

NOTICE OF WAIVER AND INDEMNIFICATION REGARDING SEED BORNE DISEASE

The following seed companies shall be indemnified by this agreement:

A.P. Whaley, LLC	Hollar Seeds	SPS Idaho
Ball Horticultural Company	Sakata Seed America, Inc.	Syngenta
Harris Seeds, Garden Trends, Inc.	Seminis	U.S. Seedless, Inc.
HM.Clause		

Definitions:

Bacterial Fruit Blotch – Bacterial Fruit Blotch (BFB), or *Acidovorax avenae* subsp. *citrulli*, is a serious disease which continues to be a serious risk in many areas of watermelon cultivation.

Gummy Stem Blight – Gummy Stem Blight (GSB) or, *Didymella bryoniae*, a fungus, is a serious disease which continues to be a serious risk in many areas of watermelon cultivation.

Cucumber Green Mottle Mosaic Virus – Cucumber Green Mottle Mosaic Virus (CGMMV) is a serious disease which continues to be a serious risk in many areas of watermelon production.

Anthracnose – Anthracnose, or *Colletotrichum lagenarium*, a fungus, is a serious disease which continues to be a serious risk in many areas of watermelon production.

Notice:

Watermelon Seed may carry the pathogens which cause BFB, GSB, CGMMV and Anthracnose or other diseases. While it is impossible to conduct all testing procedures to give results with 100% certainty with regard to the presence of any seed borne BFB, GSB, CGMMV and Anthracnose infection, industry accepted representative samples of watermelon seed lots (from the companies named above) may be routinely tested for these pathogens.

Although it is the expressed desire of the above named seed companies to supply disease free seeds, it cannot be guaranteed 100%.

Further, the above named seed companies warrant that the watermelon seeds originating from their respective companies have been labeled as required under State and Federal Law, and that all seeds conform to the label description. The above named companies make no other warranties, express or implied, including any warranty of merchantability or fitness for a particular purpose with respect to the sale of their seeds.

Watermelon seeds are sold as is and with all faults. Purchaser assumes all risks as to quality and performance of watermelon seeds, including the risk that such seeds may carry BFB, GSB, CGMMV and Anthracnose or other diseases.

Purchaser, grower, user and/or transplant producer hereby assumes all risk regarding such seeds, and expressly waives any damage claims with respect to BFB, GSB, CGMMV and Anthracnose or other diseases on watermelon seeds.

The undersigned jointly and severally agree to defend, indemnify and hold harmless the above named seed companies, their employees, agents, and dealers from and against any and all claims, demands, suits, liability, damages and expenses, including, but not limited to, attorneys' fees and court costs, which any of the above named seed companies may suffer or may be subject to, or arising in any way from the distribution by any of the undersigned of the subject seed and relating in any way to **BFB, GSB, CGMMV and Anthracnose or other diseases** of watermelon.

Further, it shall be noted any and all watermelon seeds originating from any of the above named seed companies **may not be sold or transferred to the State of South Carolina** due to excessively high claims against seed companies.

I HAVE READ THE ABOVE NOTICE, UNDERSTAND IT, AND AGREE TO BE BOUND BY ALL OF ITS TERMS. I ALSO ACKNOWLEDGE THAT I HAVE HAD THE OPPORTUNITY TO CONSULT WITH AN ATTORNEY REGARDING THIS NOTICE. I UNDERSTAND THIS NOTICE IS PART OF MY CONTRACT AND A CONDITION OF SALE WHICH APPLIES TO ALL SALES OF SEEDS NOW AND IN THE FUTURE.

Contact Name _____ Street/PO Address _____

Business Name _____

Harris Seeds Customer Number _____ City, State, Zip _____

Purchaser Representative (Print)

Purchaser Representative (Signature)

Date