

FROM



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Otis S. Twilley Seed Co., Inc.
121 Gary Rd
Hodges, SC 29653

Waiver Agreement Form Sent To Grower:

Acc#

**NOTICE TO ALL BUYERS AND SPECIAL LIMITATIONS OF WARRANTY:
TRIPLOID HYBRID WATERMELON SEED**

AGREEMENT OF SALE

A. NOTICE: Triploid hybrid watermelons are sterile hybrids which characteristically produce fruits with few or no true seeds. Because the absence or relative absence of hard or true seeds in the flesh of the melon is its chief distinguishing characteristic, the triploid hybrid watermelon is often referred to as a "seedless" watermelon. Despite this popular perception, triploid watermelons often contain small, vestigial seeds. In addition, certain genetic, cultural and climatic factors are known to cause the formation of empty seed coats (small, white, immature seeds) and/or hard seeds in the flesh of the melons. Due to the wide variety of possible causes of hard seed formation, TRIPLOID HYBRID WATERMELONS ARE NOT GUARANTEED TO PRODUCE SEEDLESS FRUIT.

Triploid hybrid watermelon production requires a high level of grower sophistication. Triploid hybrid watermelons require a pollen source and bees to serve as pollen vectors. Triploid hybrids also require special care for satisfactory germination. Growers are encouraged to contact University extension personnel for government publications and information concerning recommended cultural practices. Nunhems USA, Inc., doing business as Bayer CropScience Vegetable Seeds ("BCS VS") can also supply certain of this information on request. We suggest growers develop expertise in growing triploid hybrid watermelons prior to instituting large scale commercial production.

B. SPECIAL LIMITATION OF WARRANTY: ALL TRIPLOID HYBRID WATERMELON SEEDS ARE SOLD PURSUANT TO BCS VS' STANDARD TERMS AND CONDITIONS OF SALE. DESCRIPTIONS AND ILLUSTRATIONS OF TRIPLOID HYBRID WATERMELONS REPRESENT TRIPLOID HYBRID WATERMELONS AS GROWN UNDER FAVORABLE GROWING CONDITIONS IN FAVORABLE GROWING AREAS. APPEARANCE AND PERFORMANCE MAY VARY IN OTHER GEOGRAPHICAL LOCATIONS AND UNDER DIFFERENT GROWING CONDITIONS. BCS VS EXPRESSLY EXCLUDES ANY WARRANTY THAT THE TRIPLOID HYBRID WATERMELON SEED SOLD WILL PRODUCE "SEEDLESS" FRUIT. ALL IMPLIED WARRANTIES, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY EXCLUDED.

I have read the foregoing special limitation of warranty and agree to be bound by it.

Purchaser: _____ Date: _____

Company Name: _____

Address: _____

GROWER instructions: •Please read and understand this agreement. Then fill in all requested information and sign as indicated.
•Return the signed document to Twilley Seed Co. by any of the following methods:

email: twilley@twilleyseed.com
fax: 864 227 5108

mail: Otis S. Twilley Seed Co., Inc.
121 Gary Road Hodges SC 29653