

NOTICE, WAIVER AND INDEMNIFICATION REGARDING BACTERIAL FRUIT BLOTCH AND GUMMY STEM BLIGHT ON HM.CLAUSE, INC. WATERMELON SEED

1. BACTERIAL FRUIT BLOTCH NOTICE

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

2. GUMMY STEM BLIGHT NOTICE

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

3. Watermelon Seed may carry the pathogens which cause BFB and GSB. While it is impossible to conduct any testing procedures to give results with 100% certainty with regard to the presence of any seed borne BFB or GSB infection, industry accepted representative samples of all HM.Clause, Inc. watermelon seed lots are tested for the pathogens. **Only seed of production mother lots tested and found “negative” or with “no evidence” of the BFB and GSB pathogens, within the known limits of detection, is sold.**

4. **PRIOR to any Sale or Transfer of Watermelon Seed**, Buyer will obtain a signed copy of the NOTICE, WAIVER AND INDEMNIFICATION REGARDING BACTERIAL FRUIT BLOTCH AND GUMMY STEM BLIGHT ON HM.CLAUSE, INC. WATERMELON SEED (the “BFB Waiver”) from the purchaser or transferee. Sales or transfers to any person who has not signed a current copy of this document are prohibited (“Prohibited Sales”).

5. INDEMNIFICATION

BUYER WILL INDEMNIFY, DEFEND AND HOLD SELLER and HM.CLAUSE, INC. HARMLESS FROM ANY AND ALL BFB and/or GSB CLAIMS ARISING FROM THE SALE, TRANSFER OR CULTIVATION OF HM.CLAUSE, INC. WATERMELON SEED, WHETHER THE LEGAL THEORY FORMING THE BASIS OF SUCH CLAIM INVOLVES AGREEMENT, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE.

6. ACKNOWLEDGEMENT AND WAIVER

BUYER acknowledges that it has been informed of the risks associated with the potential presence of BFB and GSB in watermelon seed. BUYER knowingly and voluntarily releases SELLER and HM.Clause, Inc. and waives any and all claims relating to BFB and GSB with respect to all HM.Clause, Inc. Watermelon Seed.

7. THIS NOTICE, WAIVER AND INDEMNIFICATION REGARDING BACTERIAL FRUIT BLOTCH AND GUMMY STEM BLIGHT ON HM.CLAUSE, INC. WATERMELON SEED WILL REMAIN IN PLACE FROM THE EFFECTIVE DATE BELOW FOR AN UNDETERMINED AMOUNT OF TIME UNTIL FURTHER NOTICE BY HM.CLAUSE, INC.

BUYER: _____ DATE: _____

SELLER: _____ DATE: _____