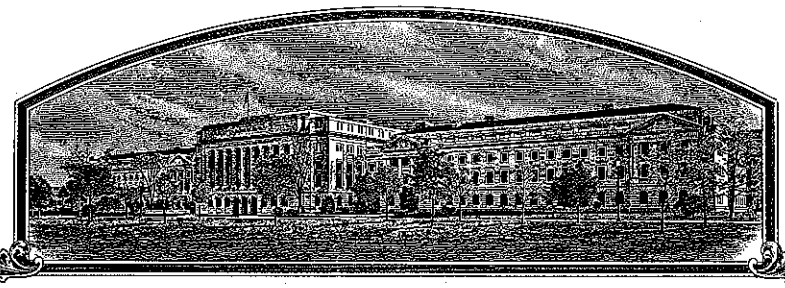

No. 9700134

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

RNB, LLC

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED 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 PLANT 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 APPLICANT(S) FOR THE TERM OF TWENTY 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 CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE , OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BERMUDAGRASS

'Majestic'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twenty-sixth day of July, in the year two thousand and five.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

REPRODUCE LOCALLY. *Include form number and date on all reproductions.*

FORM APPROVED - OMB NO. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) *(as it is to appear on the Certificate)*
RNB, LLC
~~H & H Seed Co., Inc.~~
RAD 6/26/04

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER
H & H Exp.#9381

3. VARIETY NAME
Majestic

4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)*
11350 S. Fortuna Road
~~P.O. Box 1688~~
Yuma, AZ ~~85366-1688~~ 85367
RAD 6/30/2003

5. TELEPHONE *(include area code)*
928 ~~520~~-783-7821

6. FAX *(include area code)*
928 ~~520~~-343-0156

FOR OFFICIAL USE ONLY

PVPO NUMBER
9700134

FILING DATE
Feb. 18, 1997

7. GENUS AND SPECIES NAME
Cynodon dactylon

8. FAMILY NAME *(Botanical)*
Gramineae

FEES RECEIVED
FILING AND EXAMINATION FEE: $ 2,450.00
DATE: Feb. 18, 1997
CERTIFICATION FEE: $ 432.00
DATE: April 26, 2005

9. CROP KIND NAME *(Common name)*
Bermuda grass

10. IF THE APPLICANT NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION *(corporation, partnership, association, etc.)* *(Common name)*
Corporation

11. IF INCORPORATED, GIVE STATE OF INCORPORATION
Arizona

12. DATE OF INCORPORATION
20 Dec 1978

13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS
Barry L. Olsen
Law Offices of Larry W. Suciu, PLC
101 E. Second Street
Yuma AZ 85364
RAD 10/26/04

14. TELEPHONE *(include area code)*
928 783-6887
~~903-675-3534~~

15. FAX *(include area code)*
928-783-7086
~~903-675-3258~~

16. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED *(Follow instructions on reverse)*

a. ☒ Exhibit A. Origin and Breeding History of the Variety
b. ☒ Exhibit B. Statement of Distinctness
c. ☒ Exhibit C. Objective Description of the Variety
d. ☐ Exhibit D. Additional Description of the Variety *(Optional)*
e. ☒ Exhibit E. Statement of the Basis of the Applicant's Ownership
f. ☒ Voucher Sample *(2,500 viable untreated seeds or, for tuber propagated varieties verification that tissue culture will be deposited and maintained in an approved public repository)*
g. ☒ Filing and Examination Fee ($2,450), made payable to "Treasurer of the United States" *(Mail to PVPO)*

17. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY, AS A CLASS OF CERTIFIED SEED? *(See Section 83(a) of the Plant Variety Protection Act)*
☒ YES *(If "yes," answer items 18 and 19 below)* ☐ NO *(If "no," go to item 20)*

18. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?
☒ YES ☐ NO

19. IF "YES" TO ITEM 18, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?
☒ FOUNDATION ☒ REGISTERED ☒ CERTIFIED

20. HAS THE VARIETY OR A HYBRID PRODUCED FROM THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES?
☐ YES *(If "yes," give names of countries and dates)* ☒ NO

21. The applicant(s) declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned applicant(s) is(are) the owner(s) of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Applicant(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF APPLICANT *(Owner(s))*		SIGNATURE OF APPLICANT *(Owner(s))*	
Patrick K. Hodges, Jr			
NAME *(Please print or type)* Patrick K. Hodges, Jr		NAME *(Please print or type)*	
CAPACITY OR TITLE President	DATE 10 Feb 1997	CAPACITY OR TITLE	DATE

9700134

INSTRUCTIONS

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed Exhibits A, B, C, E; (3) at least 2,500 viable untreated seeds, or for tuber reproduced varieties verification that a viable *(in the sense that it will reproduce an entire plant)* tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for $2,450 ($300 filing fee and $2,150 examination fee), payable to "Treasurer of the United States" *(See Section 97.6 of the Regulations and Rules of Practice.)* Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfiled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 500, NAL Building, 10301 Baltimore Blvd., Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. DO NOT use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of $300 for issuance of the Certificate.

Plant Variety Protection Office
Telephone: (301) 504-5518

ITEM

16a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;

(2) the details of subsequent stages of selection and multiplication;

(3) evidence of uniformity and stability; and

(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified.

16b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:

(1) identify these varieties and state all differences objectively;

(2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences;

(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.

16c. Exhibit C forms are available from the PVPO for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.

16d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.

16e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.

17. If "Yes" is specified *(seed of this variety be sold by variety name only, as a class of certified seed)*, the applicant may NOT reverse this affirmative decision after the variety has been sold and so labelled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. *(See Regulations and Rules of Practice, Section 97.103).*

20. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment is specified in Section 97.175 of the regulations. *(See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of Regulations and Rules of Practice.)*

To avoid conflict with other variety names in use, the applicant should check the variety names proposed by contacting: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center--East, Beltsville, MD 20705. Telephone: (301) 504-8089.

Exhibit A. Origin and breeding history of the variety

Majestic is a seed propagated turf type Bermudagrass. Majestic is the result of a two clone, cross pollinated, intraspecific synthetic cultivar.

I. Parent clones

A. Clone 1 is H & H selection #2690 that is a vegetative selection from a polycross of common Bermudagrass materials obtained from Dr. A. Baltensperger of the New Mexico Agricultural Experiment Station in 1989. Selection #2690 was selected in 1991 from space planted progeny from the polycross.
B. Clone 2 is H & H selection #61 that is a vegetative selection from the same polycross described for Clone 1. It was also selected in 1991.
C. The two parental clones are predominantly self-sterile. Panicles of each parent maintained in pollination isolation produced from 1 to 20 % of the number of expected embryos, with the majority of the embryos shriveled in appearance.

II. Synthetic Development

A. In 1992, a field cross was established using equal numbers of vegetatively produced plants of Clone 1 and Clone 2.
B. Seed from the 1992 cross was used for turf evaluation in 1993 at the H & H Seed Company, Inc. research facility located in Yuma, Arizona. The cultivar was designated H & H Exp. #9381. In addition, a one acre Breeders field was established at Bard, CA from equal amounts of vegetatively propagated material of Clones 1 &2.
C. In 1994, turf evaluations were initiated at Athens, TX under H & H Seed Company management.
D. In 1995, a 10 acre foundation field was established at Brawley, CA from seed produced in the Breeders field at Bard, CA.

III. Seed Production Procedures

A. Parental clones are maintained vegetatively through cuttings of each clone. Breeders seed will be produced from vegetative sprig plantings of the parent clones (Clone 1 and Clone 2) planted in equal amounts. Breeders seed will be harvested for a maximum of three years from these plantings.
B. Seed from the Breeders field will be used to establish Foundation fields. These fields will be harvested for Foundation class seed for a maximum of three years.
C. Seed from the Foundation Fields will be used to establish certified fields. These fields will be harvested for Certified class seed for a maximum of five years.
D. Vegetative material of the two parent clones will be maintained at the research facilities of Castle Dome Seed, Yuma, AZ.

Majestic is a uniform and stable variety as observed for three generations (from the breeders seed through foundation to turfgrass produced from certified seed). No objectionable variants have been observed in the reproduction or multiplication of Majestic. Majestic shows less than five percent variants in leaf texture or color; Majestic tends to have morphological characters intermediate between the two parents in leaf texture and size of plant. Up to five percent of the Majestic plants may appear closer to the characters of the wider bladed leaf and longer internodes of one parental clone.
During variety development, Majestic was selected for seed yield and turf quality.

Exhibit B. Statement of Distinctness

Majestic bermudagrass is distinct from all other bermudagrasses by a combination of turf and morphological measurements. Majestic is most similar to Arizona Common bermudagrass.

Majestic is morphologically distinct from other varieties in spaced plantings (Tables 1-6). Majestic may be distinguished from Arizona Common by a higher tiller number per square inch (Table 14), that is also reflected in higher turf density in NTEP trials (Table 13).

9700134

Table 14.	Tiller density of Arizona common and Majestic bermudagrass, 2005.	
	Location	
Variety	Parker, TX	Lebanon, OR
	Tiller number per sq. inch	Tiller number per sq. inch
Majestic	4.8	10.3
Arizona Common	2.0	7.5
LSD, 0.05	1.3	1.6

REPRODUCE LOCALLY. Include form number and date on all reproductions. **Form Approved - OMB No. 0581-0055**

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection of information is (0581-0055). The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact the USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

U. S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT C
(Bermudagrass)

OBJECTIVE DESCRIPTION OF VARIETY
BERMUDAGRASS (Cynodon spp.)

RAD 12/15/04

NAME OF APPLICANT(S) ~~John Hodges~~ RnB LLC

ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)*
PO Box 1688
Yuma, AZ 85366-1688

FOR OFFICIAL USE ONLY

PVPO NUMBER 9700134

VARIETY NAME
Majestic

TEMPORARY OR EXPERIMENTAL DESIGNATION

Place the appropriate number that describes the varietal character of this variety in the spaces provided. Place a zero in the first box (e.g. 0/9/9 or 0/9/) when number is either 99 or less or 9 or less. The symbol "▲" indicates decimal. Characteristics described, including numerical measurements, should represent those that are TYPICAL for the variety. Comparisons to standard varieties must be made under the same conditions. Append all pertinent comparative trial and evaluation data. Measured data should be for unclipped spaced plants that represent the application variety, the most similar variety, and one standard cultivar, or replicated unclipped plots or individual unclipped pots if grown in a greenhouse. Data should be obtained from mature plants (specify age of plants when measured). A minimum of 30 plants and 60 data points should be used for all measurements. Specify growing conditions and experimental design. Give location of test area.

STANDARD CULTIVARS Use cultivars from same species and ploidy level

1 = Seeded Common	4 = Tifway	7 = Coastal	10 = other (Specify species)
2 = Guymon	5 = Tifgreen	8 = Coastcross-1	
3 = Mirage	6 = Midiron	9 = Giant	_____

SPECIFIC VARIETIES USED FOR COMPARISON AS CHECK VARIETIES IN THIS APPLICATION: Use standard regional check varieties that are adapted to your area. One of the comparison varieties must be the most similar variety (MSV) used in Exhibit B.

MSV 1. ___AZ common_____ Variety 2. _____Yukon_____ Variety 3. Yuma_____

1. SPECIES: (With comparison varieties for use below - use varieties within species of application variety)

[1]

1 = *C. dactylon var. dactylon*
2 = *C. dactylon var. aridus*
3 = *C. transvaalensis*
4 = *C. dactylon X C. transvaalensis*
5 = Other (Specify). _____

Is this an F_1 hybrid? _____
Is this for turf or forage use? _____
Is this seed or clonally propagated? _____

2. CYTOLOGY

3	6	2n Chromosome Number

Ploidy
1 = diploid
2 = tetraploid
3 = triploid
4 = Other (Specify)

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
2		Yukon: 2	

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3. ADAPTATION: (0= Not tested; 1= Inadequately Tested; 2= Not Adapted; 3 = Adapted)

0	Northwest	0	North Central	0	Northeast		Other
3	West Central	3	Central	3	East Central		Other
3	Southwest	3	South Central	3	Southeast		Other

---

4. RHIZOMES
1 = None (Coastcross -1)
4 = Weakly Rhizomatous (Coastal)
6 = Moderately Rhizomatous (Common)
9 = Heavy Rhizomatous

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Majestic: 5	AZ common: 6	Yukon: 4	Yuma: 7

Amount of spread in 1 year cm

Majestic: 21.6	AZ Common: 22	Yukon: 16	Yuma: 16

---

5. STOLONS AND SHOOTS:

Specify site, season and growing conditions: Lebanon, OR, space plant nurseries, 2004, irrigated, unmown unless otherwise specified

Anthocyanin pigmentation (cool temperature). Examples: **present** in Common, **absent** in Midland.

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
present	present	present	present

Or
Percent of plants with anthocyanin pigmentation

Stolon internode length cm. Measure from between 3rd and 4th fully extended nodes from apical meristem.

Study I, Study II	Study II	Study I	Study II
4.69cm, 4.46cm	4.04	4.39	4.04

Stolon internode diameter mm. Measure from center of 3rd fully extended internode from apical meristem.

Study I, Study II	Study II	Study I	Study II
1.66mm, 1.54 mm	1.53mm	1.33 mm	1.56mm

Number of growing points at a mature node. Recommend 4th node.

Study I, Study II	Study II	Study I	Study II
2.24, 2.08	2.08	2.44	2.08
Specify which node was counted.			
3	3	3	3

Length of longest stolon cm **(measured Parker, TX, 2004)**

63.93 cm	51.32 (Az common)	38.26 (Yuma)	

or
Stolon length mm. Measure from the stolon apical meristem to the 5th node of the central stolon.

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Study I, Study II	Study II	Study I	Study II
20. 65, 20.27 cm	20.02	19.84	19.68

6. LEAF BLADE:

Color
1 = Light Green (Bayshore, Seeded Common),
3 = Light Medium Green,
5 = Medium Green (Guymon),
7 = Medium Dark Green (Everglades, Tifway),
9 = Dark Green (Tifgreen, Sunturf),

Majestic:___6_____ AZ common: 5_____ ___Yukon: 7

Other Color
1 = Bluegreen (Tifdwarf, No Mow)
2 = Grey Green
3 = Other (specify) ____NA_____ _____ _____ _____

Percent plants with other color

_____NA_____ _____ _____ _____

Width Class
1 = Very Coarse (Coastcross-1)
3 = Coarse (Midland, Guymon)
5 = Medium (Seeded Common)
7 = Fine (Tifway)
9 = Very Fine (Tifgreen) _Majestic: 6_____ _AZ common: 5_____Yukon:7__ _____Yuma : 6

Leaf length cm. Measure longest leaf at third node below apical meristem on main upright tiller.

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Study I, Study II	Study II	Study I	Study II
8.0, 9.1 cm	7.64	4.91_	11.33__

Leaf width mm. Measurement on 3rd or 4th leaf below apical meristem. Measure width at widest part about 1 cm from base.

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Study I, Study II	Study II	Study I	Study II
3.67, 3.67	7.64	2.66	11.33

Flag leaf length cm

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Study I, Study II	Study II	Study I	Study II
4.89, 3.70	3.83	3.67	5.23

Flag leaf width mm. Measure width at widest part or about 1 cm from base.

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Study I, Study II	Study II	Study I	Study II
2.31,2.21	2.23	2.35	2.54

Flag leaf sheath length mm

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Study I, Study II	Study II	Study I	Study II
6.97,6.77	7.09	5.09	8.10

9700134

Leaf width mm (lateral leaves). Measure the widest part of largest leaf at 4th node from tip of stolon. (Parker, TX)

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
3.58	3.05	1.91	

Leaf length cm (lateral leaves). Measure the longest part of largest leaf at 4th node from tip of stolon. (Parker, TX)

6.87	9.83	6.40	

Leaf blade hair number (use 1 = absent; several; 9 = abundant).

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Majestic: 1, absent	AZ common: 1, absent	Yukon: 1, absent (although some leaves have very sparse hairs)	

Leaf blade hair length (use 1 = absent; 5=short; 9 = very long).

NA			

Leaf sheath hair number (use 1 = absent; several; 9 = abundant).

Majestic: 1, absent	AZ common: 1, absent	Yukon: 1, absent	

Leaf sheath hair length (use 1 = absent; 5=short; 9 = very long).

NA			

Leaf collar hair number (use 1 = absent; several; 9 = abundant).

Majestic: 7	AZ common: 5	Yukon: 5	

Leaf collar hair length (use 1 = absent; 5=short; 9 = very long).

Majestic: 9, very long	AZ common: 9, very long	Yukon: 9, very long	

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7. INFLORESCENCE (Specify site, season, and growing conditions). Lebanon, OR, space plant nurseries, 2004, irrigated, unmown unless otherwise specified

Inflorescence length cm. The length of the racemes on the inflorescence.

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Majestic: Study I, Study II	Study II	Study I	Study II
4.07, 4.07	4.09	4.06	4.9

Number of racemes per inflorescence.

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Study I, Study II	Study II	Study I	Study II
4.83, 4.83	4.63	5.3	5.0

Number of whorls per inflorescence.

Majestic: 1	AZ common: 1, rarely 2	Yukon: 1	

Percent of plants with more than one whorl of branches/inflorescence.

Majestic: 0	AZ common: < 10%	Yukon: 0	

Percent of inflorescences with more than 1 whorl.

Majestic 0	AZ common: < 2%	Yukon: 0	

Spikelets per raceme.

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Study I, Study II	Study II	Study I	Study II
43.66, 42.3	AZ common: 36.07	Yukon:30.56	Yuma:40.5

Spikelet spacing on raceme mm Measured from bottom 1/3 of spike. (*Expressed as number per inch*)

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Study I, Study II	Study II	Study I	Study II
21.61, 22.17	AZ common:19.82	Yukon:20.4	Yuma:20.75

Raceme density [number of racemes/ $(0.2m)^2$]

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
NTEP DATA, 1998, 2000 (Seedhead Ratings – AZ & FL)			
_Majestic: 5, 5.2___	AZ Common: 4.7, 5.3_____	_____	_____

Percent of plants with spike anthocyanin

__Majestic: 100%_____ AZ common: 100%_____ _____

Stigma color % plants with white stigmas. Measure within 24 hours after anthesis.

__Majestic: 33% AZ common: 0% Yukon:0% _____

Stigma color % plants with light purple stigmas. Measure within 24 hours after anthesis.

_ Majestic: 0% AZ common: 0% Yukon: 0% _____

Stigma color % plants with purple stigmas. Measure within 24 hours after anthesis.

_ Majestic: 67% AZ common: 100% Yukon: 100% _____

Anther color % plants with purple anthers. Measure within 24 hours after anthesis.

_____Majestic:43% AZ common: 50% Yukon: 100%

Anther color % plants with yellow anthers. Measure within 24 hours after anthesis.

____Majestic: 57% AZ common: 50% Yukon: 0%_

Anther color % plants with other (specify). Measure within 24 hours after anthesis. NA

_____ _____ _____ _____

Head exertion cm. Measure from the base of the inflorescence to the flag leaf.

___ Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Study I, Study II	Study II	Study I	Study II
3.13, 3.49	AZ common:2.93	Yukon: 1.51	Yuma: 3.85

Peduncle length cm. Measure internode from base of whorl to first node.

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Study I, Study II	Study II	Study I	Study II
9.92, 9.85	AZ common:9.78	Yukon: 6.25	Yuma: 3.85

First internode length cm.

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Study I, Study II	Study II	Study I	Study II
Majestic: 4.88, 4.17	AZ common:5.0	Yukon: 2.62	Yuma: 6.10

Flag leaf sheath length cm. Measure from node to flag leaf base.

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Study I, Study II	Study II	Study I	Study II
Majestic: 6.97, 6.77	AZ common:7.09	Yukon: 5.09	Yuma: 8.10

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8. PLANT HEIGHT (Specify site, time, growing conditions).). ___Lebanon, OR, space plant nurseries, 2004, irrigated, unmown unless otherwise specified

Plant height cm. Measure at maturity, using the tallest inflorescence per plant and hold out to furthest extension for measurement.

Parker, TX

__Majestic: 65.24 AZ common: 42.86 Yukon: 39.73

Vegetative height cm. Height of vegetation excluding seedheads, measure at seedhead maturity.

Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Study I, Study II	Study II	Study I	Study II
Majestic: 18.2, 16.80	AZ common: 22.47	Yukon:18.4	Yuma:18.31

9. SEED, LEMMA, AND GLUME: Use seed harvested from PVP nursery, not commercial seed lots.

Glume length mm

	Application Variety	MSV Variety 1	Comparison Variety 2	Comparison Variety 3
Majestic: 0.5mm				

Glume width mm

Majestic: 0.2mm _____ _____ _____

Lemma length mm

Majestic: 0.74 _____ _____ _____

Lemma width mm

Majestic: 1.83mm _____ _____

Glume/lemma length ratio

Majestic: 67_____ _____ _____

Lemma keel hair number (use 1 = absent; 5=several; 9 = many).

Majestic: 5___ _____ _____ _____

Lemma keel hair length (use 1 = absent; 5=short; 9 = very long).

___Majestic: short to long (5 – 9)__ _____

Lemma margin hair number (use 1 = absent; 5=several; 9 = many).

____Majestic: several to many (5-9)_____ _____

Lemma margin hair length (use 1 = absent; 5=short; 9 = very long).

__Majestic: variable: 5 - 9_____ _____ _____

Seed length mm (naked caryopses).

_Majestic: 1 mm_____ _____ _____Sydney: 1.05 mm_____

Seed width mm (naked caryopses).

Majestic: 0.5 mm_____ _____ _Sydney: 0.5 mm_____

Explain if samples are blown and unhulled or hulled. ____hulled seed = seed coat removed_____

Weight of 100 seed mg

RAD 2/25/05

_Majestic: 29.8 _____ _____ _Sydney: 24.6_____

Number of seeds per gram (hulled)

_Majestic: 3357.12 seed/g _____ _____Sydney: 4068.5 seed/g_____

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10. LOW TEMPERATURE TOLERANCE (Winter hardiness)

1 = Low or 100% injury (Coastcross-1, Common)
4 = Moderately Low (Coastal, Brazos)
6 = Moderately High (Tifway, Guymon, Tifdwarf)
9 = High or no injury (Midiron, Midland)

Data from 1997-2001 NTEP trial, averaged over 4 sites, Arkansas, Kansas, Missouri, and Oklahoma

Application Variety	MSV Variety 1	
Majestic: 66.7 %winterkill	AZ Common 50%	Riviera: 18.1
Majestic rating: 6	AZ Common rating: 5	

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11. DISEASES AND INSECTS
(0=Not Tested, 1=Susceptible, 2=Moderately susceptible, 3=Moderately resistant, 4=Resistant):

0	Brown patch *(Rhizotonia solani)*	0	Aphids
0	Dollar spot *(Sclerotinia homoeocarpa)*	2	Bermudagrass mite *(Eriophyes cynodoniensis)*
0	Fading out *(Curvularia spp.)*	0	Chinch bugs
0	Leafspot (*Bipolaris spp.*)	0	Ground pearl (scale)
0	Rusts *(Puccinia spp.)*	0	Grubs
2	Spring Dead Spot *(Pathogen indefinite)*	0	Thrips
0	Zonate leafspot *(D. gigantea)*	0	Whitefly
	Other: _____	0	Other: ____Sod Webworm

---

12. INDICATE THE SEED PROPAGATED VARIETY THAT MOST CLOSELY RESEMBLES THE APPLICATION VARIETY FOR THE FOLLOWING CHARACTERS: For each of the following characters, indicate the degree of resemblance by placing in the column marked "D.R." one of the following numbers.

1 = Application variety is less than comparison variety.
2 = Same as.
3 = More than, better, greater, darker, etc.

CHARACTER	VARIETY	D.R.
Rate of Spread	Arizona Common	2
Sod Density	Riveria	1 (based on NTEP data)
Color	Continental	1 (NTEP fall color, 2000)
Cold Tolerance	Arizona Common	2 (based on NTEP data)

---

13. SPECIFY LOCATION, GROWING CONDITIONS, AND EXPERIMENTAL DESIGN BELOW. Include location, age of plants, date of data collection (with daylength if possible), management conditions, experimental design etc.). Attach more paper if needed.

Lebanon, OR; 4 month old plants, August – September 2004, spaced plants, unmown with irrigation, randomized complete block design with three replications in Study I, two replications in Study II

TABLE 12. FALL DENSITY RATINGS OF BERMUDAGRASS (SEEDED) CULTIVARS 1/
1997-2001 DATA

DENSITY RATINGS 1-9; 9=MAXIMUM DENSITY 2/

NAME	AR1	AZ1	FL1	KY1	MO1	MO3	NM1	OK1	TX2	MEAN
PRINCESS	7.6	7.5	7.2	8.3	8.2	8.7	7.2	7.4	6.4	7.6
SWI-11	8.1	7.3	6.8	9.0	8.2	8.3	6.8	6.8	6.3	7.5
RIVIERA (OKS 95-1)	7.1	6.8	6.4	8.7	8.3	8.7	7.0	7.4	6.1	7.4
TRANSCONTINENTAL (PST-R69C)	7.3	6.7	6.1	7.0	8.3	8.3	6.8	7.1	6.0	7.1
SOUTHERN STAR (J-1224)	6.7	5.8	5.6	7.0	7.7	6.7	6.4	6.4	5.9	6.5
SYDNEY (SWI-7)	6.6	5.2	6.0	6.7	8.2	7.7	5.9	6.4	5.5	6.5
MAJESTIC	5.8	5.6	5.4	9.0	7.8	7.3	5.9	6.1	5.1	6.5
SAVANNAH	6.2	5.9	5.3	6.7	7.8	7.7	6.5	6.2	5.1	6.4
BLACKJACK	6.6	5.3	5.1	8.0	8.0	7.0	6.2	5.9	5.1	6.3
J-540	5.8	5.8	5.3	8.0	7.0	7.3	6.3	6.0	5.6	6.3
SUNDEVIL II	5.7	5.8	5.2	7.7	7.3	7.3	6.3	6.3	5.3	6.3
SHANGRI LA	6.3	5.2	5.4	8.0	7.3	7.3	6.1	5.9	5.4	6.3
BLUE-MUDA	5.6	5.8	5.2	8.3	7.5	6.3	5.9	5.7	5.1	6.2
JACKPOT	5.9	5.3	4.9	8.3	7.0	7.3	5.8	5.7	5.0	6.1
PYRAMID	5.4	5.7	5.3	8.0	7.7	6.7	6.0	5.8	4.7	6.1
MIRAGE	5.4	5.8	5.3	8.0	7.3	5.7	5.9	5.8	5.0	6.0
NUMEX-SAHARA	5.7	5.3	4.1	8.3	7.3	5.7	5.7	5.6	4.9	5.8
ARIZONA COMMON	5.5	5.2	3.8	8.7	6.7	6.0	5.9	5.4	4.5	5.7
LSD VALUE	0.5	0.6	1.1	1.4	1.2	1.4	0.7	0.5	0.5	0.3
C.V. (%)	10.5	13.4	24.7	11.0	13.6	12.4	14.7	8.6	14.0	13.8

TABLE 10C. FALL DENSITY RATINGS OF BERMUDAGRASS (VEGETATIVE) CULTIVARS 1/
1997-2001 DATA

DENSITY RATINGS 1-9; 9=MAXIMUM DENSITY 2/

NAME	AR1	AZ1	FL1	KY1	MO1	MO3	NM1	OK1	TX2	MEAN
MINI-VERDE	8.4	8.5	3.9	9.0	7.5	8.3	7.8	8.8	8.0	7.8
TIFSPORT (TIFT 94)	8.4	7.0	6.3	8.7	8.2	8.0	7.4	8.0	6.7	7.6
TIFWAY	8.6	7.6	5.9	8.3	7.7	8.3	7.4	8.0	6.7	7.6
TIFGREEN	8.7	8.2	2.6	9.0	8.7	7.7	7.5	8.0	7.3	7.5
CARDINAL	8.7	8.3	2.7	9.0	7.0	9.0	7.3	8.4	6.0	7.4
PATRIOT (OKC 18-4)	8.2	7.1	4.8	8.0	7.7	7.7	7.5	7.9	6.2	7.2
OKC 19-9	8.6	6.5	3.3	8.7	7.7	8.3	7.2	8.0	6.0	7.1
MIDLAWN	8.5	7.1	3.3	8.0	7.5	7.7	7.6	7.6	6.5	7.1
CN 2-9	8.6	7.3	5.3	5.7	7.2	7.3	7.0	8.0	6.7	7.0
SHANGHAI	7.7	5.4	5.2	6.0	7.5	7.0	7.0	6.4	5.6	6.4
LSD VALUE	0.5	0.8	1.2	0.8	1.1	1.6	0.7	0.4	0.8	0.3
C.V. (%)	8.1	13.4	34.3	6.0	12.2	12.2	12.6	5.8	17.2	13.8

1/ TO DETERMINE STATISTICAL DIFFERENCES AMONG ENTRIES, SUBTRACT ONE ENTRY'S MEAN FROM ANOTHER ENTRY'S MEAN. STATISTICAL DIFFERENCES OCCUR WHEN THIS VALUE IS LARGER THAN THE CORRESPONDING LSD VALUE (LSD 0.05).

2/ C.V. (COEFFICIENT OF VARIATION) INDICATES THE PERCENT VARIATION OF THE MEAN IN EACH COLUMN.

TABLE 13. SUMMER DENSITY RATINGS OF BERMUDAGRASS (SEEDED) CULTIVARS 1/
1997-2001 DATA

DENSITY RATINGS 1-9; 9=MAXIMUM DENSITY 2/

NAME	AR1	AZ1	FL1	KY1	MO1	MO2	MO3	NM1	OK1	TX2	MEAN
PRINCESS	7.3	7.5	7.2	8.5	8.3	5.7	7.7	7.8	7.5	6.6	7.4
RIVIERA (OKS 95-1)	6.8	6.9	6.4	9.0	8.2	6.0	8.0	7.8	7.6	6.7	7.3
SWI-11	7.1	7.6	6.8	8.7	8.2	5.7	8.3	7.3	7.0	6.1	7.3
TRANSCONTINENTAL (PST-R69C)	6.7	6.8	6.0	6.0	8.0	5.7	7.3	7.2	7.3	6.5	6.7
SOUTHERN STAR (J-1224)	6.3	6.0	5.5	5.8	7.7	4.7	7.3	6.1	6.8	6.3	6.2
SAVANNAH	6.2	5.7	4.8	6.2	8.0	5.0	6.3	6.3	6.8	5.3	6.0
SYDNEY (SWI-7)	5.7	4.9	6.1	6.2	7.8	4.3	7.0	6.3	6.8	5.2	6.0
SHANGRI LA	5.6	5.2	5.2	7.0	7.3	5.0	6.7	5.7	6.7	5.5	6.0
J-540	4.8	5.9	4.8	6.5	7.2	4.7	6.7	6.3	6.8	6.0	6.0
MAJESTIC	5.2	5.8	5.2	7.0	7.7	4.3	7.0	5.9	6.3	5.2	6.0
BLACKJACK	6.3	5.3	4.9	6.8	7.7	4.7	5.3	6.1	6.6	5.2	5.9
SUNDEVIL II	5.3	5.6	4.9	5.3	7.2	5.0	6.3	6.7	6.8	5.5	5.9
PYRAMID	5.3	5.7	4.4	6.5	7.3	4.3	6.3	6.0	6.6	4.9	5.7
BLUE-MUDA	4.7	5.7	5.2	7.2	7.2	4.3	5.7	5.6	6.5	5.3	5.7
MIRAGE	5.1	5.9	4.3	5.7	7.5	4.7	6.0	5.6	6.5	5.3	5.7
NUMEX-SAHARA	5.2	5.8	4.0	6.7	7.0	4.0	6.7	5.7	6.3	4.9	5.6
JACKPOT	5.3	5.6	4.7	6.8	6.5	4.3	5.0	5.8	6.4	4.9	5.5
ARIZONA COMMON	4.7	5.7	3.9	5.2	6.7	4.3	5.0	5.9	5.8	4.3	5.1
LSD VALUE	0.6	0.6	0.9	1.0	0.8	1.0	1.2	1.0	0.5	0.6	0.3
C.V. (%)	13.0	12.5	21.3	13.6	9.6	13.3	11.3	20.4	9.9	14.2	14.7

TABLE 9C. SUMMER DENSITY RATINGS OF BERMUDAGRASS (VEGETATIVE) CULTIVARS 1/
1997-2001 DATA

DENSITY RATINGS 1-9; 9=MAXIMUM DENSITY 2/

NAME	AR1	AZ1	FL1	KY1	MO1	MO2	MO3	NM1	OK1	TX2	MEAN
MINI-VERDE	8.3	8.1	5.1	8.8	8.2	8.0	8.7	8.1	8.8	8.8	8.1
TIFWAY	8.5	8.0	6.5	9.0	8.3	7.0	7.7	7.7	8.1	6.7	7.7
TIFGREEN	8.6	7.8	4.3	9.0	8.5	6.0	9.0	7.8	8.3	7.3	7.6
TIFSPORT (TIFT 94)	8.3	7.7	6.8	9.0	8.2	6.0	7.7	7.7	8.1	6.6	7.6
PATRIOT (OKC 18-4)	8.3	7.3	6.1	8.5	8.3	6.3	8.3	7.8	7.7	6.8	7.5
CARDINAL	8.8	8.3	4.0	9.0	6.3	7.3	7.7	7.8	8.3	5.4	7.3
MIDLAWN	7.8	7.7	4.1	8.7	7.2	6.3	7.3	7.8	7.7	6.7	7.1
CN 2-9	8.0	7.5	5.5	5.0	7.8	6.7	8.3	7.3	8.0	7.1	7.1
OKC 19-9	7.3	6.9	4.8	8.7	7.7	5.7	8.3	7.4	7.8	6.6	7.1
SHANGHAI	7.8	6.3	5.3	7.8	7.7	5.3	7.3	7.4	7.0	5.8	6.8
LSD VALUE	0.5	0.6	1.2	0.5	1.0	0.9	1.0	0.9	0.4	0.8	0.3
C.V. (%)	7.3	10.1	27.6	5.3	11.4	8.5	7.9	14.0	6.6	14.9	12.3

1/ TO DETERMINE STATISTICAL DIFFERENCES AMONG ENTRIES, SUBTRACT ONE ENTRY'S MEAN FROM ANOTHER ENTRY'S MEAN. STATISTICAL DIFFERENCES OCCUR WHEN THIS VALUE IS LARGER THAN THE CORRESPONDING LSD VALUE (LSD 0.05).

2/ C.V. (COEFFICIENT OF VARIATION) INDICATES THE PERCENT VARIATION OF THE MEAN IN EACH COLUMN.

Table 1.	Bermudagrass characters, Field Study I, Lebanon, OR, 2004.											
		Flag leaf	Flag leaf	Sheath	Branch	Spikelet per	Spikelet	Head	Peduncle	Panicle	Panicle	
		length	width	Length	number	branch	per inch	extension	length	internode	sheath length	
Variety		cm	mm	cm	number	number	number	cm	cm	cm	cm	
Majestic		4.89	2.31	6.97	4.83	43.66	21.61	3.13	9.92	4.88	6.97	
Riveria		2.17	1.74	5.52	4.61	33.26	22.33	1.51	6.77	3.09	5.60	
P77		2.42	1.88	5.16	3.31	28.19	17.87	1.62	6.31	2.74	4.97	
Mohawk		3.60	2.04	6.99	5.19	38.11	19.48	3.03	9.80	4.50	7.00	
NuMex Sahara		3.66	2.06	8.01	4.62	35.32	18.08	3.13	10.52	5.47	7.55	
Yukon		3.67	2.35	5.09	5.30	30.56	20.40	1.51	6.25	2.62	5.10	
Southern Star		3.88	1.99	5.91	4.81	35.00	21.92	2.68	8.14	3.54	5.60	
LSD 0.05		1.26	0.33	1.59	0.74	7.76	2.67	1.05	1.72	0.83	1.57	
Varieties planted as individual spaced plants, 6' x 6' centers.												
Means presented averaged over 3 replications arranged in a randomized complete block design, 9 measurements per replication.												

Table 5.	Bermudagrass Characters, Field Study I, Lebanon, OR 2004.								
				Internode length,	Internode	Growing	Length from	Leaf	Leaf
				3-4 node	diameter	point	apex	width	length
Variety				cm	mm	number	cm	mm	cm
Majestic				4.69	1.66	2.24	20.65	3.67	8.00
P77				3.23	1.28	2.15	15.03	2.76	4.31
Southern Star				3.94	1.51	2.30	18.27	3.17	7.56
Mohawk				4.00	1.63	2.07	17.74	3.26	8.36
Riveria				4.38	1.55	2.30	19.13	2.93	6.23
Yukon				4.39	1.33	2.44	19.84	2.66	4.91
NuMex Sahara				4.55	1.66	2.15	20.32	3.41	8.12
LSD 0.05				0.78	0.15	0.40	1.89	0.33	2.15
Varieties planted as individual spaced plants, 6' x 6' centers.									
Means presented averaged over 3 replications arranged in a randomized complete block design, 9 measurements per replication.									

REPRODUCE LOCALLY. *Include form number and date on all reproductions.* FORM APPROVED - OMB NO. 0581-0055 EXPIRES: 12-31-96

RAP 6/20/04

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S)

~~H & H Seed Co., Inc.~~ RnB, LLC

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER

H & H Exp.#9381

3. VARIETY NAME

Majestic

4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)*

11350 S. Fortuna Rd.
P.O. Box 1688
Yuma, AZ ~~85366-1688~~ 85367

5. TELEPHONE *(include area code)*

928
~~520~~-783-7821

6. FAX *(include area code)*

928
~~520~~-343-0156

7. PVPO NUMBER

9700134

8. Does the applicant own all rights to the variety? *Mark an "X" in appropriate block.* If no, please explain. [X] YES [ ] NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company? If no, give name of country _____ [X] YES [ ] NO

10. Is the applicant the original breeder? If no, please answer the following: [X] YES [X] NO RAP 3/11/05

a. If original rights to variety were owned by individual(s): Is (are) the original breeder(s) a U.S. national(s)? If no, give name of country see attached

[ ] YES [ ] NO

b. If original rights to variety were owned by a company: Is the original breeder(s) U.S. based company? If no, give name of country _____

11. Additional explantion on ownership *(If needed, use reverse for extra space):*

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.

2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.

3. If the applicant is an owner who is not the original breeder, both the original breeder and the applicant must meet one of the above criteria.

The original breeder may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

9700134

AUCTIONEER'S CERTIFICATE

I, Robert Tuffly, presided as the auctioneer of the assets of H & H Seed Co., Inc., sold at an auction on Friday, May 26, 2004 at 10:00 a.m. at 4796 E. 30th Place, Yuma, Arizona.

RNB, LLC through a credit bid was the successful purchaser of the following asset:

> Bermuda Majestic – Application Number 9700134 filed with the United States Department of Agriculture Plant Variety Protection Office, and all ownership rights and incidents thereof.

DATED this 7th day of June, 2004.

Robert Tuffly

STATE OF ARIZONA }
}ss.
County of YUMA }

Subscribed and sworn to before me this 7th day of June, 2004 by Robert Tuffly.

My commission expires:

October 19, 2004

Notary Public

STACI AHRENS
Notary Public, Yuma Co., AZ
My Comm. Expires Oct. 19, 2004