

**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, infested 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 of the identification of any seedborne WFB infection, Morgan County Seeds and its suppliers are using their best efforts. No symptoms of WFB were found to be present within the known limits of detection.

Morgan County 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 Morgan County 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 Morgan County Seeds and its Dealers, whether for breach of contract, tort, negligence or otherwise. The undersigned also releases Morgan County Seeds, its agents and supplies, from any and all claims relating to WFB with respect to all watermelon seed supplied by Morgan County Seeds and its Dealers. Furthermore, the undersigned expressly acknowledges the his/her exclusive and sole remedy against Morgan County Seeds and its Dealers for any loss resulting from the use of the seed is limited to the return of the purchase price of said seed. Additionally, if any seed is repackaged, all remedies against Morgan County Seeds and its suppliers will be waived, including return of the purchase price, and Morgan County 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 seed sold, Morgan County Seeds and its suppliers offer no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, regarding the seed, and all warranties are specifically herein disclaimed. Morgan County Seeds and its 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 Morgan County Seeds and its suppliers against any and all claims, action, proceedings, or other potential liabilities against Morgan County Seeds and its 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 items. 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 Morgan County Seeds Dealer or Morgan County Seeds will occur until the Dealer or Morgan County Seeds receives this signed notice.

Growers Signature \_\_\_\_\_  
Growers Name Printed \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Date Signed \_\_\_\_\_

**THIS LETTER MUST BE SIGNED BY CUSTOMER AND ACCOMPANY THE ORDER IF YOU  
ARE ORDERING A 1/4 LB, 1 M OR MORE OF WATERMELON SEED.**