

# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

## Herry-Morse Seed 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 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, IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (P.L. 542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BEAN

'Golden Sands'



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 20th day of November in  
the year of our Lord one thousand nine  
hundred and eighty.

Attest:

*Samuel H. King*  
Commissioner  
Plant Variety Protection Office  
Grain Division  
Agricultural Marketing Service

*W. B. Bryan*  
Secretary of Agriculture

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

**APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE**

INSTRUCTIONS: See Reverse.

1a. TEMPORARY DESIGNATION OF VARIETY <b>E6208</b>		1b. VARIETY NAME <b>GOLDEN SANDS</b>		<b>FOR OFFICIAL USE ONLY</b>	
				PV NUMBER <b>8000108</b>	
2. KIND NAME <b>Snap Bean</b>		3. GENUS AND SPECIES NAME <b>Phaseolus vulgaris L.</b>		FILING DATE <b>5/9/80</b>	TIME <b>2:00</b> A.M. P.M.
4. FAMILY NAME (BOTANICAL) <b>Leguminosae</b>		5. DATE OF DETERMINATION <b>February, 1978</b>		FEE RECEIVED \$ <b>500.00</b> \$ <b>250.00</b>	DATE <b>5/9/80</b> <b>10/6/80</b>
6. NAME OF APPLICANT(S) <b>FERRY-MORSE SEED COMPANY Dr. George C. Emery, Breeder</b>		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) <b>111 Ferry-Morse Way P. O. Box 100 Mountain View, California 94040</b>		8. TELEPHONE AREA CODE AND NUMBER <b>(415) 967-6973</b>	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) <b>CORPORATION</b>		10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION <b>CALIFORNIA</b>		11. DATE OF INCORPORATION <b>7 APRIL 1969</b>	
12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS: <b>Mr. D. V. Brondyke, Executive Vice President Ferry-Morse Seed Company 111 Ferry-Morse Way, P. O. Box 100; Mountain View, California 94040</b>					

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- 13B. Exhibit B, Novelty Statement.
- 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- 13D. Exhibit D, Additional Description of the Variety.

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.)  YES  NO

14b. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?  YES  NO

14c. IF "YES," TO 14B, HOW MANY GENERATIONS OF PRODUCTION BEYOND BREEDER SEED?  FOUNDATION  REGISTERED  CERTIFIED

15a. DID THE APPLICANT(S) FILE FOR PROTECTION OF THIS VARIETY IN OTHER COUNTRIES?  YES  NO (If "Yes," give name of countries and dates.) **set 800605**

15b. HAVE RIGHTS BEEN GRANTED THIS VARIETY IN OTHER COUNTRIES?  YES  NO (If "Yes," give name of countries and dates.) **set 800605**

16. DOES THE APPLICANT(S) AGREE TO THE PUBLICATION OF HIS/HER (THEIR) NAME(S) AND ADDRESS IN THE OFFICIAL JOURNAL? **set 800605**  YES  NO

17. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) 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 Act.

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

3-25-80  
 (DATE)

*Dr. George C. Emery*  
 (SIGNATURE OF APPLICANT)

(DATE)

(SIGNATURE OF APPLICANT)

wd 0072

0861 6 AMW  
1986

## INSTRUCTIONS

**GENERAL:** Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$500 fee (\$250 filing fee and \$250 examination fee) to U.S. Dept. of Agriculture, Agricultural Marketing Service, Livestock, Poultry, Grain and Seed Division, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. (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 Give the date the applicant determined that he had a new variety based on (1) the definition in section 41(a) of the Act and (2) the date a decision was made to increase the seed.

13a 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) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability.

13b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one 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 differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.

13c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.

13d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as, plant habit, plant color, disease resistance, etc.

14a 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 his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "NO," he may change his choice. (See section 180.16 of the Regulations and Rules of Practice.)

15a See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.

VARIETY: Golden Sands (formerly E6208 (formerly 1D-23N(C)Ms(F)Ms (formerly 1C-X1266Ms(MT)Ms(C)13(W)D12)))

Exhibit A: Origin and Breeding History of the Variety

Golden Sands was selected as a single plant selection involving the pedigree method of breeding, from a cross (1C-X1266) made in 1971 between the pedigreed line, 1C-X172MsMs#1D(N)1,2,3, as the seed parent and the USDA line, 9AI-2, later named Goldcrop, as the pollen parent.

F<sub>2</sub> seeds from several F<sub>1</sub> plants were massed from the greenhouse at San Juan Bautista, California in the fall of 1971. In the spring of 1972 F<sub>3</sub> seed was harvested and massed from several greenhouse grown F<sub>2</sub> plants tested as resistant to New York 15 strain of common bean mosaic virus (BV-1A).

F<sub>3</sub> BV-1A resistant seed was planted to the field in the summer of 1972 in San Juan Bautista, California. The row was noted to be segregating a high frequency of excellent upright plants with long, straight, round wax pods with a slightly pale wax color; 33 selections were made and the F<sub>4</sub> seed harvested from each plant separately.

The F<sub>4</sub> progeny rows were planted in Columbus, Wisconsin, in the summer of 1973. The thirteenth row, 1C-X1266Ms(MT)Ms(C)13, was noted as outstanding for its excellent seed quality, very concentrated and heavy yield, early maturity, and long pods, but still segregating for rate of waxing. Seven F<sub>5</sub> single plant selections were made.

The seven F<sub>5</sub> progeny rows were planted out again in Columbus, Wisconsin, the summer of 1974. The fourth row, 1C-X1266Ms(MT)Ms(C)13(W)D, was given a very good to excellent field rating for its concentration of maturity and heavy yield of 5½ inch long wax pods. Eighteen single plant selections were made and F<sub>6</sub> seed was harvested separately.

The F<sub>6</sub> progeny rows were again planted out in Columbus, Wisconsin, the summer of 1975. The twelfth row, 1C-X1266Ms(MT)Ms(C)13(W)D12, was rated very good and its F<sub>7</sub> seed massed and designated as 1D-23N.

1D-23N seed was planted in San Juan Bautista, California, for seed increase in 1976 and for trial evaluation in Columbus, Wisconsin. The upright nature of the plant habit and the long pods were noted under both environmental conditions.

F<sub>8</sub> seed, 1D-23N(C)Ms, was massed from the California row and sent to Florida for further increase in the fall of 1976. The line was outstanding also in Florida for its upright habit and long pod. Among 1200 plants no genetic offs were found, but 4 green-podded mixtures were removed from the line.

**Exhibit A: Origin and Breeding History of the Variety(cont'd)**

The F<sub>9</sub> seed was returned for further increase in California in the summer of 1977. Among approximately 5000 plants no genetic off types were found. The decision to go ahead with the variety was decided in February, 1978, and the line was redesignated for experimental sampling as E6208.

The F<sub>10</sub> generation of E6208 was planted to  $\frac{1}{2}$  acre at San Juan Bautista in 1978; no off types were noted in the field. The decision to name the variety and release it as Golden Sands was made in the late spring of 1979.

VARIETY: Golden Sands (formerly E6208 (formerly 1D-23N(C)Ms(F)Ms (formerly 1C-X1266Ms(MT)Ms(C)13(W)D12)))

Exhibit <sup>B</sup> D: Data Indicative of Novelty

Jet  
800523

Golden Sands most closely resembles the variety Earliwax. It is distinct from Earliwax by having a longer and larger diameter pod with a longer spur. Measurements were taken under field conditions at Columbus, Wisconsin from a planting made on June 19, 1979. There were 90 paired comparisons of sieve-5 pods.

	<u>Golden Sands</u>	<u>Earliwax</u>	$\bar{d}$	$\frac{s_d}{\bar{d}}$	$t$	$p$
1. Pod length	15.0 cm	13.8 cm	1.12	.157	7.13	<.001
2. Pod width (suture to suture)	10.2 mm	9.4 mm	.83	.082	10.1	<.001
3. Pod thickness (cross-section)	10.9 mm	9.9 mm	1.01	.134	7.5	<.001
4. Spur length	12.5 mm	11.4 mm	1.20	.289	4.15	<.001

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION  
BELTSVILLE, MARYLAND 20705

EXHIBIT C  
(Bean)

OBJECTIVE DESCRIPTION OF VARIETY  
BEAN (*Phaseolus vulgaris* L.)

NAME OF APPLICANT(S) FERRY-MORSE SEED COMPANY		FOR OFFICIAL USE ONLY	
ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) 111 FERRY-MORSE WAY P.O. BOX 100 MOUNTAIN VIEW, CALIFORNIA 94040		RVPO NUMBER 8000108	VARIETY NAME OR TEMPORARY DESIGNATION GOLDEN SANDS

Place numbers in the boxes (e.g. 0 8 9) for the characters that best describe this variety. Measured data should be for SPACED PLANTS. Ranges may also be given. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: Wisconsin. The location of test area is Columbus. Please answer questions appropriate for your variety if the information is available.

1. TYPE:  2 = Field (dry-edible)       2 = Garden

2. MARKET MATURITY:

5  3 Days to edible pods        Days to green shells

Days to dry seeds

1  1  8  8 Heat units to edible pods          Heat units to green shells

Heat units to dry seeds

No. days earlier than .....  Same as .....  No. days later than .....  X

1 = Tendercrop      2 = Kentucky Wonder  
3 = Kinghorn Wax      4 = White Kidney  
5 = Michelite 62      6 = Dwarf Horticultural  
7 = Bush Blue Lake 290      8 = Other (specify below)  
Earliwax

3. PLANT:

1 = Determinate       2 = Indeterminate

4  0 cm height

cm shorter than .....  Same as .....  comparison variety from above.

0  2 cm taller than .....  8

3  9 cm spread         Number primary branches near base

7 cm narrower than .....  8 comparison variety from above

width same as .....   Branching habit:  1 = compact       2 = open

cm wider than .....

1 Main stalk: 1 = brittle      2 = wirey       1 = stout      2 = thin

3. PLANT: (Cont'd)

2 Pod position: 1 = low 2 = high 3 = scattered

4 Bush form (illustrated below):



1 = spherical bush form



2 = stem bush form



3 = wide bush form



4 = high bush form

5 = other (specify) \_\_\_\_\_

4. LEAVES:

1 1 = smooth 2 = wrinkled

1 1 = dull 2 = glossy

2 Size: 1 = small (Earliwax) 2 = medium 3 = large (Tendercrop)

2 Color: 1 = light green (as light or lighter than Bountiful) 2 = medium green  
3 = dark green (as dark or darker than Bush Blue Lake 290)

5. FLOWERS:

1 Color: 1 = white 2 = cream 3 = pink 4 = lilac 5 = purple 6 = Other (specify) \_\_\_\_\_

3  7 Days to 50% bloom

6. FRESH PODS: (Edible maturity, average for 20 pods)

4 Exterior color: 1 = light green (as light or lighter than Bountiful)  
2 = medium green  
3 = dark green (as dark or darker than Bush Blue Lake 290)  
4 = light yellow (Brittlewax)  
5 = golden yellow (Cherokee Wax)  
6 = green-red variegated (Horticultural)  
7 = other (specify) \_\_\_\_\_

% Sieve size distribution at optimum maturity for non-flat pods

Note:

- 1 = 4.76 mm to 5.76 mm
- 2 = 5.76 mm to 7.34 mm
- 3 = 7.34 mm to 8.34 mm
- 4 = 8.34 mm to 9.53 mm
- 5 = 9.53 mm to 10.72 mm
- 6 = 10.72 mm or larger

1	2	3	4	5	6
			86.6	13.4	0.0

3 sieve   cm length   mm width   mm thickness

4 sieve   cm length   mm width   mm thickness

5 sieve  1  5  cm length  1  0  mm width  1  1  mm thickness

6 sieve   cm length   mm width   mm thickness

6. FRESH PODS: (Cont'd)

8000108

3 Cross section pod shape: 1 = flat 2 = oval 3 = round 4 = heart

2 Creaseback: 1 = present 2 = absent

2 Pubescence: 1 = none 2 = sparse 3 = considerable

2 Spur: 1 = straight 2 = slightly curved 3 = curved

2 Constrictions: 1 = none 2 = slight 3 = deep

1 Pod flesh: 1 = light 2 = medium 3 = dark

1-3 mm spur length

2 Fiber: 1 = none 2 = sparse 3 = considerable

6 Number of seeds per pod

1 Surface: 1 = smooth 2 = rough

2 Suture string: 1 = present 2 = absent

2 Seed development (Snap Bean): 1 = slow 2 = medium 3 = fast

1 Machine harvest: 1 = adapted 2 = not adapted

1 Pod flavor: (1) Standard (Tendercrop)  
 (2) Mild Blue Lake (BBL 274)  
 (3) Strong Blue Lake (Pole FM1)  
 (4) Mild Romano (Roma)  
 (5) Strong Romano (Pole Romano)  
 (6) Other (specify) \_\_\_\_\_

7. SEED COAT COLOR:

1 1 = Monochrome 2 = Polychrome

1 1 = shiny 2 = dull

1 Primary color: 1 = white 2 = yellow 3 = buff 4 = tan

Secondary color: 5 = brown 6 = pink 7 = red 8 = purple  
 9 = blue 10 = black 11 = other (specify) \_\_\_\_\_

1 Color Pattern: 1 = none 2 = splashed 3 = mottled 4 = striped 5 = flecked 6 = dotted

Secondary color location: 1 = hilar ring 2 = ventral surface  
 3 = sides 4 = dorsal surface  
 5 = not restricted to any area 6 = combination of location (specify below) \_\_\_\_\_

Hilar ring on colored seeds: 1 = absent 2 = narrow 3 = butterfly shaped

8. SEED SHAPE AND SIZE:

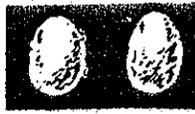
1 Hilum view: 1 = elliptical 2 = oval 3 = round

4 Cross section: 1 = elliptical 2 = oval 3 = cordate 4 = round

1 Side view:



1 = oval to oblong



2 = round



3 = reniform

8. SEED SHAPE AND SIZE: (Cont'd)

2 <sup>1</sup> = truncate ends    2 = rounded ends

3  9 gm/100 seed

gm/100 seed lighter than .....

gm/100 seed same as .....

0  4 gm/100 seed heavier than .....  8

} comparison variety from page one

9. ANTHOCYANIN: (1 = absent 2 = present)

1 Flowers

1 Stems

1 Pods

1 Seeds

1 Leaves

10. DISEASE RESISTANCE (0 = not tested 1 = susceptible 2 = resistant):

0 Anthracnose (specify race below) \_\_\_\_\_

0 Rust (specify race below) \_\_\_\_\_

0 Powdery mildew

0 Fusarium root rot

0 Pythium root rot

0 Rhizoctonia root rot

0 Pythium wilt

0 Angular leaf spot

0 Bacterial wilt

0 Halo blight (specify race below) \_\_\_\_\_

0 Fuscouis blight

0 Red node virus

0 Pod mottle virus

2 Bean common mosaic virus (specify strain below)  
BV-1A

Mosaic mottle

Black root

0 Bean yellow mosaic virus

0 Curly top

0 Other (specify below) \_\_\_\_\_

11. INSECT RESISTANCE: (0 = not tested 1 = susceptible 2 = resistant)

0 Aphids

0 Leaf hopper

0 Lygus

0 Pod borer

0 Root knot nematode

0 Seed corn maggot

0 Thrips

0 Weavils

0 Other (specify below) \_\_\_\_\_

12. PHYSIOLOGICAL RESISTANCE: (0 = not tested 1 = susceptible 2 = resistant)

0 Heat

0 Cold

0 Drought

0 Air pollution

13. COMMENTS:

VARIETY: Golden Sands (formerly E6208 (formerly 1D-23N(C)Ms(F)Ms (formerly 1C-X1266Ms(MT)Ms(C)13(W)D12)))

<sup>D</sup>  
Exhibit B: Botanical Description of the Variety

JE7800523

Seed germination and emergence are moderately rapid and vigorous. Time of flowering is one to two days later than Earliwax and pods mature one to two days later than Earliwax.

Plants are determinate, upright bush, medium tall (38 to 47 cm) with a medium spread (37 to 55 cm), equal or slightly larger in plant stature to Earliwax with a similar foliage color. Leaves are deltoid ovate (12.5 - 15.9 cm long by 7.5 to 11 cm wide), acuminate, with rounded or truncated bases. Leaves are medium sized, equal to or slightly larger than Earliwax. Stems and leaves are pubescent. Inflorescences arise from the apex and leaf axils and contain 4 to 8 white flower buds. Pods are borne medium to high on the plants and rarely touch the soil surface.

Pods are 13.5 to 16.5 cm in length, round, 10.1 mm in width (suture to suture) and 10.8 mm in thickness. Spur length is 12.5 mm. The pod is smooth and slightly pubescent. Pod color is a pale yellow wax. Compared to Earliwax the pods are longer and wider with a longer spur and lighter pod color.

The seed are oblong, round in cross-section, and white. Compared to Earliwax the seed are shorter in length and thicker in cross-section.

EXHIBIT "E"

PLANT VARIETY PROTECTION APPLICATION

NO: \_\_\_\_\_

ASSIGNMENT

I, DR. GEORGE C. EMERY, agree and hereby do transfer and assign to FERRY-MORSE SEED COMPANY all of my rights, title, and interest in and to that certain variety namely, SNAP BEAN - GOLDEN SANDS (E 6208), for which application for Plant Variety Protection Certificate has been filed. This Agreement shall be binding on my administrators, successors and assigns.

In Witness Whereof, I have executed this Agreement this 18 day of March, 1980.

BREEDER

George C. Emery

## ASSIGNMENT OF INTELLECTUAL PROPERTY

WHEREAS, HARRIS MORAN SEED COMPANY, a corporation duly organized and existing under the laws of the State of Maryland, having its principal place of business at 4511 Willow Road, Suite 3, Pleasanton, California 94588 ("Assignor"), has, pursuant to that certain Bill of Sale and Assignment dated as of June 30, 1997, transferred to FERRY-MORSE SEED COMPANY (CALIFORNIA), a corporation duly organized and existing under the laws of the State of California, having its principal place of business at 555 Codoni Avenue, P.O. Box 4938, Modesto, California 95352-4938 ("Assignee"), all of the intellectual property Assignor had adopted, used and was using as of the effective date of this Assignment, including without limitation, the intellectual property represented by the United States Plant Variety Protection Certificates of Assignor identified on Schedule A hereto (collectively, the "Property"); and

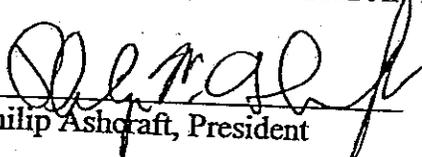
WHEREAS, on the date hereof, Assignee has changed its name to "Harris Moran Seed Company";

NOW, THEREFORE, effective by this instrument as of the close of business on June 30, 1997, and for good and valuable consideration, receipt of which is hereby acknowledged, Assignor hereby assigns to Assignee any and all right, title and interest worldwide in and to the Property and any and all recordations thereof, including, but not limited to, the use of the Property in any manner, all benefit of any and all prior use of the Property, and any and all rights to initiate claims or proceedings for past, present or future infringements of Assignor's rights, title and interest in and to the Property.

Dated: as of June 30, 1997

HARRIS MORAN SEED COMPANY

By:

  
Philip Ashcraft, President

CERTIFICATE OF AMENDMENT  
OF THE  
ARTICLES OF INCORPORATION  
OF

FERRY-MORSE SEED COMPANY (CALIFORNIA)  
(a California corporation)

11100010

ENDORSED  
FILED

In the office of the Secretary of State  
of the State of California

JUN 30 1997

*Bill Jones*  
BILL JONES, Secretary of State

To the Secretary of State  
State of California

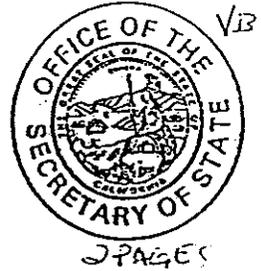
Pursuant to the provisions of the General Corporation Law of the State of California, the undersigned officers of FERRY-MORSE SEED COMPANY (CALIFORNIA), a California corporation (the "Corporation"), do hereby certify as follows:

1. The name of the Corporation is Ferry-Morse Seed Company (California).
2. Article One of the Corporation's Articles of Incorporation, which relates to the name of the Corporation, is hereby amended in its entirety to read as follows:
  - One. The name of this Corporation is:  
HARRIS MORAN SEED COMPANY.
3. The amendment herein provided for has been approved by the Corporation's Board of Directors.
4. The amendment herein provided for was approved by the written consent of the Corporation's sole shareholder in accordance with the provisions of Section 902 of the California General Corporation Law. The total number of outstanding shares of the corporation is 5,000.

IN WITNESS WHEREOF, each of the undersigned does hereby declare under the penalty of perjury that he or she signed the foregoing Certificate of Amendment as of June 30,

# State of California

SECRETARY OF STATE



2 PAGES

I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

*IN WITNESS WHEREOF*, I execute this certificate and affix the Great Seal of the State of California this

JUN 30 1997



*Bill Jones*

Secretary of State