No. 7600029

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Jack C. Futrell

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 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 seventeen 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. THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS PART OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS [illegible] BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT

'RF-75'

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 *this* 28th *day of* September *in the year of our Lord one thousand nine hundred and* seventy-seven

Attest:

Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

Secretary of Agriculture

FORM GR-470
(12-15-72)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782

FORM APPROVED
OMB NO. 40-R3712

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: *See Reverse.*

1. VARIETY NAME OR TEMPORARY DESIGNATION RF-75	2. KIND NAME Polish WHEAT	FOR OFFICIAL USE ONLY PV NUMBER 7600029
3. GENUS AND SPECIES NAME TRITICUM ~~DIPLOID~~ ~~durum Desf.~~ Polonicum L.	4. FAMILY NAME *(Botanical)* ~~T. DURUM~~ Gramineae	FILING DATE 1·15·76 TIME 1:00 P.M.
	5. DATE OF DETERMINATION JULY 1973	FEE RECEIVED $250.00 $250.00 $250.00 BALANCE DUE $1·15·76 $12·13·76 $7-1-77
6. NAME OF APPLICANT(S) JACK C. FUTRELL	7. ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)* P.O. BOX 524 BURNS, OREGON 97720	8. TELEPHONE AREA CODE AND NUMBER 503/493-2494
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: *(Corporation, partnership, association, etc.)*	10. STATE OF INCORPORATION	11. DATE OF INCORPORATION

12. Name and mailing address of applicant representative(s), if any, to serve in this application and receive all papers:

JAMES R. UHLIR
GRAYBEAL, BARNARD, UHLIR & HUGHES
2810 SEATTLE-FIRST NATIONAL BANK BLDG.
SEATTLE, WASHINGTON 98154
(206) 624-2460

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

[X] 13A. Exhibit A, Origin and Breeding History of the Variety *(See Section 52 of the Plant Variety Protection Act.)*

[X] 13B. Exhibit B, Botanical Description of the Variety

[X] 13C. Exhibit C, Objective Description of the Variety

[X] 13D. Exhibit D, Data Indicative of Novelty

[X] 13E. Exhibit E, Statement of the Basis of Applicant's Ownership

14A. Does the applicant(s) specify that seed of this variety be sold by variety name only as a class of certified seed? *(See Section 83(a). (If "Yes," answer 14B and 14C below.)* [X] YES [ ] NO

14B. Does the applicant(s) specify that this variety be limited as to number of generations? [X] YES [ ] NO

14C. If "Yes," to 14B, how many generations of production beyond breeder seed? [X] FOUNDATION [X] REGISTERED [X] CERTIFIED

The applicant declares that a viable sample of basic seed of this variety will be deposited upon request before issuance of a certificate and will be replenished periodically in accordance with such regulations as may be applicable.

The undersigned applicant(s) of this sexually-reproduced novel plant variety believes that the variety is distinct, uniform, and stable as required in Section 41 and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Applicant is informed that false representation herein can jeopardize protection and result in penalties.

1/6/76
(DATE)

Jack C. Futrell
(SIGNATURE OF APPLICANT)

(DATE)

(SIGNATURE OF APPLICANT) 00001

76-29

Attachment to Application for Plant Variety Protection Certificate (FORM GR-470) (Applicant: Jack C. Futrell)

EXHIBIT A

1. The applicant is a rancher in Eastern Oregon, and discovered the variety in July 1973.

2. Two plants were found growing between other fields of grain. These plants were protected, cultivated, and harvested by hand. The resultant seeds were hand sorted, and graded for uniformity of size, shape and color, with only those of great similarity being retained for future planting, and the balance of the grain was destroyed.

3. The retained seed (except for control samples) was planted in 1974 in the vegetable garden on the ranch. They were carefully tended and cultivated as the other grains grown (wheat and barley) on the ranch. When mature the grain was harvested by hand. It was then, as in 1973, very carefully hand sorted and graded for uniformity of size, shape and color. Only those grains of great similarity were retained for future seed planting, and all remaining grain was, as in 1973, destroyed.

4. In 1975 the retained seed (except for control samples) from 1974 was planted, and grown under the same conditions as other wheat and barley on the ranch. This seed produced about six hundred (600) pounds of grain which is now stored in separate containers in a barn on the ranch.

00002

76-29

Random samples from the grain produced in 1975 when compared with the control samples from 1973, and 1974 clearly shows the genetic make-up of the variety has stabilized.

00003

76-29

EXHIBIT A - STATEMENT

A small sample (100 plants) of RF-75 was grown at Pullman, Washington, in 1976. No variations in plant type or form were observed. All of the plants were typical of the line received for testing.

Signed: C. F. Konzak

C. F. Konzak
Professor of Agronomy and Genetics
Washington State University
Spring Wheat Breeder

76-29

EXHIBIT B

RF-75 is a very tall variety when compared with other grains grown in the same locale in Eastern Oregon.

The shaft has a very large diameter and has exhibited good bending stress, and columnar strength. The leaves are hardy, and of good color.

The heads are long, and with extremely good radius and spacing for the individual grains.

During the ripening process it appears the shaft, leaves, etc. could produce good roughage for fodder, and conceivably become an additive to silage.

The growth pattern is very vigorous without any special fertilizer or moisture requirements. In fact it does as well as any other grain observed, not only on the ranch, but throughout the region of Eastern Oregon.

FORM APPROVED. OMB NO. 40-R3712

FORM GR-470-6
(2-15-73)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782

EXHIBIT C
(Wheat)

OBJECTIVE DESCRIPTION OF VARIETY
WHEAT *(TRITICUM SPP.)*

INSTRUCTIONS: *See Reverse.*

NAME OF APPLICANT(S)
JACK C. FUTRELL

ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)*
P.O. Box 524
Burns, Oregon 97720

FOR OFFICIAL USE ONLY
PVPO NUMBER 7600029
VARIETY NAME OR TEMPORARY DESIGNATION 'RF-75'

Place the appropriate number that describes the varietal character of this variety in the boxes below.
Place a zero in first box (e.g. [0][8][9] or [0][9]) when number is either 99 or less or 9 or less.

1. KIND:
[5] 1 = COMMON 2 = DURUM 3 = EMMER 4 = SPELT 5 = POLISH 6 = POULARD 7 = CLUB

2. TYPE:
[1] 1 = SPRING 2 = WINTER 3 = OTHER *(Specify)* _____
[2] 1 = SOFT 2 = HARD 3 = OTHER *(Specify)* _____
[3] 1 = WHITE 2 = RED 3 = OTHER *(Specify)* _____

3. SEASON - NUMBER OF DAYS FROM EMERGENCE TO:
[8][0] FIRST FLOWERING
[8][6] LAST FLOWERING

4. MATURITY *(50% Flowering)*:
[0][0] NO. OF DAYS *EARLIER* THAN later than all
[0][7] NO. OF DAYS *LATER* THAN
[3] 1 = ARTHUR 2 = SCOUT 3 = CHRIS
[6] 4 = LEMHI 5 = NUGAINES 6 = LEEDS

5. PLANT HEIGHT *(From soil level to top of head)*:
[1][2][5] CM. HIGH
[3][5] CM. TALLER THAN
[0][0] CM. SHORTER THAN 25 cm. taller than (6)
[5] 1 = ARTHUR 2 = SCOUT 3 = CHRIS
[6] 4 = LEMHI 5 = NUGAINES 6 = LEEDS

6. PLANT COLOR AT BOOTING *(See reverse)*:
[2] 1 = YELLOW GREEN 2 = GREEN 3 = BLUE GREEN

7. ANTHER COLOR:
[1] 1 = YELLOW 2 = PURPLE

8. STEM:
[1] Anthocyanin: 1 = ABSENT 2 = PRESENT
[1] Hairiness of last internode of rachis: 1 = ABSENT 2 = PRESENT
[0][4] NO. OF NODES *(Originating from node above ground)*
[1] Waxy bloom: 1 = ABSENT 2 = PRESENT
[1] Internodes: 1 = HOLLOW 2 = SOLID
[2][8] CM. INTERNODE LENGTH BETWEEN FLAG LEAF AND LEAF BELOW

9. AURICLES:
[1] Anthocyanin: 1 = ABSENT 2 = PRESENT
[1] Hairiness 1 = ABSENT 2 = PRESENT

10. LEAF:
[1] Flag leaf at booting stage: 1 = ERECT 2 = RECURVED 3 = OTHER *(Specify)*: _____
[1] Flag leaf: 1 = NOT TWISTED 2 = TWISTED
[1] Hairs of first leaf sheath: 1 = ABSENT 2 = PRESENT
[1] Waxy bloom of flag leaf sheath: 1 = ABSENT 2 = PRESENT
[1][5] MM. LEAF WIDTH *(First leaf below flag leaf)*
[2][3] CM. LEAF LENGTH *(First leaf below flag leaf)*:

FORM GR-470-6 (REVERSE) 76-29

11. HEAD:

[2] Density: 1 = LAX 2 = DEN[illegible]

[2] Sh[illegible] [illegible]PERING 2 = STRAP 3 = CLAVATE [illegible]HER (Specify) _____

[4] Awnedness: 1 = AWNLESS 2 = APICALLY AWNLETED 3 = AWNLETED [illegible]AWNED

[1] Color at maturity: 1 = WHITE 2 = YELLOW 3 = PINK 4 = RED 5 = BROWN 6 = BLACK 7 = OTHER (Specify): _____

[1][4] CM. LENGTH

[1][5] MM. WIDTH

12. GLUMES AT MATURITY:

[4] Length: 1 = SHORT (CA. 7 mm.) 2 = MEDIUM (CA. 8 mm.) 3 = LONG (CA. 9 mm.) 4= (20 mm)

[3] Width: 1 = NARROW (CA. 3 mm.) 2 = MEDIUM (CA. 3.5 mm.) 3 = WIDE (CA. 4 mm.)

[1] 1 Glabrous 2 Pubescent

[6] Shoulder shape: 1 = WANTING 2 = OBLIQUE 3 = ROUNDED 4 = SQUARE 5 = ELEVATED 6 = APICULATE

[3] Beak: 1 = OBTUSE 2 = ACUTE 3 = ACUMINATE

13. COLEOPTILE COLOR:

[1] 1 = WHITE 2 = RED 3 = PURPLE

14. SEEDLING ANTHOCYANIN:

[1] 1 = ABSENT 2 = PRESENT

15. JUVENILE PLANT GROWTH HABIT:

[2] 1 = PROSTRATE 2 = SEMI-ERECT 3 = ERECT

16. SEED:

[3] Shape: 1 = OVATE 2 = OVAL 3 = ELLIPTICAL

[1] Cheek: 1 = ROUNDED 2 = ANGULAR

[1] Brush: 1 = SHORT 2 = MEDIUM 3 = LONG

[1] Brush: 1 = NOT COLLARED 2 = COLLARED

[X] Phenol reaction (See instructions): 1 = IVORY 2 = FAWN 3 = LT. BROWN 4 = BROWN 5 = BLACK

X = No reaction

[2] Color: 1 = WHITE 2 = AMBER 3 = RED 4 = PURPLE 5 = OTHER (Specify) _____

[1][0] MM. LENGTH [0][4] MM. WIDTH [5][6] GM. PER 1000 SEEDS

17. SEED CREASE:

[2] Width: 1 = 60% OR LESS OF KERNEL 'WINOKA' 2 = 80% OR LESS OF KERNEL 'CHRIS' 3 = NEARLY AS WIDE AS KERNEL 'LEMHI'

[3] Depth: 1 = 20% OR LESS OF KERNEL 'SCOUT' 2 = 35% OR LESS OF KERNEL 'CHRIS' 3 = 50% OR LESS OF KERNEL 'LEMHI'

18. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

[0] STEM RUST (Races) _____ [0] LEAF RUST (Races) _____ [2] STRIPE RUST (Races) _____ [0] LOOSE SMUT

[0] POWDERY MILDEW [0] BUNT [ ] OTHER (Specify) _____

19. INSECT: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

[0] SAWFLY [0] APHID (Bydv.) [0] GREEN BUG [0] CEREAL LEAF BEETLE

[ ] OTHER (Specify) _____

HESSIAN FLY RACES: [0] GP [0] A [0] B [0] C [0] D [0] E [0] F [0] G

20. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED: NONE

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Plant tillering		Seed size	
Leaf size		Seed shape	
Leaf color		Coleoptile elongation	
Leaf carriage		Seedling pigmentation	

INSTRUCTIONS

GENERAL: The following publications may be used as a reference aid for the standardization of terms and procedures for completing this form:

(a) L.W. Briggle and L. P. Reitz, 1963, Classification of Triticum Species and Wheat Varieties Grown in the United States, Technical Bulletin 1278, United States Department of Agriculture.

(b) W.E. Walls, 1965, A Standardized Phenol Method for Testing Wheat Seeds for Varietal Purity, contribution No. 28 to the handbook of seed testing prepared by the Association of Official Seed Analysts. (See attachment.)

LEAF COLOR: Nickerson's or any recognized color fan should be used to determine the leaf color of the described variety.

76-29

EXHIBIT D

Novelty is based on the following traits:

1. Applicant's RF-75 wheat variety is of the polonicum species, and to applicant's knowledge, the RF-75 variety is novel and is not identical to any other variety of polonicum wheat.

2. The most similar polonicum variety wheat of which applicant is aware is T. polonicum "White Polish" (Reg. No. 229). Applicant's RF-75 variety differs from "White Polish" (Reg. No. 229) in a number of particulars as set forth hereafter.

3. As compared to T. polonicum "White Polish" (Reg. No. 229) the stem of RF-75 is medium strong, not "weak" as described in Technical Bulletin 459, U.S. Dept. of Agriculture.

4. As further compared to T. polonicum "White Polish" (Reg. No. 229), the awns are white in color, not black as described in Technical Bulletin 459, U.S. Dept. of Agriculture. (It was not possible to compare applicant's wheat directly with a sample of "White Polish" as that stock is no longer in existence (CI007) in the USDA World Wheat Collection.)

5. Applicant's wheat, RF-75, while being inferior in quality for use in bread and macaroni manufacture, has, in accord with data recently obtained by Dr. J. McGinnis of Washington State University, Pullman, Washington, (copy attached) a chick-feeding value about equal to Yamhill under normal circumstances. Both RF-75 wheat and Yamhill are superior in feed quality to ordinary wheat.

EXHIBIT E

Jack C. Futrell who discovered the RF-75 believes he is the original and first breeder of the variety and prays for a certificate of protection.

ASSIGNMENT

WHEREAS, I, JACK C. FUTRELL, a citizen of the United States of America, residing at Burns, Oregon, have obtained a Certificate of Plant Variety Protection for a novel variety of wheat known as "RF-75", said certificate bearing No. 7600029 and date of September 28, 1977; and,

WHEREAS, I, the said JACK C. FUTRELL, am the sole and exclusive owner of said Certificate of Plant Variety Protection and the novel variety of wheat described and claimed therein, and of all rights in, to and under the same; and,

WHEREAS, VITA GRAIN, INC., a corporation of the State of Washington, having a principle place of business at 1200 Westlake Avenue North, Suite 1007, Seattle, Washington 98109, is desirous of acquiring the entire right, title and interest in and to said Certificate of Plant Variety Protection;

NOW, THEREFORE, in consideration of and exchange for the sum of one dollar ($1.00) to me in hand paid by the said VITA GRAIN, INC., and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said JACK C. FUTRELL, have sold, assigned, transferred and set over to the said VITA GRAIN, INC., the said novel variety of wheat and the Certificate of Plant Variety Protection aforesaid, and any reissue of said Certificate of Plant Variety Protection, the same to be held and enjoyed by the said VITA GRAIN, INC., for its own use and enjoyment and the use and enjoyment of its successors, assigns or other legal representatives, to the end of the term for which said Certificate of Plant Variety Protection is granted or reissued, as fully and entirely as the same would have been held and enjoyed by me if this Assignment and sale had not been made.

Incident to the foregoing Assignment and sale, the said JACK C. FUTRELL hereby agrees to execute any and all papers necessary and proper for the filing of applications for plant variety protection in foreign countries, and hereby requests that any patents or certificates of plant variety protection in foreign countries be issued to VITA GRAIN, INC. as assignee of his entire interest.

FURTHER, JACK C. FUTRELL agrees to cooperate with VITA GRAIN, INC. in the prosecution of any and all infringements of the aforesaid Certificate of Plant Variety Protection.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of December, 1977.

Jack C. Futrell

Jack C. Futrell

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

Before me personally appeared JACK C. FUTRELL, to me known to be the person described in the above assignment, who signed the foregoing instrument in my presence, on this 13th day of December, 1977.

SEAL

John C. McGary

Notary Public in and for the State of Washington, residing at Seattle.

ASSIGNMENT

BY: VITA GRAIN, INC., a Washington corporation, whose address is: 1200 Westlake Avenue North, Suite 1007, Seattle, Washington 98109 (hereinafter called VITA GRAIN),

TO: FUTRELL CEREALS, INC., whose address is: P.O. Box 610, Sandy, Oregon 97055 (hereinafter called FUTRELL).

FUTRELL is desirous of acquiring the entire right, title and interest in and to a novel variety of wheat and a Certificate of Plant Variety Protection from VITA GRAIN, and VITA GRAIN is desirous of selling the same to FUTRELL.

Therefore, it is agreed:

1. REPRESENTATIONS

VITA GRAIN makes the following representations:

Jack C. Futrell originally obtained a Certificate of Plant Variety Protection for a novel variety of sexually reproduced plant known as "WHEAT 'RF-75'". The certificate bears number 7600029 and is dated September 28, 1977.

By an assignment dated December 13, 1977, Jack C. Futrell assigned the above described novel variety of wheat and the Certificate of Plant Variety Protection to VITA GRAIN and VITA GRAIN is now the sole owner of the same.

use and enjoyment of its successors, assigns or other legal representatives, to the end of the term for which the Certificate

Subscribed and sworn to before me this 12th day of March, 1981.

Joan C. Cabe
Notary Public for Oregon

2. CONSIDERATION

The purchase price for this assignment shall be $195,053.26, to be paid as follows:

2.1 Cancellation of Indebtedness. VITA GRAIN owes FUTRELL $114,432.28. Upon execution of this Assignment, that debt will be considered discharged and fully satisfied and will no longer be carried on FUTRELL'S books as an account receivable.

2.2 Assumption of Indebtedness. By an agreement dated March 25, 1981, VITA GRAIN agreed to pay John Olness $80,620.98 as repayment of funds advanced by Olness to VITA GRAIN for development of wheat. That obligation was due and payable on July 10, 1981, but no part of it has yet been paid. Upon execution of this Assignment, FUTRELL will assume VITA GRAIN'S indebtedness to Olness in the amount of $80,620.98.

2.3 Hold Harmless. Upon assumption of the Olness debt under paragraph 2.2, FUTRELL will hold VITA GRAIN harmless from the claim described in paragraph 2.2 up to $80,620.98.

3. ASSIGNMENT

VITA GRAIN sells, assigns and transfers to FUTRELL, the novel variety of wheat and the Certificate of Plant Variety Protection described in paragraph 1 and any reissue of the Certificate of Plant Variety Protection, the same to be held and enjoyed by FUTRELL, for its own use and enjoyment and the use and enjoyment of its successors, assigns or other legal representatives, to the end of the term for which the Certificate

of Plant Variety Protection is granted or reissued.

VITA GRAIN also assigns to FUTRELL any rights it may have under its assignment agreement with Jack C. Futrell.

4. UNITED STATES FILINGS

VITA GRAIN agrees to execute any and all papers necessary and proper to register this Assignment with the Plant Variety Protection Office of the United States Department of Agriculture or other necessary government agencies.

5. FOREIGN FILINGS

VITA GRAIN agrees to execute any and all papers necessary and proper for the filing of applications for plant variety protection in foreign countries, and agrees that any patents or certificates of plant variety protection in foreign countries to be issued to FUTRELL as assignee of VITA GRAIN'S entire interest.

6. INFRINGEMENTS

VITA GRAIN agrees to cooperate with FUTRELL in the prosecution of any and all infringements of the Certificate of Plant Variety Protection.

7. EXECUTION

VITA GRAIN has executed this Assignment this 12th day of March, 1981.

VITA GRAIN, INC.

By _____

Title: PRESIDENT

Subscribed and sworn to before me this 12th day of March, 1981.

Joan C. Caba

Notary Public for Oregon

My commission expires: 10/5/84

FUTRELL CEREALS, INC. has executed this Assignment this 12th day of March, 1981.

FUTRELL CEREALS, INC.

By R. Futrell

Title: PRESIDENT

Subscribed and sworn to before me this 12th day of March, 1981.

Joan C. Cabra

Notary Public for Oregon

My commission expires: 10/5/84

RECEIVED

ASSIGNMENT

BY: FUTRELL CEREALS, INC., whose address is: P.O. Box 610, Sandy, Oregon 97055 (hereinafter called FUTRELL).

TO: THE INDEPENDENT BANK OF SANDY, whose address is: P.O. Box 70, Sandy, Oregon 97055 (hereinafter called BANK).

BANK is desirous of acquiring the entire right, title and interest in and to a novel variety of wheat and a Certificate of Plant Variety Protection from FUTRELL, and FUTRELL is desirous of transferring the same to BANK.

Therefore, it is agreed:

1. REPRESENTATIONS

FUTRELL makes the following representations:

Jack C. Futrell originally obtained a Certificate of Plant Variety Protection for a novel variety of sexually reproduced plant known as "WHEAT 'RF-75'". The certificate bears number 7600029 and is dated September 28, 1977.

By an assignment dated December 13, 1977, Jack C. Futrell assigned the above described novel variety of wheat and the Certificate of Plant Variety Protection to Vita Grain, Inc., a Washington corporation.

By an assignment dated March 12, 1981, Vita Grain, Inc. assigned the above described novel variety of wheat

and the Certificate of Plant Variety Protection to FUTRELL and FUTRELL is now the sole owner of the same.

2. CONSIDERATION

BANK has loaned certain sums to the principals of FUTRELL. This Assignment is made in consideration of said loan, any renewals or extensions thereof, and any forebearance of collection on behalf of BANK.

3. ASSIGNMENT

FUTRELL ~~sells~~, assigns and transfers to BANK, the novel variety of wheat and the Certificate of Plant Variety Protection described in paragraph 1 and any reissue of the Certificate of Plant Variety Protection, the same to be held and enjoyed by BANK, for its own use and enjoyment and the use and enjoyment of its successors, assigns or other legal representatives, to the end of the term for which the Certificate of Plant Variety Protection is granted or reissued.

This Assignment is absolute. In the event said loan is not timely paid in full, BANK shall have the right to transfer the rights assigned hereunder and apply any proceeds received to said loan without notice or other legal requirements or proceedings and without affecting BANK'S other legal rights. In the event said loan is paid in full, BANK agrees to re-assign the rights transferred hereunder to FUTRELL.

FUTRELL also assigns to BANK any rights it may have under its assignment agreement with Vita Grain, Inc.

4. UNITED STATES FILINGS

FUTRELL agrees to execute any and all papers necessary and proper to register this Assignment with the Plant Variety Protection Office of the United States Department of Agriculture or other necessary government agencies.

5. FOREIGN FILINGS

FUTRELL agrees to execute any and all papers necessary and proper for the filing of applications for plant variety protection in foreign countries, and agrees that any patents or certificates of plant variety protection in foreign countries to be issued to BANK as assignee of FUTRELL'S entire interest.

6. INFRINGEMENTS

FUTRELL agrees to cooperate with BANK in the prosecution of any and all infringements of the Certificate of Plant Variety Protection.

7. EXECUTION

FUTRELL has executed this Assignment this 23 day of March, 1982.

FUTRELL CEREALS, INC.,

By: [signature]
Title: PRES.

Subscribed and sworn to before me this 23 day of March, 1982.

[signature]
Notary Public for Oregon
My Commission expires:

My Commission Expires June 2, 1982

THE INDEPENDENT BANK OF SANDY has executed this Assignment this 23 day of March, 1982.

THE INDEPENDENT BANK OF SANDY,

By: [illegible]
Title: President

Subscribed and sworn to before me this 23 day of March, 1982.

[illegible]
Notary Public for Oregon
My Commission expires:

My Commission Expires June 2, 1982

ASSIGNMENT AGREEMENT

Assignment Agreement by and between J. F. Yoerger ("Yoerger") and The Estate of J. L. Hutchinson ("Estate"):

RECITALS

1. On or about July 28, 1983, Yoerger and United Bank of Oregon ("Bank"), formerly known as Independent Bank of Sandy, entered into a certain Assignment Agreement ("Bank Assignment"), dated July 28, 1983, whereby Bank assigned to Yoerger all of its right, title and interest in certain of the assets of Futrell Cereals, Inc. ("Futrell").

2. Among the property assigned to Yoerger pursuant to the Bank Assignment was all of Bank's right, title and interest in that certain U.S. Department of Agriculture Plant Variety Patent ("Patent") respecting a variety of wheat known as RF-75, as evidenced by U.S. Department of Agriculture Plant Variety Certificate No. 7600029 ("Certificate") issued to Jack C. Futrell on September 28, 1977.

3. On or about July 29, 1983, Yoerger and the Estate entered into a certain Assignment Agreement ("Yoerger Assignment"), dated July 29, 1983, whereby Yoerger assigned to the Estate all of the right, title and interest in the assets of Futrell which were assigned to Yoerger by Bank pursuant to the Bank Assignment.

4. The parties now wish to clarify and state with more particularity the nature of the property assigned by Yoerger to the Estate pursuant to the Yoerger Assignment.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree that the intent of Yoerger and the Estate in executing the Yoerger Assignment was to assign, transfer and convey to the Estate all of Yoerger's right, title and interest in the Patent and the Certificate, and that the same is the current intent of the parties. Yoerger further agrees to execute and deliver to the Estate such other documents as may be requested for further evidence the intent of the parties as set forth above.

DATED this 11th day of May, 1984.

J. F. Yoerger

J. F. Yoerger

STATE OF OREGON)
) SS
COUNTY OF CLACKAMAS)

SUBSCRIBED and sworn to before me this 11th day of May, 1984.

Helen M Andrews
Notary Public for Oregon
My commission expires: 4-7-85

ASSIGNMENT

FOR VALUABLE CONSIDERATION, the undersigned J. F. Yoerger ("Yoerger") hereby assigns, transfers and conveys to the Estate of J. L. Hutchinson ("Estate") all of Yoerger's right, title and interest in and to that certain U.S. Department of Agriculture Plant Variety Patent respecting a variety of wheat known as RF-75, as evidenced by U.S. Department of Agriculture Plant Variety Certificate No. 7600029 issued to Jack C. Futrell on September 28, 1977, and agrees to execute and deliver to the Estate all such documents as may be required to evidence the assignment, transfer and conveyance made herewith.

DATED this 11th day of May, 1984.

J. F. Yoerger

J. F. Yoerger

STATE OF OREGON)
) SS
COUNTY OF CLACKAMAS)

SUBSCRIBED and sworn to before me this 11th day of May, 1984.

Helen M Andrews

Notary Public for Oregon
My commission expires: 4-7-85

ASSIGNMENT AGREEMENT

ASSIGNMENT AGREEMENT by Federal Deposit Insurance Corporation ('FDIC"), successor in interest to United Bank of Oregon, formerly known as Independent Bank of Sandy, to J. F. Yoerger ("Yoerger").

RECITALS

1. On or about July 28, 1983, Yoerger and United Bank of Oregon ("Bank"), entered into a certain assignment agreement ("Bank Assignment"), dated July 28, 1983, whereby Bank assigned to Yoerger all of its right, title and interest in certain of the assets of Futrell Cereals, Inc. ("Futrell").

2. Among the properties assigned to Yoerger pursuant to the Bank Assignment was all of the Bank's right, title and interest in that certain U.S. Department of Agriculture Plant Variety Patent ("Patent") respecting a variety of wheat known as FR-75. The Bank Assignment was supported by a specific assignment of the Patent. This assignment of Patent was insufficient to perfect the interest of Yoerger under the requirements of 7 C.F.R. 180.13 (c), and the statutory requirements of 7 U.S.C. §2531, in that the assignment did not, on its face, specifically state the name of patented variety (RF-75), the Patent certificate number (No. 7600029), the name of the original applicant to whon the certificate was issued (Jack C. Futrell), the date of issue of the certificate (September 28, 1977), nor was the assignment notarized.

3. The above referenced Bank Assignment, at 2.2.3 covenants that Bank shall, upon request of Yoerger, execute all documents deemed necessary by Yoerger to record and perfect the assignment.

4. Yoerger, upon opinion of counsel, has requested that the FDIC as successor in interest to Bank execute an assignment document which will comport with the statutory requirements of 7 U.S.C. §2531.

5. The undersigned, now, pursuant to the terms of the above referenced Bank Assignment, agrees to state with more particularity the nature of the property assigned by the Bank to Yoerger.

AGREEMENT

NOW THEREFORE, in consideration of the premises and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby agrees that the intent of the Bank Assignment was to assign, transfer and convey to Yoerger all of Bank's right, title and interest in the Patent and the Certificate as specified above and that the same is the current intent of the parties.

DATED this 28th day of June, 1984.

FEDERAL DEPOSIT INSURANCE CORPORATION
AS LIQUIDATOR FOR UNITED BANK OF OREGON
By Jimmy R. Caldwell
Title: Liquidator

STATE OF OREGON)
)SS July 3 ,1984.
County of Multnomah)

Personally appeared Jimmy R. Caldwell, who, being duly sworn, did say that he is the Liquidator of the Federal Deposit Insurance Corporation, and that foregoing instrument was signed in behalf of said corporation by the authority of its board of directors and he acknowledged said instrument to be the act and deed of said corporation.

Before me:

Notary Public for Oregon

My Commission Expires: 5/14/85

ASSIGNMENT

FOR VALUABLE CONSIDERATION, the undersigned Estate of J. L. Hutchinson ("Estate") hereby assigns, transfers and conveys to Futrell Cereals, Inc. ("Futrell") all of the Estate's right, title and interest in and to that certain U.S. Department of Agriculture Plant Variety Patent ("Patent") respecting a variety of wheat known as RF-75, as evidenced by U.S. Department of Agriculture Plant Variety Certificate No. 7600029 ("Certificate"), issued to Jack C. Futrell on September 28, 1977, except that the Estate hereby retains a security interest in the Patent and the Certificate to secure payment of any and all debts, obligations and liabilities of Futrell to the Estate, whether incurred in the past, contemporaneously herewith, or in the future. The Estate agrees to execute and deliver to Futrell all such documents as may be required to evidence the assignment, transfer and conveyance made herewith.

DATED this 25 day of April, 1984.

THE ESTATE OF J. L. HUTCHINSON

By [signature]

Title PERSONAL REPRESENTATIVE

STATE OF OREGON)
) SS
COUNTY OF MULTNOMAH)

SUBSCRIBED and sworn to before me this 25th day of April, 1984.

[signature]
Notary Public for Oregon
My commission expires: 5/30/87