey, Blade and Kayla, and I
19 like to say my pets, too. They are part
20 of our family.

21 Q. So when we, you or I say family,
22 is that going to be the understanding that
23 you are going to have?

24 A. Yes.

25 Q. Because there is also you are part

1 of a broader Earnhardt family, right?

2 A. That's correct.

3 Q. So when we say your family, you
4 and I are talking, we are going to be
5 referring to you --

6 A. My and Kerry's family, yes.

7 Q. Alright, thank you. How long have
8 you been married to Kerry?

9 A. We will be celebrating 16 years in
10 January.

11 Q. And Ms. Earnhardt, where do you
12 work?

13 A. For Kerry Earnhardt, Inc.

14 Q. What's your title there?

15 A. I am president.

16 Q. What do you do for KEI as the
17 president?

18 A. I oversee pretty much the daily
19 operations, as well as things from
20 licensing, to PSAs, to business ventures
21 of Kerry and myself, along with his own
22 personal calendar, too.

23 Q. I'm going to ask you some
24 questions about the Earnhardt Collection,
25 which is what this dispute is about.

1 Would you please tell the TTAB
2 what the Earnhardt Collection is?

3 A. The Earnhardt Collection is an
4 outdoor family brand, inspired by my
5 husband, Kerry's and mine, along with our
6 children's love of the outdoors.

7 Q. And what is sold under the
8 Earnhardt Collection?

9 A. Currently it is comprised of 24
10 custom home plans designed with the
11 elements of the outdoors in mind to give
12 you that casual comfortable living.

13 Q. Who does KEI work with in selling
14 The Earnhardt Collection homes?

15 A. Our homes are currently in
16 partnership with Schumacher Homes.

17 Q. How did this partnership with
18 Schumacher come about?

19 A. Schumacher Homes contacted us
20 about a family, a single family lifestyle
21 brand, in which would be depicted within a
22 specific home.

23 Q. This is about home building. How
24 does that fit in with who you and Kerry
25 are as individuals?

1 A. Kerry and myself have -- home and
2 family are very important to us, and we
3 are very hands on.

4 Our entire life, we have enjoyed
5 creating our own outdoor living retreat
6 within our home. We have salvaged our own
7 lumber, kilned our own wood, made our own
8 custom pieces within our home as well.

9 Q. What's distinctive about The
10 Earnhardt Collection?

11 MR. ROSE: Object to the form.

12 THE WITNESS: The Earnhardt
13 Collection, what is distinctive about that
14 is that it's created to provide that
15 casual, comfortable living that we, for
16 Kerry and myself, reflects the serenity of
17 the outdoors in different ways of bringing
18 the outdoors in.

19 BY MR. SANDERS:

20 Q. And what are the different ways in
21 The Earnhardt Collection that you bring
22 the outdoors in?

23 A. You will find in The Earnhardt
24 Collection homes large windows that bring
25 the natural light in. It also provides

1 the homeowner a beautiful property view of
2 their landscape itself.

3 It was very important that we had
4 open floor plans that mimic the wide open
5 spaces. You don't have walls that break
6 up a lot of the living area. And we like
7 to marry the exterior and interior
8 features, such as stone fireplaces, things
9 like that.

10 Q. Tell me a little bit -- so you
11 mean the elements that you use in the
12 homes are bringing in nature or you try to
13 bring in nature?

14 A. Yes. You would say that the
15 natural organic pieces of what a stone
16 would look like, the colors, the natural
17 exposed beams.

18 Again, you think of fireplaces,
19 you think of inside, but we like to also
20 make that space outside as well.

21 We have unique features, covered
22 porches and sun rooms that do that, that
23 is part of the Earnhardt Collection
24 specifically.

25 Q. Ms. Earnhardt, I'm going to hand

1 you a document that's been marked as
2 Applicant's Exhibit 8. Could you tell us
3 what that is?

4 A. This is marketing material for The
5 Earnhardt Collection homes.

6 Q. Alright. And there are -- I would
7 like you to refer to the fifth page of
8 Applicant's Exhibit No. 8. Could you tell
9 me what that is?

10 A. This would be the Blue Ridge home
11 plan in The Earnhardt Collection.

12 Q. And let me ask you sort of broadly
13 as we get into this, what role did you
14 have in the creation of these plans?

15 I will ask you about the Blue
16 Ridge, but what was your role in creating
17 the plans for these custom homes?

18 A. Kerry and I collaborated with
19 Schumacher Homes on the things that were
20 important to us in a home.

21 We were very hands on in things
22 that we felt were going to be true to the
23 Earnhardt Collection brand, and what Kerry
24 and I enjoyed in our own homes and what we
25 also feel was true to bringing the

1 outdoors in, working with Schumacher Homes
2 and their team to accomplish that.

3 Q. Looking at this Blue Ridge plan,
4 which is bates number KEI 108, could you
5 please tell the TTAB -- you talked earlier
6 about what makes these homes special or
7 distinctive.

8 Could you explain to the TTAB by
9 referring to the rendering and the floor
10 plan what you mean?

11 A. This particular floor plan, the
12 Blue Ridge, for us when we looked at the
13 homes we were able to be inspired by the
14 names and the layouts of them that we gave
15 them.

16 This particular one, what we liked
17 the most about this one, like with some of
18 the other ones, too, that we have, is the
19 Blue Ridge and the story behind it is
20 about the Blue Ridge Mountains and the
21 parkways.

22 The exterior of this accomplished
23 that in the multi-gables and the
24 multi-architects of the gables that you
25 think of the ridge lines in the trees, as

1 well as the interior.

2 Again, The Earnhardt Collection is
3 about outdoors and Kerry and I and our
4 family love outdoor recreational activity.

5 So you come through the garage and
6 you have got that laundry room right
7 there. That's a great feature of what The
8 Earnhardt Collection is about.

9 You can just come in with your
10 muddy boots or your hunting clothes or
11 whatever and just throw it in the laundry
12 room.

13 So we thought that was a nice
14 feature for this particular home plan.

15 Q. And did you say there is a
16 personal story behind each of the homes?

17 A. Yes, there is.

18 Q. What's the personal story for the
19 Blue Ridge?

20 A. The Blue Ridge is a personal story
21 for myself. Again, I grew up in Virginia
22 and the Blue Ridge Mountains and the
23 parkway. I love being outside.

24 I love walking through -- trees
25 are probably one of my most favorite

1 elements of nature for a lot of different
2 reasons, but they are just so beautiful
3 and so majestic, and the Blue Ridge was a
4 big part of me growing up and a big part
5 of really my passion for being outside and
6 being outdoors.

7 Q. Alright, let's turn to the next
8 page. So that would be bates number KEI
9 101, and what home is that?

10 A. This is the Speckled Trout.

11 Q. And what is special about this
12 plan and this home?

13 A. This particular plan is around the
14 1,500 square feet, and it's got a nice
15 floor plan where the upstairs of it sort
16 of acts like an owner's retreat, your nice
17 little getaway. It's got a panoramic view
18 to look on the loft.

19 Again, the cathedral ceilings, you
20 can't really see this in the renderings,
21 but this is a nice cathedral ceiling that,
22 again, opens up and accomplishes that wide
23 open space that you feel in the outdoors.

24 Q. What's the personal story behind
25 Speckled Trout?

1 A. This particular one is for our
2 youngest son, Jeffrey, who currently races
3 in the NASCAR Nationwide Series. He is
4 definitely his father's son. He loves the
5 outdoors.

6 He would rather be there than at a
7 racetrack sometimes, and the Speckled
8 Trout -- we love to fish. Again, that's
9 part of who Kerry and I am, and we
10 instilled those same values in our
11 children.

12 They have a tendency to always be
13 moving around, so Speckled Trout was
14 something we gave to Jeffrey because he is
15 25, and he is never in one place for very
16 long.

17 Q. Let's turn to the next one. That
18 is bates number KEI 103, and that's
19 Pocono. What makes Pocono stand out?

20 A. What makes Pocono stand out for us
21 when we were designing The Earnhardt
22 Collection is really as you can see that
23 nice open gable that just exposes those
24 beautiful big windows that is distinctive
25 in The Earnhardt Collection.

1 You are able to see every view
2 from that homeowner's property in every
3 room of the house.

4 So much natural light comes into
5 it, but it really is the epitome of what
6 The Earnhardt Collection would really
7 stand for.

8 Q. And what is the personal story
9 behind Pocono?

10 A. Pocono is really special in many
11 ways. It's beautiful, for one. Kerry and
12 I love traveling there. It has got an
13 abundant amount of wildlife.

14 You never know what's around the
15 corner from a bear to a turkey to a deer.
16 It also is probably more special for
17 Kerry, but I will share in that, too, his
18 first victory that he got at Pocono
19 Raceway, which was really special.

20 Q. Alright, thanks. Let's turn to
21 the next home in The Earnhardt Collection.
22 That would be bates number KEI 104 and
23 that's Kannapolis. What's special about
24 Kannapolis?

25 A. What's special about Kannapolis as

1 it relates to the floor plan, if you
2 notice when you walk through the porch and
3 into the entryway of the home, part of The
4 Earnhardt Collection, again, is those
5 options of having the covered porch or the
6 sun room.

7 On the back of that you would have
8 a covered porch or sun room. That was the
9 idea behind this. And as soon as you
10 walked into the home, you would look
11 straight outside and see that beautiful
12 backyard or the back landscape that really
13 is, again, definitive of The Earnhardt
14 Collection and about bringing the outdoors
15 in.

16 Q. What is the personal story about
17 Kannapolis?

18 A. Kannapolis, of course, growing up
19 in Virginia, is a lot like the little
20 small town that I grew up in, and it's
21 just -- I am very proud of it.

22 This is more of Kerry's story, but
23 it's just a town that has always embraced
24 him and just always seemed to be very
25 special to him.

1 He has shared memories with me of
2 his childhood, and it seems to mimic that
3 small town kind of feel that I can
4 appreciate, and really understand that
5 sort of helped build his character and who
6 he is.

7 Q. Did Kerry grow up in Kannapolis?

8 A. Yes.

9 Q. Let's turn to the next home. That
10 is Hickory, and that's bates number KEI
11 117. What's distinctive about Hickory?

12 MR. ROSE: Object to the form.

13 THE WITNESS: The distinctiveness
14 about the Hickory plan, I like the
15 exterior of this, too, but again, all of
16 The Earnhardt Collection homes can be
17 customized. You can change the exterior
18 in any way.

19 But the design and layout of the
20 exterior runs in different kind of
21 textures and frames of it that gives it
22 that nice look to it.

23 Again, you have got the entryway
24 into -- you are able to look outside on
25 that optional porch that you can add to

1 it, looking at that nice view of the
2 backyard.

3 One of the nice features of this
4 home particularly that we like to focus
5 on, if you notice this garage goes into a
6 nice big laundry room and a mud room, and
7 again, that's part of The Earnhardt
8 Collection is about providing that
9 convenience of being an outdoor
10 enthusiast, you want to have that kind of
11 convenience coming in from your
12 four-wheeler or your boating or along the
13 lines of that.

14 BY MR. SANDERS:

15 Q. And it keeps you from tracking all
16 that mud into the house?

17 A. Yes, exactly. A happy mom means a
18 happy family.

19 Q. What's the personal story on
20 Hickory?

21 A. The personal story on Hickory, of
22 course that's where Kerry cut his teeth
23 at. Kerry along with his brother, Dale,
24 Jr. and sister, Kelley, drove late models
25 for Dale Earnhardt, Inc.

1 Hickory Motor Speedway was the
2 track that his dad selected for him to cut
3 his teeth at, and I went there many, many
4 times and watched him race.

5 So I have a lot of special
6 memories about the Hickory area.

7 Q. Alright. You mentioned about
8 customizing the homes. How does this
9 ability to customize the homes fit in with
10 you and Kerry?

11 A. Well, Kerry and I are very
12 different, but we are alike, and as any
13 individual would be, you want to have
14 options.

15 It's not just about my idea or his
16 idea, but we give and inspire the
17 homeowner when they are sitting down
18 looking at those plans something to work
19 with and then they can make it all their
20 own.

21 Q. Have The Earnhardt Collection
22 homes won any awards?

23 A. Yes.

24 Q. Which plan or plans?

25 A. The Blue Ridge plan, which is

1 actually our very first tour home located
2 in Asheville, North Carolina won two
3 awards.

4 Q. What awards did it win?

5 A. They won best architectural home
6 of the year in 2013, as well as best
7 promotion event in 2013.

8 Q. Who gave out those awards?

9 A. That was the National Housing
10 Association.

11 Q. Ms. Earnhardt, you have been
12 talking about home building. Does KEI
13 have any plans to use The Earnhardt
14 Collection, that brand in connection with
15 furniture and home furnishings?

16 MR. ROSE: Objection to form.

17 THE WITNESS: Yes.

18 BY MR. SANDERS:

19 Q. Tell the TTAB about those plans?

20 A. We currently are in product
21 development on our Earnhardt Collection
22 home furnishings with our partners, New
23 Buck Corporation.

24 And again, they will carry the
25 same elements that The Earnhardt

1 Collection brand does, which is focused on
2 that outdoor living environment, that
3 outdoor living space that you want to make
4 in your own home.

5 Q. Will there be any connection
6 between those products, that furniture and
7 home furnishings and racing?

8 A. No.

9 Q. And what will be special about The
10 Earnhardt Collection furniture?

11 A. The special thing about Earnhardt
12 Collection furniture is we are really
13 excited with our new partners.

14 They are family based over 40
15 years here in North Carolina, American
16 made, 100 percent recycled plastic within
17 the home furniture line that we are
18 looking to create, as well as fixtures
19 that are able to be incorporated within
20 the home from door hardware to lighting
21 fixtures.

22 Those are the kind of things that
23 we are looking at creating.

24 Q. Alright, now I want to switch
25 gears and ask you something about the

1 marketing of The Earnhardt Collection.

2 How do you go about marketing The
3 Earnhardt Collection?

4 A. Marketing of The Earnhardt
5 Collection, we have done that from print
6 to online through material that we
7 collaborated with with Schumacher Homes.

8 Q. Alright, and are there any design
9 centers that have been used in connection
10 with marketing The Earnhardt Collection?

11 A. Yes. That material we also use in
12 the Schumacher locations, as well as our
13 own outlets, too, within Kerry Earnhardt,
14 Inc. and The Earnhardt Collection itself,
15 again, online, web, billboards, personal
16 appearances that we have done, radio.

17 Q. And were there materials that were
18 developed for these appearances in these
19 various marketing efforts?

20 A. Yes.

21 Q. What was your and Kerry's role in
22 creating those?

23 A. Again, we were very hands on. We
24 collaborated with Schumacher down to the
25 shot list of the production days of how we

1 wanted ourselves and staying true to the
2 family brand that we were creating. We
3 went through the whole process with them
4 in creative material.

5 Q. These design centers that you
6 mentioned, where are they?

7 A. They are located within 14 states
8 and 34 markets within Schumacher's.

9 Q. What are the physical elements of
10 the design centers?

11 A. The design centers themselves has
12 a design studio, which we are really
13 excited because several of those will be
14 launched as one of our newest collections,
15 the Pike's Peak, and within that design
16 center, the exterior is our home plan.

17 The inside of it is basically you
18 come in there and you are able to pick.
19 You build your whole home from that from
20 the flooring, to the fixtures, to the
21 exterior, the interior. You do that all
22 within that design center.

23 Q. And can you walk into an Earnhardt
24 Collection home at some of the design
25 centers?

1 A. Yes. At the design center they
2 also have anywhere from one to four homes
3 that are tour homes. We have three of
4 those in The Earnhardt Collection with
5 Schumacher Homes in two locations,
6 Mooresville, North Carolina and Asheville,
7 North Carolina.

8 But you are able to walk in and
9 actually see the product, feel the
10 product, get an idea. The neat thing with
11 the tour homes is you're able to
12 incorporate one aspect or one feature from
13 a home and take it to another one. So
14 that's part of the customization of that
15 home.

16 Q. Alright, thank you. I'm going to
17 hand you what's been marked as Applicant's
18 Exhibit No. 9.

19 Could you tell us what that is?

20 A. The first one is what would be a
21 front and back of what you would consider
22 an autograph card or a hero card that we
23 would use at personal appearances.

24 Those would be we get fan mail
25 requests. Those would be what we would

1 use for that, as well as Schumacher Homes
2 would use those, too.

3 Q. And does the second page go with
4 that or is that something different?

5 A. That is something different.

6 Q. Alright, what is the second page?

7 A. This is an advertisement that we
8 had launched that went into print in
9 various magazines.

10 Q. Let me just, for the record, note
11 that these are KEI number one and KEI
12 number two, the bates numbers. Then the
13 third page, which is KEI number 10, what's
14 that?

15 A. This came off of the Schumacher
16 Homes, Earnhardt Collection landing page
17 on their website.

18 Q. Let me see, we may have
19 different -- right, there is a different
20 order.

21 A. Oh, that's 10, okay, I'm sorry.

22 Q. Alright, now, let's make sure we
23 are talking about the same thing.

24 A. The KEI 1 and KEI 2 is an
25 autograph card.

1 Q. So bates number KEI 1 and KEI 2,
2 those do go together?

3 A. Yes.

4 Q. That's the autograph card?

5 A. Yes.

6 Q. And then the third page of the
7 exhibit, which is KEI 10, what is that?

8 A. KEI 10 is an ad that we launched
9 with The Earnhardt Collection that was
10 used in print, as well as we used this,
11 too, within the design studios, too, with
12 Schumacher Homes as far as advertisement
13 of The Earnhardt Collection.

14 Q. And what's the fourth page, KEI
15 11?

16 A. This would be the landing page for
17 The Earnhardt Collection on Schumacher
18 Homes' website.

19 Q. And what is the fifth page KEI 26?

20 A. The fifth page I believe was an
21 advertisement that we used within a
22 program, track program.

23 Q. And the six page, KEI 85, what is
24 that?

25 A. That is pretty much the

1 boilerplate of The Earnhardt Collection
2 that would be used in all PR and releases.

3 Q. Alright. Did The Earnhardt
4 Collection ever receive any press coverage
5 as a result of your marketing efforts?

6 A. Yes.

7 Q. And did that result in any
8 publications about The Earnhardt
9 Collection?

10 A. Yes.

11 Q. Has it ever been in newspapers?

12 A. Yes.

13 Q. Can you tell me which ones?

14 A. We were featured in the Charlotte
15 Observer home section, which was really
16 exciting and happy for Kerry and myself,
17 also, the Winston-Salem Journal and the
18 outdoor supporting section as well.

19 Q. How about magazines?

20 A. Yes, in magazines. I believe we
21 were featured -- The Earnhardt Collection
22 homes was featured in Lake Norman
23 Currents, as well as I was featured in
24 Outdoor Woman Magazine, to name a few.

25 Q. Ms. Earnhardt, who are the

1 customers for The Earnhardt Collection
2 custom homes?

3 A. As it relates to the custom homes,
4 the target customer would be someone that
5 has an affinity with the outdoors that
6 finds themselves being comfortable and
7 relaxed in that outdoor setting that would
8 look for their own home to act as an
9 outdoor retreat.

10 Q. How does a customer go about
11 purchasing an Earnhardt Collection home?

12 MR. ROSE: Objection to form.

13 THE WITNESS: Well, it's
14 definitely not an easy step. There would
15 be multiple visits that you would have to
16 go into a Schumacher Homes location.

17 Schumacher Homes builds within a
18 75 mile radius. You must own your own
19 land. You would go in and you would meet
20 with a sales rep. You would sit down --
21 down to evaluating your land, picking and
22 choosing your specific home plan that
23 would fit your land, down to the floor, to
24 the exterior.

25 There is just so many different

1 things that would go into building an
2 Earnhardt Collection home that it's just
3 not one easy process.

4 BY MR. SANDERS:

5 Q. Do people frequently come in more
6 than once to carry out the process?

7 A. Absolutely. We met with some
8 homeowners that have been in this process
9 for three to five years just researching
10 before they ever made a decision.

11 Q. Are there a lot of decisions that
12 go into the big decision?

13 A. Yes.

14 Q. Like what sort of things do you
15 have to decide?

16 A. Again, as it relates to an
17 Earnhardt Collection homes, you have to
18 have your land first and foremost.

19 You have to decide on the lay of
20 your home. Does it accommodate your needs
21 for you and your family? Is it affordable
22 for you down to the interior of the home,
23 the types of flooring that you use, your
24 fixtures that you use, your budget from
25 the aspects of the material that you

1 incorporate from high end to low end and
2 everywhere in between. There is so many
3 different things.

4 Q. What's the function of these sales
5 representatives that you mentioned? What
6 are they to do?

7 A. The sales representatives
8 basically sit down and get the process
9 started for the homeowner. They really
10 get them in that comfort level of
11 understanding what Schumacher Homes is
12 about and what The Earnhardt Collection
13 homes, too, is specific on.

14 Q. Do they try to develop a
15 relationship with the potential home
16 buyer?

17 A. Absolutely. Your sales rep would
18 be your go to person in the process
19 throughout the whole stage, which was
20 really important for Kerry and myself when
21 we researched the Schumacher Homes
22 opportunity, that we liked that.

23 We liked that one on one personal
24 relationship that was established from the
25 very beginning.

1 Q. Switching gears a little bit here,
2 what was your relationship or what was
3 your relation to Dale Earnhardt, Sr.?

4 A. I was his daughter-in-law.

5 MR. ROSE: Objection.

6 BY MR. SANDERS:

7 Q. And what's your relation to Dale
8 Earnhardt, Jr.?

9 A. I am his sister-in-law.

10 Q. So you and Kerry are part of a
11 bigger Earnhardt family, are you not?

12 A. Yes.

13 Q. And you said, haven't you, that
14 the Earnhardt brand is very strong and
15 very broad?

16 A. Yes.

17 Q. Haven't you also said that you
18 need to be sensitive to identifying,
19 particularly Kerry, with respect to The
20 Earnhardt Collection so there is no
21 confusion with the association amongst the
22 Earnhardt family? Have you said that?

23 A. Absolutely, yes.

24 Q. And so how did you act in light of
25 that sensitivity that you have?

1 A. The Earnhardt family is broad in
2 racing, but they are not in custom homes
3 and home furnishings.

4 That is the only sought from that
5 of an Earnhardt is my husband, Kerry, and
6 we wanted to make sure that in creating
7 this brand and evolving this brand, that
8 if you saw Earnhardt Collection, it was
9 Kerry Earnhardt and his family.

10 Q. And let's go back to -- let's look
11 back at Exhibit No. 9 that you talked
12 about before.

13 Could you sort of explain to the
14 TTAB how you tried to bring out you and
15 Kerry in marketing materials? That would
16 be No. 9.

17 A. Okay.

18 Q. Right, it is KEI number 1. That's
19 it.

20 A. Alright. Well, it was important
21 to us -- it's all me and Kerry. These are
22 all the things in our life that represent
23 who we are, where we have come from and
24 how we have gotten there.

25 The outdoors is where -- it's our

1 home. That's where we like to be. This
2 is our family, which is very important to
3 us.

4 We love them dearly. We have
5 supported them and encouraged them and
6 they are a big part of our life.

7 Q. Is this -- on this page, this
8 first page of Exhibit No. 9, the picture
9 of the six people, who are they?

10 A. That would be Kerry, myself and
11 our four children.

12 Q. Alright. Ms. Earnhardt, did it
13 ever occur to you that it might be a good
14 idea to capitalize on this broader
15 Earnhardt family's racing fame to sell
16 your custom homes?

17 A. No.

18 Q. Why not?

19 A. Because this was about me and
20 Kerry. This was a chapter in our life
21 that we were building and creating and
22 beyond that, custom homes and home
23 furnishings was something that we were
24 looking at putting a stake in the ground.

25 We are claiming this space, and

1 racing had nothing to do with that.

2 Q. What was Schumacher's point of
3 view on that point?

4 A. Schumacher Homes was looking for a
5 single family oriented brand to co-brand
6 with, and that's what they were -- that
7 was their objective.

8 They weren't looking for a one
9 male race car driver to be part of a new
10 found collection of any homes for them.

11 Q. Let me ask you if it was such a
12 big deal to make this about your and
13 Kerry -- you and Kerry and your family,
14 why didn't you call it the Kerry and Rene
15 Earnhardt Family Collection?

16 A. It was just too wordy. From a
17 marketing perspective, it was just not
18 practical.

19 Q. Before the release of The
20 Earnhardt Collection, had Kerry ever
21 licensed his name or likeness in
22 connection with goods?

23 A. Yes.

24 Q. What type of goods?

25 A. Anywhere from handguns with Smith

1 & Wesson to camo apparel, along the lines
2 of his racing career, die-casts, T-Shirts,
3 hats, Bass Pro Shops, and that would
4 encompass vendors such as Tracker Boats,
5 fishing gear.

6 Q. Did you and Kerry ever make
7 appearances to promote that marketing?

8 A. Yes, we did.

9 Q. What type of appearances did you
10 make?

11 A. I would appear with him on hunting
12 shows, outdoor shows, along with our
13 children.

14 Q. Over how long a period had you and
15 Kerry been developing this outdoor image
16 before The Earnhardt Collection?

17 A. That's who we are. That's the
18 nature of us individually and
19 collectively. We love the outdoors. We
20 love being in it.

21 Our home specifically, we have
22 created as our own outdoor retreat.
23 That's the inspiration behind Earnhardt
24 Collection.

25 Again, we looked at -- we have

1 been doing this for over a decade.

2 Q. And how does that -- what you are
3 describing as what you have been doing for
4 over a decade, how does that fit in with
5 The Earnhardt Collection?

6 A. The Earnhardt Collection is a
7 family brand that's centered and focused
8 around the outdoors and making it a
9 casual, comfortable living space with
10 family and friends in mind of sharing
11 those memories with and creating a place
12 for your family.

13 Q. Ms. Earnhardt, have you been
14 successful in making this Kerry and Rene's
15 family business instead of some kind of a
16 broader Earnhardt family business?

17 A. Absolutely.

18 Q. Why do you say that?

19 A. We are three years into this and
20 it's so exciting when we are out or at
21 personal appearances and people come up
22 and they are like you need to start
23 building in my state or you need to start
24 building in this state and we love this
25 home design and we love that home design.

1 That's exciting to see that. The
2 only racing we hear is about our son
3 Jeffrey, and we are okay with that.

4 That's part of what we did our due
5 diligence on to create and we have been
6 successful at that.

7 MR. SANDERS: Alright, thank you.
8 Ms. Earnhardt, I don't have any more
9 questions right now.

10 MR. ROSE: Mind if we take a quick
11 break so we can confer.

12 (Off-the-record, brief recess.)

13 CROSS-EXAMINATION

14 BY MR. ROSE:

15 Q. Welcome back.

16 A. Thank you.

17 Q. I just have a few questions to
18 follow up on. Wouldn't you say or agree
19 with me that the Town of Kannapolis is
20 more well known as the home of Dale
21 Earnhardt than the home of Kerry
22 Earnhardt?

23 A. No.

24 Q. You wouldn't think that?

25 A. No.

1 Q. Do they have any statues of Kerry
2 Earnhardt in Kannapolis?

3 A. Not that I'm aware of.

4 Q. They have a statue of Dale
5 Earnhardt in Kannapolis, don't they?

6 A. I would say so, yes.

7 Q. And isn't it your understanding
8 that Dale Earnhardt in addition to his
9 reputation as a race car driver also had a
10 reputation as an outdoors man?

11 A. Yes.

12 Q. He was well known for hunting and
13 fishing and other outdoor activities
14 wasn't he?

15 A. I wouldn't say he was well known.
16 I knew he hunted and fished.

17 Q. You are familiar with the Dale
18 Earnhardt Foundation?

19 A. Vaguely.

20 Q. Is it your understanding that the
21 Dale Earnhardt Foundation, among other
22 things, is dedicated to the promotion of
23 outdoors and wildlife?

24 A. No, I don't ever hear anything
25 about the Dale Earnhardt Foundation.

1 MR. ROSE: That's all I have.

2 MR. SANDERS: No more questions

3 from me.

4 (Signature reserved.)

5 (Whereupon, at 10:13 a.m., the
6 taking of the instant deposition ceased.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 E R R A T A S H E E T
2 RE: TERESA H. EARNHARDT V. KERRY
3 EARNHARDT, INC.
4 DEPOSITION OF: RENE CLINE EARNHARDT

5 Please read this original deposition
6 with care, and if you find any corrections
7 or changes you wish made, list them by
8 page number, line number and state reason
9 for change below. DO NOT WRITE IN THE
10 DEPOSITION ITSELF. Return the deposition
11 to this office after it is signed. We
12 would appreciate your prompt attention to
13 this matter.

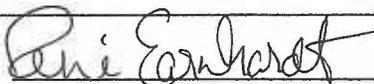
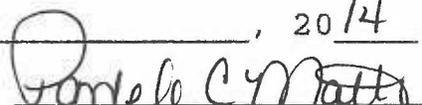
14 To assist you in making any such
15 corrections, please use the form below.
16 If supplemental or additional pages are
17 necessary, please furnish same and attach
18 them to this errata sheet.

19 Page 25 Line 3 should
20 Read: "sixth" instead of "six"
21 Reason for change Transcription error

22 Page 30 Line 13 should
23 Read: "And you have said" instead of "And you said"
24 Reason for change Transcription error

25

1	Page <u>31</u> Line <u>4</u> should
2	Read: <u>"salt" instead of "sought"</u>
3	Reason for change <u>transcription error</u>
4	Page ____ Line ____ should
5	Read: _____
6	Reason for change _____
7	Page ____ Line ____ should
8	Read: _____
9	Reason for change _____
10	Page ____ Line ____ should
11	Read: _____
12	Reason for change _____
13	Page ____ Line ____ should
14	Read: _____
15	Reason for change _____
16	Page ____ Line ____ should
17	Read: _____
18	Reason for change _____
19	Page ____ Line ____ should
20	Read: _____
21	Reason for change _____
22	Page ____ Line ____ should
23	Read: _____
24	Reason for change _____
25	

1	Page ____ Line ____ should
2	Read: _____
3	Reason for change _____
4	Page ____ Line ____ should
5	Read: _____
6	Reason for change _____
7	Page ____ Line ____ should
8	Read: _____
9	Reason for change _____
10	Page ____ Line ____ should
11	Read: _____
12	Reason for change _____
13	Page ____ Line ____ should
14	Read: _____
15	Reason for change _____
16	
17	Signature of Witness
18	SUBSCRIBED and SWORN TO before me this
19	<u>19</u> day of <u>November</u> , 20 <u>14</u> .
20	
21	NOTARY PUBLIC
22	My Commission expires: <u>10/05/2016</u>
23	
24	
25	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

STATE OF NORTH CAROLINA }
COUNTY OF MECKLENBURG }

I, Andrea L. Nobrega, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Andrea L. Nobrega

ANDREA L. NOBREGA
Court Reporter and Notary
Public for North Carolina

My Commission expires: 11-25-16

THE
EARNHARDT
COLLECTION™

the premier collection of relaxed,
comfortable living from america's
largest custom homebuilder



Living easy

Steeped in a rich family racing heritage, Kerry Earnhardt has been racing since the early 1990's. Son of legendary 7-time NASCAR Champion Dale Earnhardt, Kerry along with his wife Rene', are shifting gears to focus their passion for the great outdoors. Kerry and Rene' are proud to present the Earnhardt Collection™ homes exclusively by Schumacher Homes. 22 customizable floor plans that focus on the outdoor living, family togetherness and traditional values.

www.kerryearnhardt.com

 www.facebook.com/KerryDaleEarnhardt
www.facebook.com/ReneEarnhardt

 www.twitter.com/KerryEarnhardt
www.twitter.com/ReneEarnhardt

Pascal Schumacher
SCHUMACHER HOMES

CONFIDENTIAL

EXHIBIT
Applicant's Ex 9

KET00001

THE EARNHARDT COLLECTION™

Inspired by the love and tradition of the Earnhardt family, and built exclusively by Schumacher Homes, the new Earnhardt Collection offers you 22 signature floor plans that were each designed for relaxed, comfortable living in a home that feels like a family retreat.

Like all Schumacher homes, each plan in the Earnhardt Collection is completely customizable, so you can build the dream home you've always wanted. Whether you wanted to make the kitchen a little bigger, add square footage, or bring in design elements from the great outdoors, our award-winning team of architects will help you create the plan that's perfect for you.

"no matter what we have going on, or where we go, our home is the one place we can't wait to get back to. For us it's a retreat. Just like each of the homes we've designed for our new collection."

— Kerry & René Earnhardt



pocahontas • 1,691 sq. ft.



blue ridge • 2,032 sq. ft.



honeycuckie • 2,188 sq. ft.



sugar maple • 924 sq. ft.



deluxe 4-car garage

1st EARNHARDT MODEL
 OPENING
 JULY 2012
 ASHEVILLE, NC

Paul Schumacher
SCHUMACHER HOMES
 America's Largest Custom Homebuilder

Schumacher Homes, based in Canton, Ohio, is America's largest custom homebuilder, with operations in 32 markets in 14 states across the country. The 2011 National Housing Quality award winning company has built over 9,000 homes since its founding by Paul Schumacher in 1992 — each one unique to the needs and lifestyle of the owners. The company uses an exclusive process to make it as easy as possible for customers to "Live in what you love." Each Schumacher Homes location includes a one-stop design center. Full experience model homes are currently throughout their markets nationwide.

www.schumacherhomes.com
www.facebook.com/SchumacherHome
www.twitter.com/SchumacherHomes

our locations

- AKRON: 779 White Pond Dr., Akron, OH 44320. 888-900-5088
- ASHEVILLE: 38 Dogwood Rd., Asheville, NC 28806. 877-686-8663
- ASHLAND: 1895 Township Rd. 405, Jeromesville, OH 44840. 800-877-0166
- BATON ROUGE: 11112 Airline Hwy, Ste F, Baton Rouge, LA 70816. 877-309-4009
- BOWLING GREEN: 6539 S. Dixie Hwy, SR 25, Elyseet, OH 43413. 800-725-9455
- CHARLESTON: 1112 N. Main St., Ste A, Summerville, SC 29483. 800-988-1465
- CHARLOTTE: 705 H Williamson Rd., Mooresville, NC 28117. 800-401-1534
- CINCINNATI: 4257 McKeever Pike, Williamsburg, OH 45376. 800-726-9166
- CIRCLEVILLE: 11272 US Rt. 23, Lockbourne, OH 43137. 800-888-6290
- COLUMBIA: 743 Jacobs Mill Pond Rd., Elgin, SC 29045. 866-466-1083
- GREENSBORO WS: 6549 Burnett Poplar Rd., Greensboro, NC 27409. 877-760-9201
- GREENSBORO NC: 340 Greengate Centre Cir., Greensboro, PA 15601. 866-436-0225
- GREENVILLE: 341 Inglesby Pkwy, Duncan, SC 29334. 866-547-5137
- HOUSTON: 2816 I-45 North, Ste 500, Conroe, TX 77303. 866-908-4498
- LAFAYETTE: 832 E-10 S. Frontage Rd., Scott, LA 70583. 888-660-6990
- RALEIGH-DURHAM: 6515 Fayetteville Rd., Ste 204, Durham, NC 27713. 877-544-0077
- RAVENNA: 4431 SR 14, Ravenna, OH 44266. 888-388-9744
- SHREVEPORT: 7230 Youree Dr., Ste 3, Shreveport, LA 71105. 888-505-3075
- WILMINGTON: 6801 Parker Farm Dr., #115, Wilmington, NC 28405. 866-690-6390



WIN a ride-along with
DALE EARNHARDT JR.
 SCHUMACHER HOMES

ENTER FOR YOUR CHANCE TO WIN!
 Visit schumacherhomes.com/ride-shot-gun to enter.

CONFIDENTIAL

KEI00002



INTRODUCING THE EARNHARDT COLLECTION

America's largest custom homebuilder has teamed up with Kerry and René Earnhardt to create this spectacular collection of homes reflecting their family's time-honored traditions and love for outdoor living.

live carefree
like every day is a vacation

THE EARNHARDT COLLECTION

Every one of these gracious homes offers an escape to the life you've always wanted. Each unique design is open and airy. Relaxing and comfortable. All with a casual, laid-back style that matches your own. Choose from homes starting at \$100k to \$750k plus.

1.877.267.3482



This stunning screened-in porch with stone fireplace is the perfect blend of indoor and outdoor living.

Make custom a matter of course and a relaxing way to your home while filling it with lots of natural light.

Kerry & René Earnhardt

live in what you love

To learn more about limited-time introductory pricing, visit EarnhardtCollection.com

Paul Schumacher
SCHUMACHER HOMES

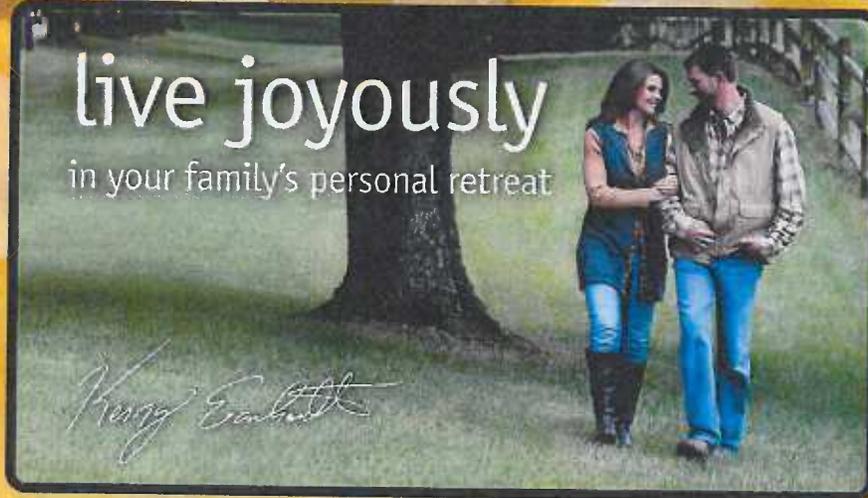


17120 DALLAS PARKWAY • SUITE 200 • DALLAS, TEXAS 75248
WEB THELOOMISAGENCY.COM • PHONE 972.331.7000 • FAX 972.331.7001

Paul Schumacher
SCHUMACHER HOMES

chat
live! **877.267.3482**
America's Largest Custom Home Builder
2012 NHQ Award Winner

[HOME](#) | [THE COLLECTION](#) | [OUR STORY](#) | [HOME PLANS](#) | [REQUEST A BROCHURE](#)



**HOME
PLANS**

THE
**EARNHARDT
COLLECTION**

presented exclusively
by Schumacher Homes



**VISIT
LOCATIONS**

Kerry & René Earnhardt

have worked closely with Schumacher Homes to create a collection of customizable designs that hold special appeal to folks who enjoy life, who love and respect the beauty of nature and who treasure moments spent with family and friends. In other words, people just like you.

Take a look. We think you're gonna feel right at home.

"No matter what we have going on, or where we go, our home is the one place we can't wait to get back to. For us, it's a retreat. Just like each of the homes we've designed for our new collection."

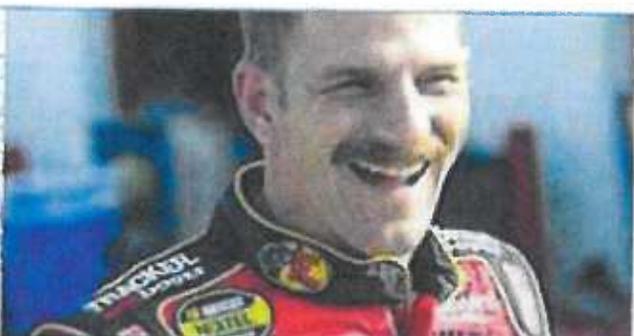
- Kerry and René Earnhardt



©2011 Schumacher Homes. All Rights Reserved



17120 DALLAS PARKWAY SUITE 200 DALLAS, TEXAS 75248
WEB THELOOMISAGENCY.COM PHONE 972.331.7000 FAX 972.331.7001



INTRODUCING THE EARNHARDT COLLECTION

America's largest custom homebuilder has teamed up with Kerry and Rene Earnhardt to create this spectacular collection of homes reflecting their family's time-honored traditions and love for outdoor living.

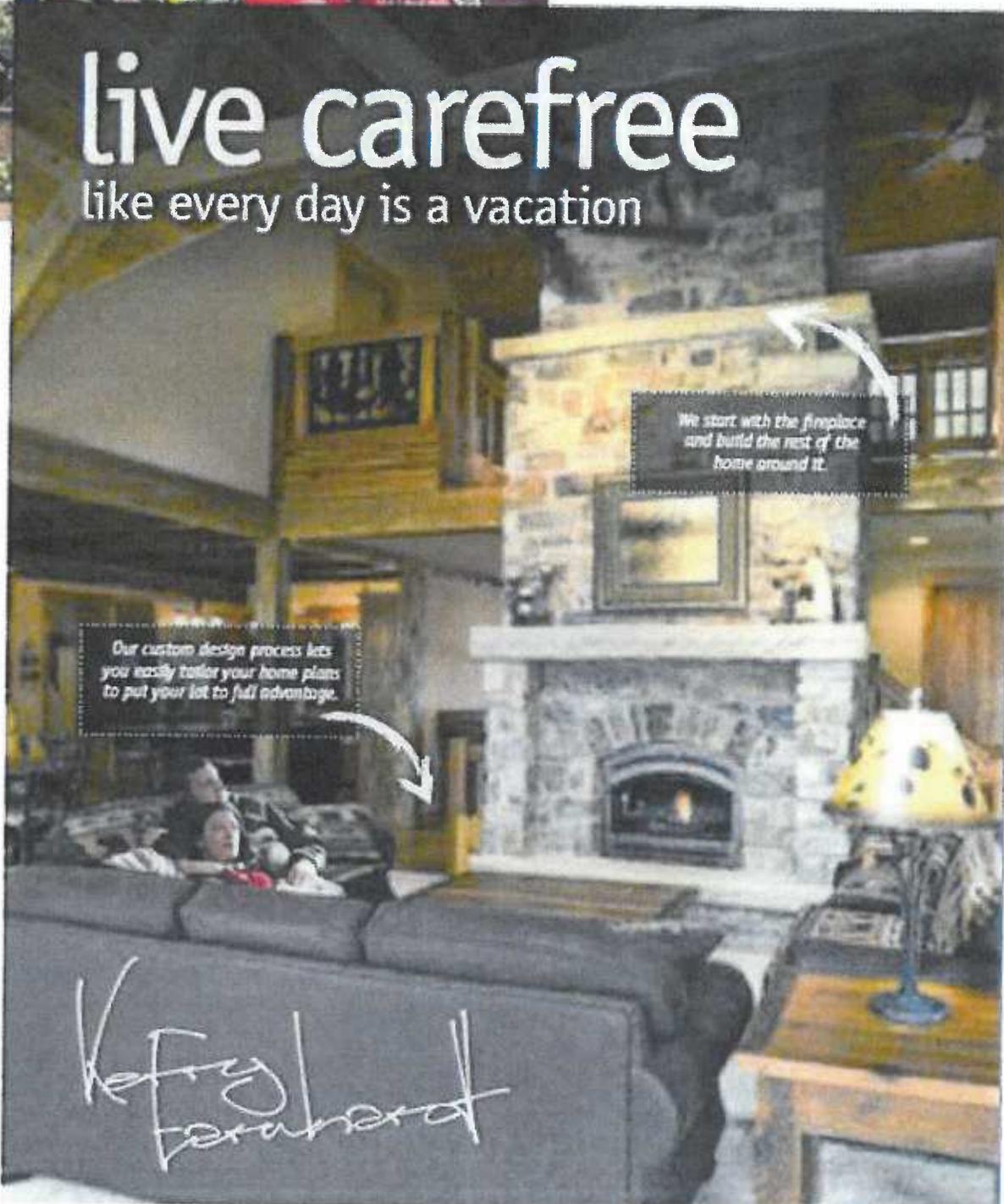


live carefree

like every day is a vacation

THE EARNHARDT COLLECTION

Every one of these gracious homes offers an escape to the life you've always wanted. Each unique design is open and airy. Relaxing and comfortable. With the graceful beauty of a vacation home. And a casual laid-back style that matches your own. Choose from homes starting at \$300k to more than \$750k.



We start with the fireplace and build the rest of the home around it.

Our custom design process lets you easily tailor your home plans to put your lot to full advantage.

Kerry Earnhardt

000.000.0000 | 000.000.0000 | 0000 Main Street | Big City, SF 00000

To learn more about limited-time introductory pricing, visit EarnhardtCollection.com

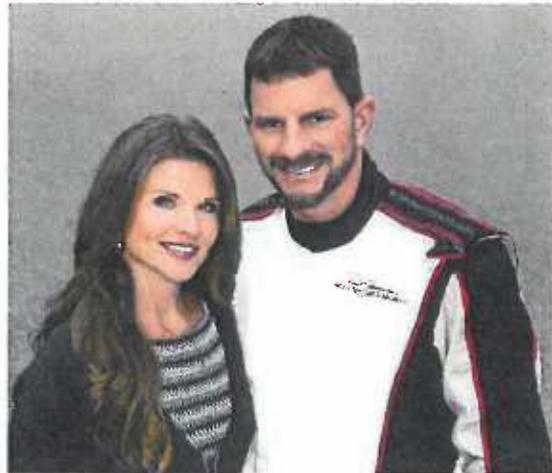
Paul Schumacher
SCHUMACHER HOMES
live in what you love

THE EARNHARDT COLLECTION™

ABOUT KERRY AND RENÉ EARNHARDT

Husband-and-wife team Kerry and René Earnhardt have shared the spotlight in front of millions of NASCAR fans for more than a decade.

Kerry is the eldest son of seven-time NASCAR Winston Cup Champion Dale Earnhardt and began his own NASCAR racing career in 1998. Since then, Kerry has stepped out from behind the steering wheel and moved into his new role in front of a camera, as a guest on numerous outdoor fishing and hunting shows.



René devoted more than ten years to her professional career in veterinary medicine. Today, she and Kerry support various national and local organizations whose missions include animal rescue and land and wildlife conservation. Married in 1999, the couple have four beautiful children – Bobby, Jeffrey, Blade and Kayla.

For a closer look at how Kerry and René inspired their own line of home designs, check out the video of the launch of The Earnhardt Collection at the NASCAR Hall of Fame on the [Schumacher Homes website](#).

CONTACT

Kerry Earnhardt, Inc.

Public relations inquiries: 704-799-1201

info@KerryEarnhardt.com

ONLINE

Website: www.kerryearnhardt.com

Twitter (Kerry): www.twitter.com/KerryDEarnhardt

Twitter (René): www.twitter.com/ReneEarnhardt

Facebook (Kerry): www.facebook.com/KerryDaleEarnhardt

Facebook (René): www.facebook.com/ReneEarnhardt

THE
EARNHARDT
COLLECTION™

living easy

the premier collection
of relaxed, comfortable living from
america's largest custom homebuilder



Paul Schumacher
SCHUMACHER HOMES

CONFIDENTIAL

EXHIBIT
Applicant's Ex 8
Opposition No. 91205331

KEI00094

Welcome

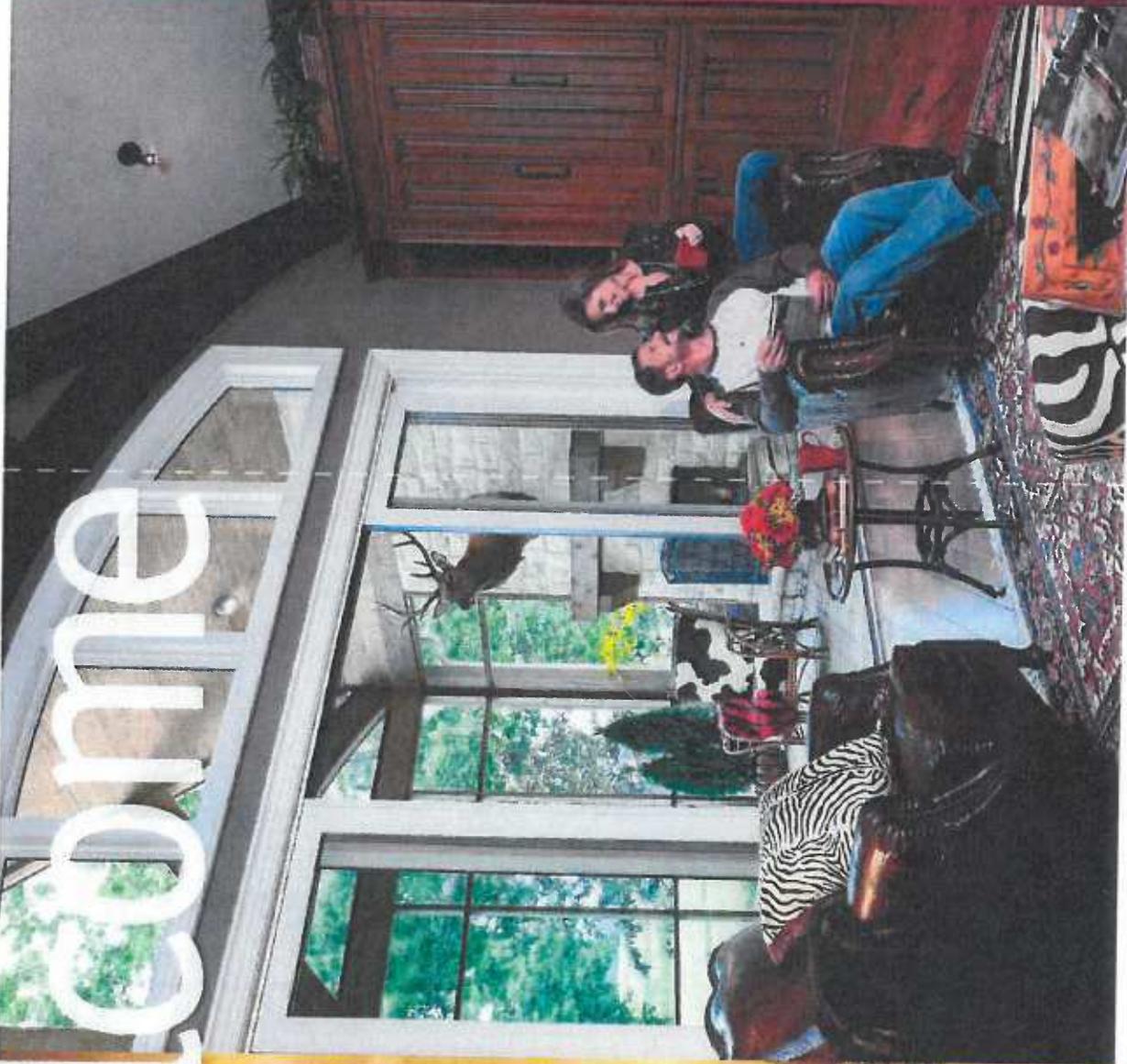


table of contents

story	Square Feet	page
The Collection		
Plant Home	347	pg. 6
Horizon	1,150	pg. 8
Mountain View	1,484	pg. 10
Harmonyside	1,524	pg. 12
Levittown II	1,574	pg. 14
Carle's Nest	1,693	pg. 16
Podium	1,747	pg. 18
Levittown III	1,912	pg. 20
Four Seasons	1,925	pg. 22
Levittown IV	1,947	pg. 24
Levittown V	1,984	pg. 26
Blue Ridge	1,992	pg. 28
Springwood	2,010	pg. 30
Levittown VI	2,140	pg. 32
Levittown VII	2,146	pg. 34
Levittown VIII	2,253	pg. 36
Virginia	2,290	pg. 38
Aspen	2,341	pg. 40
Grant Square	2,464	pg. 42
Hickory	2,516	pg. 44
Roar Paw	2,712	pg. 46
Live Oak	3,420	pg. 48
Caracas		pg. 50
Covered Porches & Outdoor Living Spaces		pg. 52
Pictures		pg. 54

to The Earnhardt Collection™ from Schumacher Homes!

No matter what we have going on or where we go, our home is the one place we can't wait to get back to. For us, it's a retreat. Just like each of the homes we've designed for our new collection.

Each home in The Earnhardt Collection™ was inspired by the strength and beauty of the outdoors, and features huge open spaces, big windows to let in lots of natural light, and the affordable, quality construction that's made Schumacher Homes the largest custom homebuilder in America.

We've worked closely with Schumacher Homes to create a collection of custom,ible designs that hold special appeal to folks who enjoy life, who love and respect the beauty of nature and who treasure moments spent with family and friends.

We can't wait to see which home you make your own!

— Kerry & René Earnhardt

Kerry Earnhardt



our story

Over nearly 20 years, Schumacher Homes has built more than 8,000 homes, becoming the country's largest custom homebuilder. Paul Schumacher built his company on a reputation of quality and excellence, and when it came time to find a partner to create a special collection of homes inspired by family, tradition and outdoor living, Kerry and René Earmhardt were the first people he thought of.

Today, the Schumachers and the Earmharts have created a spectacular collection of custom homes reflecting both families' love for relaxed, comfortable living. If you've ever wanted to live in a home inspired by nature, built with lots of windows and wide open spaces, this collection was designed for you.

the collection



.....
Inspired by the love and tradition of the Barnhardt family, and built exclusively by Schumacher Homes, the new Barnhardt Collection™ offers you 22 signature floor plans that were each designed for relaxed, comfortable living in a home that feels like a family retreat.

Like all Schumacher homes, each plan in The Barnhardt Collection™ is completely customizable, so you can build the dream home you've always wanted, whether you want to make the kitchen a little bigger, add square footage, or bring in design elements from the great outdoors, our award-winning team of architects will help you create the plan that's perfect for you.



speckled trout

Starting from
1,524 sq. ft. • 3 bedrooms • 3 baths • 2-story

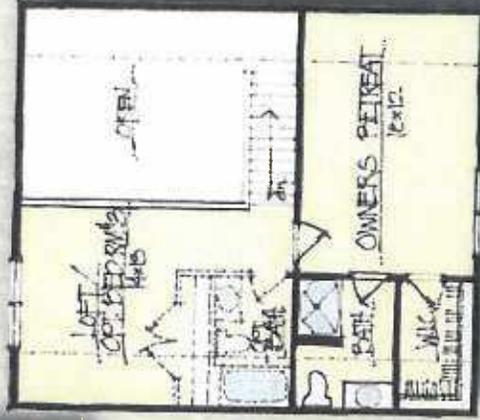
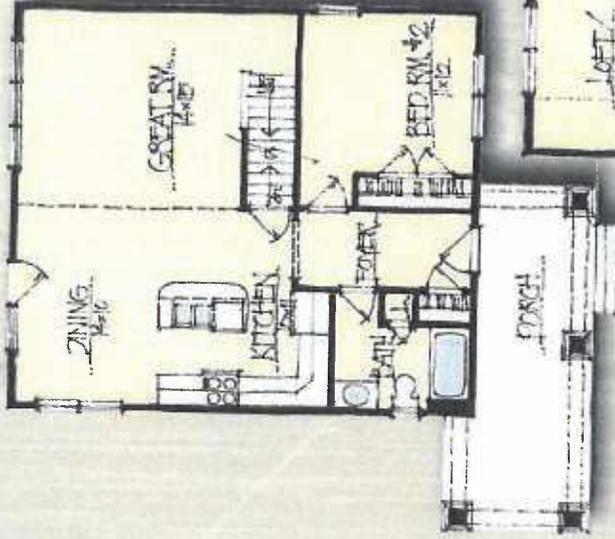


Perfect for a lot with a great backyard, Speckled Trout is a wonderfully spacious floor plan that tucks the family living areas in the back of the home. Speckled Trout has a great open flow between the kitchen, dining area and great room, highlighted by a two-story ceiling in the great room. The upstairs owner's retreat features a huge bedroom, beautiful bath and a large walk-in closet. Plus, there's a roomy upstairs loft that can easily become a third bedroom. There's even an oversized, offset porch in the front that adds to the home's distinctive personality.

speckled trout

"We named this home Speckled Trout for our son Jeffrey because he loves the outdoors and he never stops moving. Jeffrey is the second of our boys and from the jump, he's been fish with that independent, energetic spirit we all seem to have. He also got us hooked early on that like me, as well as his grandfather and his great-grandfather, he would be following in the family racing tradition, and he has. He's a great driver and we couldn't be prouder of him."

- Kerry

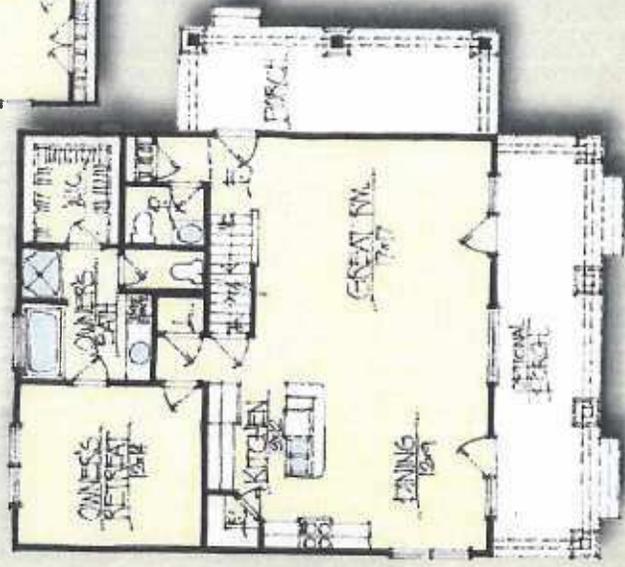
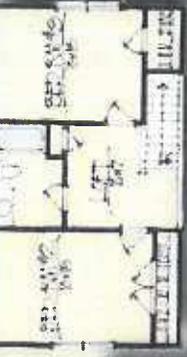


pocono

Starting from
1,691 sq. ft. • 3 bedrooms • 2 full and 1 half baths • 2-story • first floor owner's retreat



Named for the Pennsylvania raceway where Kerry won his first race, Pocono was designed to maximize the home's large open family areas while still providing spacious, comfortable bedrooms and baths. Whether you're relaxing in the majestic great room in the center of the home or gathering in the cozy open kitchen next to it, you'll love all the windows, the natural sunlight and the flow of the floor plan. You'll marvel at the solid construction throughout and the design influences from the great outdoors. And when it's time to take refuge in the master suite or extraordinary bath, you will understand what it is to have a home that feels like a retreat.



"Pocono is a special place for Rene and me to begin with, it's in the middle of some beautiful country. I remember the night before the race in 2000, we went out to this great little restaurant, and when we came out, there were all these deer just standing there. We held our some biscuits and they came and ate them right out of our hands. It was an awesome night, and the next day I went out and won my first race at the Pocono Raceway. I was racing for Dad in the ARCA Series and I remember a sea of colors in my pit area from all the different crew members uniforms from all of Dad's Cup teams carrying their shiny wrenches and doing everything they could to make sure we finished first. And we did."

- Kerry

kannapolis

Starting from
1,730 sq. ft. • 3 bedrooms • 2 baths • 1-story



The Kannapolis is a beautiful, three-bedroom ranch with tons of space, lots of windows, and a wonderful floor plan built to pull your family together. You'll love the mudroom off the large garage and the space for a home office, but what makes this floor plan a real delight is the wide open space in the great room, the family dining area and this spectacular kitchen. Well, until you see the counter space and the huge island! The kitchen is ideal for both family meals and entertaining. And when it's time to bed, you'll find complete solace in the spacious, relaxing owner's retreat.

kannapolis



"I was born and raised in a little town northwest of Charlotte called Kannapolis and it's still home for me. Growing up it was a manufacturing town full of warm, friendly down-to-earth people and I can tell you, nothing's changed. It's real special to all of us. Now K-town has embraced our family over the years and it's our hope that by naming one of our favorite houses in the collection Kannapolis it will be special to them, too."

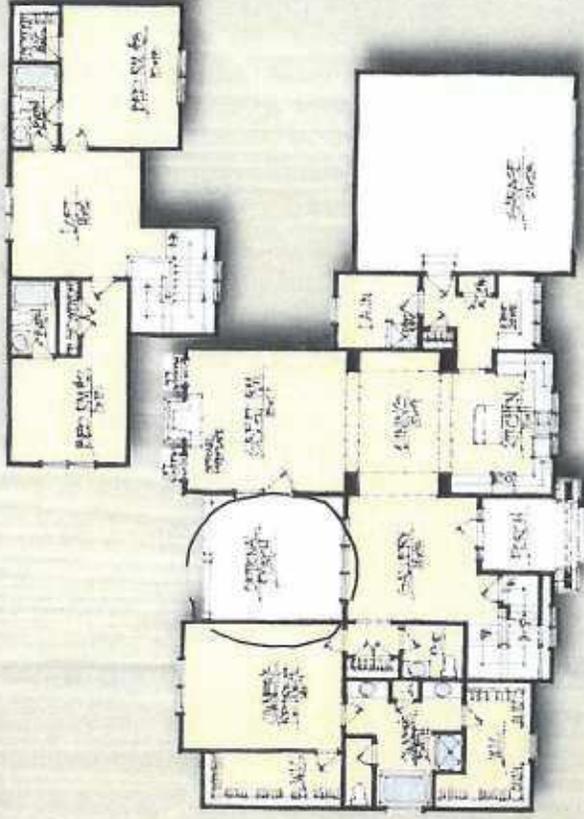
- Kerry

hickory

Starting from
2,614 sq. ft. • 3 bedrooms • 3 full and 1 half baths • 2-story • first floor owner's retreat



Hickory is one of the most beautiful and unique plans in The Earnhardt Collection™, yet it still maintains the open, relaxing feel of all the Earnhardt homes. The front door opens to a stunning gallery room that flows into the dining room, kitchen and a huge great room with an optional fireplace. The other side of the home is anchored by an enormous owner's retreat built with an incredible master bath and two huge walk-in closets. For style and size, Hickory is hard to beat.



.....
"When people talk about racing, my first thoughts are big tracks like Daytona and Talladega on the NASCAR circuit. But I gotta tell you, there's something real special about the local Saturday night tracks and the fans who go out to support them. Early in my career, I cut my teeth in late-model racing on the track at Hickory Motor Speedway and to this day, they're some of the best memories of my career with other racers, good friends and some of the best racing fans anywhere. Hickory is named for all of them."

- Kerry