No.

Attest

Plant Variety Grain Division

Agricultural Marketing

7100001

# ANHIE UNIVIED STRATES OF ANTERICA

# TO ALL TO WHOM THESE PRESENTS SHALL COME;

# W. Atlee Burpee Company

Whereas, there has been presented to the

# Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLAN-1- VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLI-CANT(S) FOR THE TERM OF & EVENteen years from the date of this GRANT, subject to the payment of the required fees and periodic replenishment of viable BASIC seed of the variety in a public repository as provided by LAW, the right to exclude others from selling the variety, or offering it for sale, or reproducing it, or importing it, or exporting it, or using it in producing a hybrid or different VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT at stat. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

LETTUCE

Green Ice

In Lestimony Whereot, I have hereunto set my hand and caused the seal of the Plant Uariety Protection Office to be affixed at the City of Washington

this tenth day of April in the year of our Lord one thousand nine hundred and seventy three.

Early Butz Secretary of Agriculture

FORM GR-470 (12-15-72)

#### APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.						
1. VARIETY NAME OR TEMPORARY	2. KIND NAME		FOR OFFIC	FOR OFFICIAL USE ONLY		
Green Ice	Leaf Lettu	ice	PV NUMBER 711			
3. GENUS AND SPECIES NAME	4. FAMILY NAME (Bo	otanical)	FILING DATE	TIME A.M. 8 XXX		
<b>Lactuca</b> sativus	Composita	е	FEE RECEIVED	BALANCE DUE		
	5. DATE OF DETER	MINATION	\$ 250	\$ 00		
	1968		\$ 250	\$ 00		
· · · , _ · · · · <u></u>	· · ·		\$250	5 0-0		
6. NAME OF APPLICANT&I	7. ADDRESS (Struet e Code)	end No. or <b>R.F.D. N</b> o	o., City, State, and ZIP	B. TELEPHONE AREA CODE AND NUMBER		
W. Atlee Burpee Co.	Hunting P	ark <b>Avenu</b> e	& 18th St-	215-		
	Phi-ladelpl	hia, Pa, -	19132	228-8800		
9. IF THE NAMED APPLICANT IS NOT A PER	RSON, FORM OF	10. "STATE "OF ""	CORPORATION	T. DATE OF INCOR-		
ORGANIZATION: (Corporation, partnership,		1 .		PORATION		
Corporation		Pennsylv	ania	1915		
12. Name and mailing address of applic	ant representative(s	), <b>if any, to serv</b>	e in this application a	and receive all papers:		
<ul> <li>-73. CHECK BOX BELOW FOR EACH ATTACH</li> <li>13A. Exhibit A, Origin and by</li> <li>13B. Exhibit B, Botanical Desc</li> <li>13C. Exhibit C, Objective Desc</li> <li>13D. Exhibit D, Data Indicative</li> </ul>	eeding History of th ription of the Variet ription of the Variet of Novelty	e Variety (See S ly y		Variety Protection Act.)		
13E. Exhibit E, Statement of th		_		an of continued and 2		
"A-Does the applicant(s) specify that (See Section 83(a), (If ''Yes,'' and				ss of certified seed;		
148. Does the applicant(s) specify that limited as ta number of generation	t this variety be	<sup>14C.</sup> If "Yes,"		nerations of production		
· · · · · · · · · · · · · · · ·		FOUND				
The applicant declares that a viable p ance of a certificate and will be repla						
The undersigned applicant(s) of this uniform, and stable as required in Se Plant Variety Protection Act.				2		
Applicant is informed that false repr	resentation herein ca	n jeopardize pro	tection and result in p	enalties.		
$\cap$		(]				
(DATE)		tron	e A Kanton ISIGNATURE OF APPLIE			
(DATE)	- (		SIGNATURE OF APPLIE	ANT)		
(DATE)		<u> </u>	(SIGNATURE OF APPLIC	ANT)		

#### INSTRUCTIONS

GENERAL: Send an original copy of the application, exhibits and \$250.00 fee to U.S. Dept. of Agriculture, Agricultural Marketing Service, Grain Division, 6525 Belcrest Road, Hyattsville, Maryland 20782. (See Section 180.175 of the regulations and rules of practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

ITEM

- 5 Insert the date the applicant determined that he had a new variety based on the definition in Section 41 (a) of the Act and decision is made to increase the seed.
- 13a First, give the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method. Second, give the details of subsequent stages of selection and multiplication. Third, indicate the type and frequency of variants during reproduction and multiplication and state how these variants may be identified. Fourth, provide evidence on stability.
- 13b First, give any special characteristics of the seed and of the plant as it passes through the seedling stage, flowering stage and the fruiting stage. Second, describe the mature plant and compare it with a similar commercial variety grown under the same conditions, and indicate the differences.
- 13c A supplemental form will be furnished by the PVPO to describe in detail a variety for each kind of seed.
- 1.3d. Provide complete data indicative -of- novelty. Seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty may be submitted. Seeds submitted may be sterile. . .
- 13e Indicate whether applicant is the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.

## LEAF LETTUCE

## GREEN ICE

**13A.** <del>12A.</del> Exhibit A:

A cross between Grand Rapids (a catalogued variety) X Fordhook (a catalogued variety). Result of many years of selection. From individual plant in F/9 generation.

## LEAF LETTUCE

### GREEN ICE

138. Exhibit B:

Annual. Early non-heading and slow bolting type with dark green spreading leaves completely free of anthocyanin. Leaf margins wavy with many indentations. Leaves thick, moderately blistered with moderately prominent veins. Center leaves many and tend to fold inward before seed stalk develops. Generally has single seed stalk moderately branched at top.

Seeds black.

HYATTSVILLE, MARYLAND 20782 OBJECTIVE DESCRIPTION OF VARIETY INSTRUCTIONS: See Reverse. (LETTUCE) NAME OF APPLICANTIS) W. ATLEE BURPEE CO. ADDRESS (Street and No. of HED. No., City, Status, and ZIP Cods) 297 - 11	
INSTRUCTIONS: See Reverse. (LETTUCE) NAME OF APPLICANT(S) V. ATLEE BURPEE CO. PVPO NUMBER	
NAME OF APPLICANT(S) FOR OFFICIAL USE ONLY	
W. ATLEE BURPEE CO.	<u> </u>
18th Street & Hunting Fark Avenue: VARIETY NAME OR TEMPORARY DESIGNATION	
Philadelphia, Penna. 19132 Green Ice	
Place the appropriate number that describes the varietal character of this variety in the boxes below.	
PLANT TYPE: COS CRISPHEAD	
10 = CUTTING (Lead) 20 = STALK 31 = SELF-CLOSING 41 = IMPERIAL GROUP	9
	ROUP -
32 = LOOSE-CLOSING 43 = VANGUARD OR GROUP VALVERDE GROU	UP
SEED COLOR:	
2 1= WHITE 2= BLACK 3= YELLOW 1 1= ABSENT 2= PRESENT	
LEAF CONTAINING ANTHOCYANIN:	<u></u>
1 = COVERED 2 = SPOTTED 3 = ALONG MARGIN 4 = OTHER (Spocily)	<del></del>
LEAF SURFACE: Lest Reflectance:	
2 BA 1 = SMOOTH 2 = BLISTERED 3 = DULL 4 = GLOSSY 3 - OTHER (Specify)	
LEAF MARGIN:	
1 1= WAVY 2= CURLED 3= DENTATE 4= INCISED 5= DEEPLY INCISED	
LEAF SHAPE:	<u> </u>
1 ROUNDED 2 = POINTED 3 = BROADER 4 = LONGER 5 = OTHER (Specify)	
LEAF COLOR (See Reverse.) 1 = RED (4 = YELLOWISH-GREEN J=DARK-GREEN	
2 = REDDISH-BROWN     5 = GREYISH-GREEN     8 = VERY DARK GREEN       3 = YELLOW     6 = BLUE-GREEN	
HEADS: PLANT SIZE (See Reverse.)	
SPHERICAL 3 # ELONGATE	
2 = FLATTENED 4 = POINTED 5 = NON HEAD	· .
ULTURE: 3= NON SPECIFIC	
ULTURE:	
CULTURE:	*2
CULTURE:	He D
I     I <td></td>	
ULTURE:       3 = NEW SPEC(Fic         1       i = SUMMER CROP       2 = WINTER CROP         4 = UNDE D GLASS         1ZE OF 10-DAY OLD SEEDLING GROWN UNDER CONSTANT LIGHT (Growth Chamber) AT 25° C. (Place a zero in first box (i.e. 0 2)) white is 2mm. of less).         mm. LENGTH OF SEEDLING         mm. LENGTH OF SEEDLING	
ULTURE:       3 = NEW SPEC(Fic         1       i = SUMMER CROP       2 = WINTER CROP       3 = OTHER (Specify)         4 = UNDE D GLASS       4 = Sinder D GLASS         12E OF 10-DAY OLD SEEDLING GROWN UNDER CONSTANT LIGHT (Growth Chamber) AT 25° C. (Place a zero in first box (i.e. 0]2) where is 9mm. of isss).         mm. LENGTH OF SEEDLING       mm. LENGTH OF COTYLEDON         mm. LENGTH OF SEEDLING       mm. LENGTH OF COTYLEDON         DISEASE RESISTANCE TO: (Enter zeroes in box(es) where there is no special disease resistance.)	
CULTURE: 3 = NON SPECIFIC 1 i = SUMMER CROP 2 = WINTER CROP 3 = OTHER (Specify) 4 = UNDE D GL A 55 12E OF 10-DAY OLD SEEDLING GROWN UNDER CONSTANT LIGHT (Growth Chamber) AT 25° C. (Place a zero in first box (i.e. 0]2) wh ize is 2 mm. of iess).	
ULTURE:       3 = NEW SPECIFIC         1       i = SUMMER CROP       2 = WINTER CROP       3 = OTHER (Specify)         4 = UNDE D GL A 55         1ZE OF 10-DAY OLD SEEDLING GROWN UNDER CONSTANT LIGHT (Growth Chamber) AT 25° C. (Place a zero in first box (i.e. 0]2) where is gram. or isss).         Imm. or isss).         Imm. or isss).         Imm. LENGTH OF SEEDLING	

FORM JR+471 (6	(EVERSE)						
INDICATE WHICH	VARIETY MOST CL	OSELY RESEMBLES	THAT SUBMITTED:			• •	
CHAI	RACTER		Ν	NAME OF VARIET	(		
Leaf color		Imperial	Group				
pleafintation		None					
Leaf share		Grand Ra	apids				
Plant size		Grand Ra	pids				
Head size							
VARIETY	NO, OF DAYS TO HEAD MATURITY UNDER WINTER CROPPING	LOCATION	HO, OF DAYS TO HEAD MATURITY UNDER SUMMER CROPPING	LOCATION	NO. OF DA SEED STA EMERGENCE SUMMERCRO	UNDE F	
Submitted			<b>v</b> 45	Doyle stown Pa.	6	5	Doylestowi Pa.
Similar			V45	l samė	5	5	II
Name of> similar variety			Grand Rap	ids	Grand	Rap	oids

#### INSTRUCTIONS

**GENERAL:** The **following** publications may be used as a reference aid **for** completing this form:

- 1. C. M. Rodenburg, 1960, <u>Varieties</u> of <u>Lettuce</u>, <u>An International</u> <u>Monograph</u>, Institunt Voor de Veredeling van **Tuinbouwgewassen**, Wageningen, Holland.
- 2. L. L. Morse, 1930, Field Notes on Lettuce, published by Ferry-Morse Seed Co.

LEAF COLOR: Any recognized color fan may be used **to** determine the leaf color of **the** described variety. The following **lettuce** varieties may be used as a guide **to** identify the eight colors listed on **the** form.

#### Color

#### Variety

1	-	Red .	"Salad Trim"
2	•	Reddish-brown	"Ruby"
3	•	Yellow	"Salad Bowl"
4		Yellowish-green	"Oakleaf"
		Greyish-green	"White Boston"
6	•	Bluish-green	"Bibb"
7		Dark-green	"Imperial" group
		Darn green	

PLANT SIZE: The following varieties may be used as a guide to identify the plant type size:

i..

Type	Small	Medium	Large
1 • Cutting (leaf) 2 • Stalk	Boston-Curled Celtuce	Prize Head	Black Seeded Simpson
<pre>3 • cos 4 • Crisphead 5 • Butterhead 6 • Latin</pre>	Express Mignonette <b>Tom Thumb</b> Sucrine	<b>White</b> Paris . Hanson Hubbard Market Creole	Giant White Malta , Mammoth Butter Deer Tongue

#### LEAF LETTUCE

#### GREEN ICE

### 13D. Exhibit D:

Early medium-sized distinctive leaf lettuce that is heatresistant, longer standing and of darker green color than Grand Rapids which is its closest comparison. Leaves have more frilled leaf margins, are thicker and more savoyed making a heavier plant than Grand Rapids, and is of superior quality.

Center leaves tend to fold inward making a semi-head type plant if spaced sufficiently far apart so plants are barely touching. Seeds are black.

## STATEMENT OF APPLICANT

# *13E.* 12E. Exhibit E:

The W. Atlee Burpee Co. believes that it is the original and first breeder of the attached described variety, Green Ice Lettuce, for which it solicits a certificate; that it has sexually reproduced the variety; that it does not know and does not 'believe that the same was ever a public variety before the W. Atlee Burpee Co.'s development thereof; the W. Atlee Burpee Co. is the sole breeder of this novel variety; this variety has not been in public use or on sale in the United States more than 1 year prior to the filing date of this application, or described in any printed publication in any country before W. Atlee Burpee Co. 's development for more than ] year prior to this application; and the variety has not been granted rights in any foreign country prior to the date of this application, or an application filed by W. Atlee Burpee Co., or its legal representatives, or assigns, more than 12 months prior to W. Atlee Burpee Co. 's application in the United States,

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W. Atlee Burpee / 3rd, Vice President for W. Atlee Burpee Co.

GRANT OF SECURITY INTEREST

(PLANT VARIETY CERTIFICATES)

WHEREAS, W. **ATLEE BURPEE** COMPANY, a Pennsylvania corporation (herein referred to as "Grantor"), has been issued the Plant Variety Certificates listed on Schedule 1 annexed hereto;

WHEREAS, Grantor is a wholly owned Subsidiary of CDS Holding Corp.; .

WHEREAS, Grantor has agreed to grant a first priority security interest in substantially all the assets of Grantor to secure the payment of all amounts owing under the Revolving Credit Agreement, dated as of December 30, 1986 (as amended, supplemented or modified from time to time, the "Credit Agreement"), among CDS Holding Corp., the O.M. Scott & Sons Company and Manufacturers Hanover Trust Company (the "Bank" and "Grantee"); and

WHEREAS, pursuant to the terms of a Subsidiary Security Agreement dated as of December 30, 1986 (the "Subsidiary Security Agreement") made by Grantor in favor of Grantee, its successors transferees and assigns Grantor has mortgaged, pledged and granted to Grantee a security interest in all right, title and interest of Grantor in, to and under all Certificates of Plant Variety Protection now or hereafter issued to the Grantee by the Plant Variety Protection Office of the United States Department of Agriculture (or any successor agency thereto) (all such Certificates being herein collectively referred to as "Plant Variety Certificates"), together with any reissues, extensions or renewals thereof whether presently existing or hereafter arising or acquired in connection with the tangible and intangible assets of the Grantor's business, including the goodwill of the business symbolized by the Plant Variety Certificates issued to and the applications therefor and the registrations thereof, and all products and proceeds thereof, including, without limitation, any and all causes of action which may exist by reason of infringement or dilution thereof or injury to the associated goodwill, to secure the payment of all amounts owing under the Credit Agreement and any and all other amounts from time to time directly owing by the Grantor to the Bank;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, Grantor does hereby mortgage, pledge and grant to Grantee, its successors, indorses, transfees and assigns, a security interest in all of Grantor's right, title and interest in, to and under the following whether presently existing or hereafter arising or acquired:

(i) each Plant Variety Certificate and Plant Variety Certificate application, including, without limitation, each Plant Variety Certificate and Plant Variety Certificate application referred to in Schedule 1 hereto, and all of the goodwill of the business connected with the use of, and symbolized by, each Plant Variety Certificate and Plant Variety Certificate application:

(v) all products and proceeds of the foregoing, including, without limitation, any claim by Grantor against third parties for past, present or future infringement or dilution of any Plant Variety Certificate registration including, without limitation, any registration referred to in Schedule 1, or for injury to the goodwill associated with any Plant Variety Certificate or Plant Variety Certificate application.

This security interest is granted in conjunction with the security interest granted to the Grantee, its successors, indorses, transfees and assigns, in substantially **all** of the assets of the Grantor, as set forth in the Security Agreement, of which this Agreement is a part.

Grantor does hereby further acknowledge and affirm that the rights and remedies of Grantee with respect to the security interest in the Plant Variety Certificates, Plant Variety Certificates applications, made and granted hereby are more fully set forth in the Security Agreement, the terms and provisions of which are incorporated by reference herein as if fully set forth herein. Terms defined in the Security Agreement shall have their defined meanings when used in this Grant of Security Interest.

IN WITNESS WHEREOF, Grantor has caused this Grant of Security Interest to be duly executed by its officers thereunto duly authorized as of **the** <u>301</u> **day** of December, 1986.

W. ATLEE BURPEE COMPANY

heut By: tle: Prist



STATE OF NEW YORK ) ) ss.: COUNTY OF NEW YORK )

On the 30th day December, 1986, before me personally came  $W_{111iam} N$ , Engle hmF, to me personally known and known to me to be the person described in and who executed the foregoing instrument as *Publicult* of W. Atlee Burpee Company, who being by me duly sworn, did depose and say that he resides at 5572 Long Land, Dovilstown, PA ; that he is of W. Atlee Burpee Company, the President corporation described in and which executed the foregoing instrument: that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that the said instrument was signed and sealed on behalf of said corporation by order of its Board of Directors; that he signed his name thereto by like order; and that he acknowledged said instrument to be the free act and deed of said corporation.

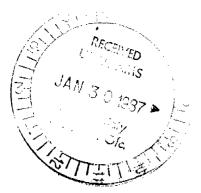
Pub Notary

[Seal]

My commission expires:

LOHETTA D. BRENNER Notary Public, Stare of New York No. 004794803 Qualified in Westchester County Certificate filed in New York County Commission Expires March 30. 1387

2/30



OWNER: W. ATLEE BURPEE COMPANY

# PLANT VARIETY PROTECTION CERTIFICATES

CERTIFICATE NO.	TITLE AND SUBTITLE	ISSUE DATE	<u>EXPIRATIC</u>
7100001	LETTUCE 'Green Ice'	4/25/73	1990
7100002	CHINA ASTER 'Totem Pole White'	3/28/74	1991
7100003	CHINA ASTER 'Totem Pole Rose-Pink'	3/28/74	1991
7100004	CHINA ASTER 'Totem Pole Scarlet-Cerise'	3/28/74	1991
7100005	CHINA ASTER 'Totem Pole Azure Blue'	3/28/74	1991
7100006	CHINA ASTER 'Totem Pole Dark Blue'	3/23/74	1991
7100009	VERBENA 'Ruffled White'	4/8/75	1992
7100010	MARIGOLD 'Redcoat'	12/12/75	1992
7100053	CHINA ASTER 'Ideal Dark <b>Blue'</b>	3/14/75	199 <u>1</u>
7100054	CHINA ASTER <b>'Ideal</b> Rose'	3/14/74	1991
7100059	ZINNIA 'Emperor'	12/12/75	1992
7100077	CHINA ASTER 'Burpeeana Extra Early Rose'	3/28/74	1991
7100078	CHINA ASTER <b>'Burpeeana</b> Extra Early Scarlet Morn'	3/28/74	1991
7100079	CALENDULA 'Golden Gem'	6/27/75	1992
7100081	MARIGOLD 'Golden Fantastic'	5/14/76	1993
7100085	SWEETPEA 'Salmonette'	12/12/75	1992
7190086	SWEETPEA 'Lavender Delight'	12/12/75	1992

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CERTIFICATE NO.	TITLE AND SUBTITLE	ISSUE DATE	EXPIRATION
7100087	SWEETPEA 'Tangerine'	3/5/76	1993
7100088	VERBENA 'Ruffled Pink'	4/8/75	1992
7200054	SQUASH 'Burpee Golden Zucchini'	2/15/75	1994
7200108	SNAPDRAGON 'Bright Scarlet'	11/24/75	1992
7400030	CALIFORNIA POPPY 'Eallerina Yellow'	4/18/75	1992
7400032	CALENDULA 'Orange <b>Gem'</b>	6/27/75	1932
7400033	ZINNIA 'Ruffled Jumbo Scarlet'	12/12/75	1991
7400034	MARIGOLD 'Big Almost White'	11/15/74	1991
7400040	BEAN 'Greensleeves'	6/18/76	1993
7500024	MARIGOLD 'Golden Hawaii'	3/5/76	1993
7500025	CHINA ASTER 'Red Mound'	6/27/75	1992
7600011	MARIGOLD 'Red Pygmy'	2/15/77	1994
7600071	PUMPKIN 'Triple Treat'	5/9/77	1994
7600072	WATERMELON 'Sugarbush'	7/26/77	1994
7800005	ZINNIA 'Rose Starlet'	2/2/78	1995
780009	LETTUCE 'Royal Oak Leaf'	2/2/78	1995
7900060	<b>MARGOLD</b> 'Happy Red'	5/1/80	1997
8200017	MARIGOLD <b>'Xantho-Orange'</b>	6/17/82	1939

# OWNER: W. ATLEE BURPEE COMPANY

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CERTIFICATE NO.	TITLE AND SUBTITLE	ISSUE DATE	EXPIRATION
8200028	TOMATO 'Super Beefsteak'	8/19/82	1999
8200129	ASTER 'Pot <b>'n</b> Patio Blue'	12/30/83	2000
8400138	PUMPKIN 'Bushkin'	8/30/85	2002
8500128	PEA 'Snappy'	10/31/85	2002
8600040	ZINNIA 'Pinwheel Rose'	8/31/86	2003
	Applications_		
APPLICATION NO.	TITLE AND SUBTITLE	APPLICATI	ON DATE
8400139	Watermellon 'Sweet Treat'	12/10	6/86
8600139	Basil 'Purple Ruffles'	7/7	/86
8600149	Cucumber 'Picklebush'	7/9	/86
8600158	Zinnia		

8600158: Zinnia 'Red Lollipop' 9/3/86

#### SECURITYAGREEMENT

SECURITY AGRÉEMENT, dated as of November 23, 1987, made by W. Atlee Burpee Company, a Pennsylvania corporation (the "Debtor") in favor of Bankers Trust Company, a New York banking corporation (the "Secured Party"). Unless otherwise defined herein or in Article XIhereof, all capitalized terms used herein and defined in the Credit Agreement are used herein as therein defined.

#### WITNESSETH:

WHEREAS, the Secured Party and the Debtor have entered into the Credit Agreement;

WHEREAS, pursuant to the Credit Agreement, the Secured Party has agreed to provide the Debtor, in accordance with the terms and conditions set forth therein, with a working capital line not exceeding the Commitment;

WHEREAS, it is a condition precedent to the incurrence of Advances under the Credit Agreement that the Debtor execute and deliver to the Secured Party this Security Agreement: and

WHEREAS, the Debtor desires to execute this Security Agreement to satisfy the condition described in the preceding paragraph;

-NOW, THEREFORE, in consideration of the premises and other benefits to the Debtor, the receipt and sufficiency of which are hereby acknowledged, the Debtor hereby makes the following representations and warranties and hereby covenants and agrees as follows:

# Annex 11.2

# Plant Variety Protection Certificates

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CERTIFICATE NO.	TITLE AND SUBTITLE	ISSUE DATE	EXPIRATION
7100001	LETTUCE 'Green Ice'	4/10/73	1990
7100002	CHINA ASTER 'Totem Pole White'	3/28/74	1991
7100003	CHINA ASTER 'Totem Pole Rose-Pink'	3/28/74	1991
7100004	CHINA ASTER 'Totem Pole Scarlet-Cerise-'	3/28/74	1991
7100005	CHINA ASTER 'Totem Pole Azure Blue'	3/28/74	1991
7100006	CHINA ASTER 'Totem Pole Dark Blue'	3/23/74	1991
7100009	VERBENA 'Ruffled White'	4/8/73	1992
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7100053	CHINA ASTER 'Ideal Dark Blue'	3/14/74	1991
7100054	CHINA ASTER 'Ideal Rose'	3/14/74	1991
7100059	ZINNIA 'Emperor'	12/12/75	1992
7100077	CHINA ASTER 'Burpeeana Extra Early Rose'	3/28/74	1991
7100078	<b>CHINA</b> ASTER 'Burpeeana Early Early Scar- let Morn'	3/28/74	1991

CERTIFICATE NO.	TITLE AND SUBTITLE	ISSUE DATE	EXPIRATION
7100079	CALENDULA 'Golden Gem'	6/27/75	1992
7100081	MARIGOLD 'Golden Fantastic'	5/14/76	1993
7100085	SWEETPEA 'Salmonette'	12/12/75	1992
7100086	<b>SWEETPEA</b> 'Lavender Delight'	12/12/75	1992
7100087	SWEETPEA 'Tangerine'	3/5/76	1993
7100088	VERBENA 'Ruffled Pink'	4/8/75	1942
7200054	SQUASH <b>'Burpee</b> Golden Zucchini'	2/15/77	1994
7200108	SNAPDRAGON 'Bright Scarlet'	11/24/75	1992
7400030	CALIFORNIA POPPY 'Ballerina Yellow'	4/18/75	1992
7400032	CALENDULA 'Orange Gem'	6/27/75	1991
7400033	ZINNIA 'Ruffled Jumbo Scarlet'	12/12/75	1991
7400034	MARIGOLD 'Big Almost White'	11/15/74	1991
7400040	BEAN 'Greensleeves'	6/18/76	1993
7500024	MARIGOLD 'Golden Hawaii'	3/5/76	1993
7500025	CHINA ASTER 'Red Mound'	6/27/75	1992

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CERTIFICATE	NO	TITLE AND SUBTIT	TLE	ISSUE DATE	EXPIRATION
7600011		MARIGOLD <b>'Red</b> Pygmy'		2/15/77	1994
7600071		<b>PUMPKIN</b> 'Triple Treat'		5/9/77	1994
7600072		WATERMELON 'Sugarbush'		7/26/77	1994
7800005		ZINNIA 'Rose Starlet'		2/2/78	1995
7800009		LETTUCE 'Royal Oak Leat	E'	2/2/78	1995
7900060		MARIGOLD 'Happy <b>Red'</b>		5/1/80	19 <b>9</b> 7
8200017		MARIGOLD 'Xantho-Orange	,	6/17/82	1999
8200028		TOMATO 'Super Beefstea	ık'	8/19/82	1999
8200129		ASTER 'Pot <b>'n</b> Patio	Blue'	12/30/83	2000
8400138		PUMPKIN 'Bushkin'		8/30/85	2002
8500128		PEA 'Snappy'		10/31/85	2002
8600040		ZINNIA 'Red Lollipop	1	8/31/86	2003

ار خرید. ایجینید ا

# Plant Variety Protection Certificates Applications

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APPLICATION NO.	TITLE AND SUBTITLE	APPLICATION DATE
8400139	Watermellon 'Sweet Treat'	12/16/86
8600139	Basil 'Purple Ruffles'	7/7/86
8600149	Cucumber 'Picklebush'	7/9/86
8600158	Zinnia 'Pinwheel Rose'	9/8/86