

HARRIS MORAN SEED COMPANY

Buyer Contract of Terms and Conditions for Watermelon variety CRUNCHY RED

Customer Name: _____

Customer #: _____

I have agreed to buy from Harris Moran Seed Company and Harris Moran Seed Company has agreed to sell me seed of the Watermelon variety CRUNCHY RED. Warning: Environmental stresses can cause CRUNCHY RED to produce few to many hard, dark seed coats. Furthermore, external rind color may vary from medium green to medium dark green depending upon environmental interactions. These characteristics may lead to loss of yield and income. Harris Moran has informed me of these characteristics of the CRUNCHY RED variety. I understand that the seed is sold "as is".

RISK OF NONPERFORMANCE

As with any seed used, failure of the seed to germinate and/or yield and quality reduction may occur as a result of environmental factors specific to growing this seed including, without limitation, cold temperatures, heat, excess moisture, drought, wind, hail, pests, inadequate fertility, misapplication of pesticides, planting date, planting location, soil type, irrigation practices, and insect, disease and weed pressures and other acts of God.

Environmental stresses during plant and fruit growth can lead to production of hard, dark seed coats in fruit of CRUNCHY RED. Additionally, external rind color may vary from medium green to medium dark green depending upon environmental interactions.

I, THE BELOW SIGNED, AS GROWER/USER or DEALER UNDERSTAND THIS RISK AND ASSUME ALL SUCH RISKS OF NON PERFORMANCE AND/OR REDUCED PERFORMANCE and agree not to sell or transfer seed of the CRUNCHY RED variety unless I inform each buyer or transferee of the risk of dark, hard seed and variable rind coloration in or on CRUNCHY RED fruit.

I further agree to release Harris Moran Seed Company of any and all claims or liability arising from the use of this seed and to indemnify and hold harmless Harris Moran Seed Company from any claims by third parties arising out of the use of the seed.

LIMITATION OF WARRANTY AND LIABILITY

The terms and conditions of sale in the Harris Moran Limitation of Warranty and Liability, which are attached to this contract, or which can be found on the Internet at www.harrismoran.com or by calling 1-800-320-4672, are incorporated herein by reference as if fully set forth. I acknowledge that I have received, read and agree to all of the terms and conditions in the Harris Moran Limitation of Warranty and Liability.

RESALE or TRANSFER OF SEED

I acknowledge that if the seed is resold or otherwise transfer to a third-party, I agree to communicate the information contained in this Buyer Contract of Terms and Conditions to the Purchaser prior to sale or transfer. I also agree that if I fail to communicate this information, I will fully defend and indemnify Harris Moran Seed Company from any and all claims and liabilities raised by third-party purchasers and users of the seed with respect to the performance of the seed.

Buyer Contract of Terms and Conditions for Watermelon variety MILLIONAIRE

Customer Name: _____

Customer #: _____

I have agreed to buy from Harris Moran Seed Company and Harris Moran Seed Company has agreed to sell me seed of the Watermelon variety MILLIONAIRE. Warning: Environmental stresses can cause MILLIONAIRE to produce few to many hard, dark seed coats. This characteristic may lead to loss of yield and income. Harris Moran has informed me of this characteristic of the MILLIONAIRE variety. I understand that the seed is sold "as is".

RISK OF NONPERFORMANCE

As with any seed used, failure of the seed to germinate and/or yield and quality reduction may occur as a result of environmental factors specific to growing this seed including, drought, wind, hail, pests, inadequate fertility, misapplication without limitation, cold temperatures, heat, excess moisture, of pesticides, planting date, planting location, soil type, irrigation practices, and insect, disease and weed pressures and other acts of God.

Environmental stresses during plant and fruit growth can lead to production of hard, dark seed coats in fruit of MILLIONAIRE

I, THE BELOW SIGNED, AS GROWER/USER or DEALER UNDERSTAND THIS RISK AND ASSUME ALL SUCH RISKS OF NON PERFORMANCE AND/OR REDUCED PERFORMANCE and agree not to sell or transfer seed of the MILLIONAIRE variety unless I inform each buyer or transferee of the risk of dark, hard seed in MILLIONAIRE fruit.

I further agree to release Harris Moran Seed Company of any and all claims or liability arising from the use of this seed and to indemnify and hold harmless Harris Moran Seed Company from any claims by third parties arising out of the use of the seed.

LIMITATION OF WARRANTY AND LIABILITY

The terms and conditions of sale in the Harris Moran Limitation of Warranty and Liability, which are attached to this contract, or which can be found on the Internet at www.harrismoran.com or by calling 1-800-320-4672, are incorporated herein by reference as if fully set forth. I acknowledge that I have received, read and agree to all of the terms and conditions in the Harris Moran Limitation of Warranty and Liability.

RESALE or TRANSFER OF SEED

I acknowledge that if the seed is resold or otherwise transfer to a third-party, I agree to communicate the information contained in this Buyer Contract of Terms and Conditions to the Purchaser prior to sale or transfer. I also agree that if I fail to communicate this information, I will fully defend and indemnify Harris Moran Seed Company from any and all claims and liabilities raised by third-party purchasers and users of the seed with respect to the performance of the seed.

<p>I certify that I have fully read and understand the above Terms and Conditions of sale and agree to be bound by those Terms and Conditions. I agree that the Terms and Conditions shall apply to any seed received of "CRUNCHY RED" and/or "MILLIONAIRE" hybrid watermelon.</p>
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Signed this ____ day of _____, 2011

By: _____

Title: _____