

NOTICE, WAIVER AND COMPLETE RELEASE AGREEMENT, INCLUDING LIMITATION OF WARRANTY AND LIMITATION OF LIABILITY

Watermelon Fruit Blotch (WFB), *Acidovorax avanae* subsp. *citrulli*, is a serious disease which has become a significant risk in the area of watermelon cultivation. The pathogen causing WFB can be introduced into a field by infested seed, infected transplants, volunteer watermelon, mechanical means or natural spread from alternate hosts. While it is impossible to conduct any testing procedures which will give 100% reliable results with the regard to the identification of any seedborne WFB infection, Burrell Seeds and its suppliers are using their best efforts. No symptoms of WFB were found to be present within the known limits of detection.

Burrell Seeds and the undersigned acknowledge that this sale of watermelon seed is a commercial transaction. Therefore, as a condition of sale of all watermelon seed sold by Burrell Seeds and its Dealers, the undersigned acknowledges that he/she has been informed of the risks associated with the potential presence of WFB, and hereby waives any right to assert any claim against Burrell Seeds and its Dealers, whether for breach of contract, tort, negligence or otherwise. The undersigned also releases Burrell Seeds, its agents and suppliers, from any and all claims relating to WFB with respect to all watermelon seed supplied by Burrell Seeds and its Dealers. Furthermore, the undersigned expressly acknowledges the his/her exclusive and sole remedy against Burrell Seeds and its Dealers for any loss resulting from the use of the seed it limited to the return of the purchase price of said seed. Additionally, if any seed is repackaged, all remedies against Burrell Seeds and its suppliers will be waived, including return of the purchase price, and Burrell Seeds and its suppliers will have no liability whatsoever to any other parties.

It is further agreed that in the event of resale or transfer by the undersigned of the seed sold, Burrell Seeds and it suppliers offer n warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, regarding the seed, and all such warranties are specifically herein disclaimed. Burrell Seeds and it suppliers shall not be liable for incidental or consequential damages or crop failure damages as a result of the use of this seed. The undersigned also agrees to defend, indemnify and hold harmless Burrell Seeds and its suppliers against any and all claims, action, proceedings, or other potential liabilities against Burrell Seeds and it suppliers of any nature whatsoever relating to any such resale or transfer of said seed.

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, and that no shipment from a Burrell Seeds Dealer or Burrell Seeds will occur until the Dealer or Burrell Seeds receive this signed notice.

Growers Signature _____

Growers Name Printed _____

Address _____

Date Signed _____

**THIS LETTER MUST BE SIGNED BY THE CUSTOMER AND ACCOMPANY
THE ORDER IF YOU ARE ORDERING A POUND OR MORE OF WATERMELON SEED.**