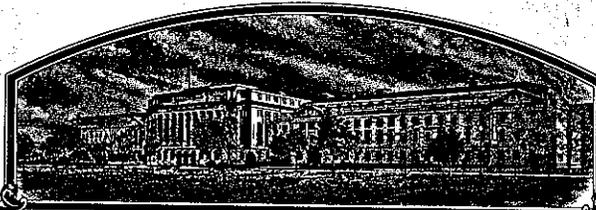


No.

8200145



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Musser Seed Co., Inc.

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 HERETO 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 *Eighteen* 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 VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (7 U.S.C. 2321 ET SEQ.)

BEAN

'Bush Kentucky Wonder 125'

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 *26th* day of April in the year of our Lord one thousand nine hundred and eighty-five.

Attest:

Kenneth H. Evans
Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

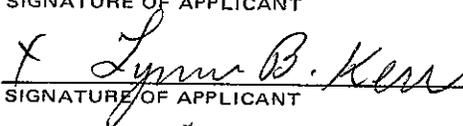
John R. Block
Secretary of Agriculture



APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions on reverse)

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

1. NAME OF APPLICANT(S) MUSSER SEED CO., INC.		2. TEMPORARY DESIGNATION CODE 125		3. VARIETY NAME BUSH KENTUCKY WONDER 125	
4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) P.O. BOX 1406 TWIN FALLS, IDAHO 83301 USA		5. PHONE (Include area code) 208-734-2377 733-0077		FOR OFFICIAL USE ONLY PVPO NUMBER 8200145	
6. GENUS AND SPECIES NAME PHASEOLUS VULGARIS		7. FAMILY NAME (Botanical) LEGUMINOSAE		FILING DATE 7/26/82 TIME 2:00 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	
8. KIND NAME BEAN		9. DATE OF DETERMINATION AUGUST 1979 INC. MAY 1980		FEES RECEIVED AMOUNT FOR FILING \$ 500.00 DATE 7/26/82 AMOUNT FOR CERTIFICATE \$ 250.00 DATE 2/14/85	
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) CORPORATION				11. DATE OF INCORPORATION JANUARY 7, 1974	
11. IF INCORPORATED, GIVE STATE OF INCORPORATION IDAHO					
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS LYNN B. KERR MUSSER SEED CO., INC. P.O. BOX 1406, TWIN FALLS, IDAHO 83301					
14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED					
a. <input type="checkbox"/> Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)		c. <input type="checkbox"/> Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)			
b. <input type="checkbox"/> Exhibit B, Novelty Statement		d. <input type="checkbox"/> Exhibit D, Additional Description of the Variety			
15. 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) of the Plant Variety Protection Act.)					
<input type="checkbox"/> Yes (If "Yes," answer items 16 and 17 below) <input checked="" type="checkbox"/> No					
16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? <input type="checkbox"/> Foundation <input type="checkbox"/> Registered <input type="checkbox"/> Certified		
18. DID THE APPLICANT(S) FILE FOR PROTECTION OF THE VARIETY IN THE U.S. OR OTHER COUNTRIES?					
<input type="checkbox"/> Yes (If "Yes," give names of countries and dates) <input checked="" type="checkbox"/> No					
19. HAVE RIGHTS BEEN GRANTED IN THE U.S. OR OTHER COUNTRIES?					
<input type="checkbox"/> Yes (If "Yes," give names of countries and dates) <input checked="" type="checkbox"/> No					
20. The applicant(s) declare(s) that a viable sample of basic seeds 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 Protection Act. Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF APPLICANT  LYNN B. KERR				DATE JUNE 14, 1982	
SIGNATURE OF APPLICANT				DATE	

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. Department of Agriculture, Agricultural Marketing Service, Livestock, Meat, 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

- 9 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.
- 14a 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.
- 14b 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.
- 14c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- 14d 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.
- 15 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.)
- 16 See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.





Musser Seed Co., Inc.

TWIN FALLS, IDAHO P. O. BOX 1406
351 SOUTH PARK AVENUE WEST 83301

(208) 734-2377

SANTA MARIA, CALIF. P. O. BOX 527
706 SOUTH OAKLEY AVENUE 93456

(805) 928-2518

CALDWELL, IDAHO P. O. BOX 787
1403 CHICAGO STREET 83605

(208) 459-8243

8200145

BUSH KENTUCKY WONDER 125

see addenda next page

Exhibit A:

Origin-Cross between OSU 58-R(Oregon State release) and an unnamed variety sampled to us from Europe. This variety was grown one year and discontinued. Selections were made in the 2nd, 3rd and 5th generations. Two more generations were completed before initial increase were begun in 1980. No variants have yet been observed.

Exhibit B:

This variety is a flat podded shipping type and is similar to others in this class. The taller bush distinguishes it from others as does the general pod appearance (smoother, Darker Green). Others of this type have pods touching the soil while the taller bush of this variety bears almost all of the pods clear of the soil. The pods have enough fiber for shipping but have less than Greencrop which is currently used extensively.



Musser Seed Co., Inc.

8200145

TWIN FALLS, IDAHO P. O. BOX 1406 (208) 734-2377
301 - 4TH AVENUE SOUTH 83301
SANTA MARIA, CALIF. P. O. BOX 527 (805) 928-2518
706 SOUTH OAKLEY AVENUE 93456
CALDWELL, IDAHO P. O. BOX 787 (208) 459-8243
1403 CHICAGO STREET 83605

Addenda to Exhibits A and B
elbrow

RE: BUSH KENTUCKY WONDER 125 PATENT APPLICATION

Exhibit A

This bean has now been observed closely for 5 generations, the last two of which involved a number of acres, and we have not found a single variant to date. This indicates greater stability than found in most varieties.

Exhibit B

The most similar variety to Bush Kentucky Wonder 125 is Greencrop. Bush Kentucky Wonder 125 is different in the following ways:

1. Plant height 3-4 inches higher.
2. Generally 4 days later in maturity.
3. The taller plant means the pods are borne further above the soil so that fewer pods touch the soil. In a planting here in Twin Falls, 29% of the pods of Bush Kentucky Wonder 125 touched the soil, whereas 55% Greencrop pods were in contact with the soil.

Colored pictures are enclosed showing these differences.

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) Musser Seed Co., Inc. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) P.O. Box 1406 351 So. Park Ave. West Twin Falls, ID 83301	FOR OFFICIAL USE ONLY
	PVPO NUMBER 8200145
	VARIETY NAME OR TEMPORARY DESIGNATION Bush Kentucky Wonder 125

Place numbers in the boxes (e.g.) 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: _____ . The location of test area is Twin Falls Idaho. Please answer questions appropriate for your variety if the information is available.

1. TYPE:

1 = Field (dry-edible) 2 = Garden

2. MARKET MATURITY:

Days to edible pods Days to green shells
 Days to dry seeds
 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 }

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)
Greencrop

3. PLANT:

1 = Determinate 2 = Indeterminate

cm height
 cm shorter than }
 Same as .. } comparison variety from above
 cm taller than }
 cm spread Number primary branches near base
 cm narrower than }
 width same as ... } comparison variety from above
 cm wider than }

Main stalk: 1 = brittle 2 = wirey Branching habit: 1 = compact 2 = open
 1 = stout 2 = thin

8200145

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:

2 1 = smooth 2 = wrinkled

2 1 = dull 2 = glossy

3 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) _____

Days to 50% bloom

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

2 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

3 sieve cm length mm width mm thickness

4 sieve cm length mm width mm thickness

5 sieve cm length mm width mm thickness

6 sieve cm length mm width mm thickness

6. FRESH PODS: (Cont'd)

1 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

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

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

1 / 1 mm spur length

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

7 Number of seeds per pod

per letter
of 5284.
cns

1 Surface: 1 = smooth 2 = rough

2 Suture string: 1 = present 2 = absent

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

1 Machine harvest: 1 = adapted 2 = not adapted

6 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) Mild Kentucky Wonder
(6) Other (specify)

7. SEED COAT COLOR:

1 1 = Monochrome 2 = Polychrome 1 = shiny 2 = dull

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

1 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

0 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

2 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 1 = truncate ends 2 = rounded ends

4 1 gm/100 seed

0 5 gm/100 seed lighter than 8

gm/100 seed same as comparison variety from page one

gm/100 seed heavier than

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 Fuscous blight

0 Rust (specify race below)

0 Red node virus

0 Powdery mildew

0 Pod mottle virus

0 Fusarium root rot

2 Bean common mosaic virus (specify strain below)
NY 15

0 Pythium root rot

0 Mosaic mottle

0 Rhizoctonia root rot

0 Black root

0 Pythium wilt

0 Bean yellow mosaic virus

0 Angular leaf spot

1 Curly top

0 Bacterial wilt

Other (specify below)

0 Halo blight (specify race below)

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

0 Aphids

0 Root knot nematode

0 Leaf hopper

0 Seed corn maggot

0 Lygus

0 Thrips

0 Pod borer

0 Weavils

Other (specify below)

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

0 Heat

0 Cold

0 Drought

0 Air pollution

13. COMMENTS:

State of Idaho

Department of State

CERTIFICATE OF MERGER OR CONSOLIDATION

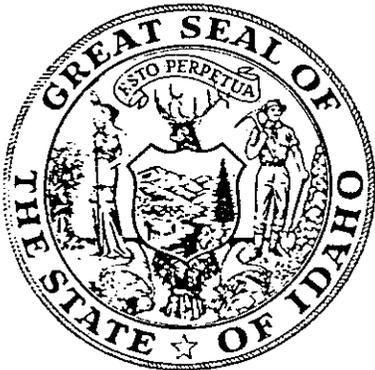
I, PETE T. CENARRUSA, Secretary of State of the State of Idaho hereby certify that duplicate originals of Articles of _____ Merger _____ of _____

_____ MUSSER SEED CO., INC., an Idaho corporation, _____

into _____ ROGERS BROTHERS SEED COMPANY, a Delaware corporation _____, duly signed and verified pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue, of the authority vested in me by law, I issue this certificate of _____ merger _____, and attach hereto a duplicate original of the Articles of _____ Merger _____.

Dated _____ June 30 _____, 19 89 _____.



Pete T. Cenarrusa

SECRETARY OF STATE

Corporation Clerk

ARTICLES OF MERGER
OF
MUSSER SEED CO., INC.

JUN 30 2 15 PM '89
SECRETARY OF STATE

INTO

ROGERS BROTHERS SEED COMPANY,
A DELAWARE FOREIGN PARENT CORPORATION

Pursuant to the provisions of Sections 30-1-75 and 30-1-77 of the Idaho Business Corporation Act, the undersigned corporation adopts the following Articles of Merger for the purpose of merging Musser Seed Co., Inc., a wholly-owned subsidiary corporation into the undersigned as the surviving corporation:

FIRST: The undersigned foreign corporation is incorporated under the laws of Delaware and the laws of such jurisdiction permit such a merger.

SECOND: The following Plan of Merger was adopted by the undersigned corporation in the manner prescribed by the laws of the jurisdiction under which it is organized.

RESOLVED, that Rogers Brothers Seed Company merge into itself its wholly-owned subsidiary, Musser Seed Co., Inc., the corporate existence of Rogers Brothers Seed Company, with all its purposes, powers and objects, shall continue unaffected and unimpaired by the merger and, as the surviving corporation, Rogers Brothers Seed Company shall succeed to all rights, assets, liabilities and obligations of Musser Seed Co., Inc.; and further

RESOLVED, that each share of common stock (\$1.00 par value) of Musser Seed Co., Inc. owned by Rogers Brothers Seed Company, such shares being all of the issued and outstanding shares of Musser Seed Co., Inc., shall be cancelled on the effective date of the merger, whereupon the separate existence and corporate organization of Musser Seed Co., Inc. shall cease; and further

RESOLVED, that the effective date of the merger shall be June 30, 1989; and further

RESOLVED, that the foregoing resolutions shall constitute an Agreement of Merger for the purpose of Section 258 of the Delaware Corporation Law and the appropriate officers of Rogers Brothers Seed Company be, and they hereby are, directed to make, execute and acknowledge a certificate of merger in accordance with such section, setting forth such Agreement of Merger, and to file the same in the office of the Secretary of the State of Delaware, and to file the same or a true copy thereof in such other offices as may be required by the Delaware Corporation Law; and further

RESOLVED, that the appropriate officers of Rogers Brothers Seed Company be, and they hereby are, directed to make, execute and acknowledge the Agreement of Merger in accordance with Section 30-1-77 of the Corporation Law of the State of Idaho, and to file the same in the office of the Secretary of the State of Idaho, and to file the same or a true copy thereof in such other offices as may be required by the Corporation Laws of the State of Idaho, and to appoint the Secretary of State of the State of Idaho as the agent of Rogers Brothers Seed Company to accept service of process in action for enforcement of any prior obligations of Musser Seed Co., Inc., and to agree that Rogers Brothers Seed Company may be sued in the State of Idaho for any prior obligation of Musser Seed Co., Inc. incurred after the merger; and further

RESOLVED, that the appropriate officers of Rogers Brothers Seed Company be, and they hereby are, authorized to take any and all further action and execute and deliver any and all further documents that may be necessary or desirable in order to carry out and effectuate fully the purposes set forth in the foregoing resolutions.

THIRD: The number of outstanding shares of each class of the subsidiary corporation and the number of such shares of each class owned by the surviving corporation are as follows:

<u>Name of Subsidiary</u>	<u>Number of Shares Outstanding</u>	<u>Designation of Class</u>	<u>No. of Shares Owned By Surviving Corporation</u>
Musser Seed Co., Inc.	156,519 Common Shares	Common Stock	156,519 Common Shares

FOURTH: The requirement that a copy of the plan of Merger set forth in Article Second was waived by the Corporation as sole shareholder on June 19, 1989.

FIFTH: The undersigned corporation hereby (a) agrees that it may be served with process in the State of Idaho in any proceeding for the enforcement of any obligation of the above-mentioned subsidiary corporation; and (b) irrevocably appoints the Secretary of State of Idaho as its agent to accept service of process in any such proceeding.

Dated: June 29, 1989.

ROGERS BROTHERS SEED COMPANY

By William B. Albers
William B. Albers
Its President, and

By Alden E. Hill
Alden E. Hill
Its Vice President of
Administration and Secretary

STATE OF IDAHO)
) SS
COUNTY OF ADA)

I, Mrs. Sharon L. Plaster, a notary public, do hereby certify that on this 29th day of June, 1989, personally appeared before me Alden E. Hill, who being by me first duly sworn, declared that he is the Vice President of Administration and Secretary of Rogers Brothers Seed Company, that he signed the foregoing document as Secretary of the corporation, and that the statements therein contained are true.

Mrs. Sharon L. Plaster
Notary Public for Idaho

Residing At: Basin, Idaho

My Commission expires: 5-27-91

STATE OF IDAHO)
) SS
COUNTY OF ADA)

I, Mrs Sharon L. Plaster, a notary public, do hereby certify that on this 29th day of June, 1989, personally appeared before me William B. Albers, who being by me first duly sworn, declared that he is the President of Rogers Brothers Seed Company, that he signed the foregoing document as President of the corporation, and that the statements therein contained are true.

Mrs. Sharon L. Plaster
Notary Public for Idaho
Residing at: Basin, Idaho

My Commission Expires: 5-27-91

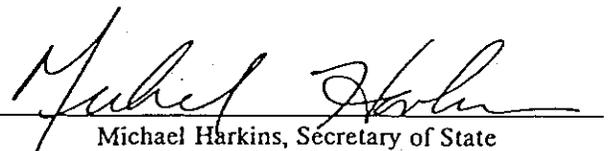
State of Delaware



Office of Secretary of State

I, MICHAEL HARKINS, SECRETARY OF STATE OF THE STATE OF DELAWARE
DO HEREBY CERTIFY THAT "ROGERS BROTHERS SEED COMPANY", FILED A
CERTIFICATE OF AMENDMENT, CHANGING ITS CORPORATE TITLE TO "ROGERS
NK SEED CO.", ON THE TWENTY-SIXTH DAY OF DECEMBER, A.D. 1990, AT 10:01
O'CLOCK A.M.




Michael Harkins, Secretary of State

AUTHENTICATION: 

DATE: 10/08/1991

DO NOT WRITE IN THIS SPACE

AMENDED
STATEMENT AND DESIGNATION
BY
FOREIGN CORPORATION

ROGERS NK SEED CO.

_____, a corporation
organized and existing under the laws of Delaware,
and which is presently qualified for the transaction of intrastate business in the
State of California, makes the following statements and/or designation:

That the name of the corporation has been changed to that hereinabove set forth
and that the name relinquished at the time of such change was _____

ROGERS BROTHERS SEED COMPANY

ROGERS NK SEED CO.
(Name of Corporation)

William B. Albers
(Signature of corporate officer)

William B. Albers, President
(Typed name and title of officer signing)

INSTRUCTIONS:

1. If this Amended Statement shows a change of corporate name, there must be attached to this Amended Statement a certificate of an authorized public official of the state or place of incorporation, that such change of name was made in accordance with the laws of that state or place.
2. For filing this Amended Statement there is a fee of \$15.00.

Office of the Secretary of State

I, WILLIAM T. QUILLEN, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "ROGERS NK SEED CO.", FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "ROGERS SEED CO.", THE FIFTH DAY OF MAY, A.D. 1994, AT 9 O'CLOCK A.M.



William T. Quillen

William T. Quillen, Secretary of State

0810041 8320

AUTHENTICATION: 7120759

944080001

DATE: 05-16-94

CERTIFICATE OF AMENDMENT
OF
CERTIFICATE OF INCORPORATION
OF
ROGERS NK SEED CO.

Adopted in accordance with the provisions
of Section 242 of the General Corporation
Law of the State of Delaware

EFFECTIVE DATE: June 1, 1994

We, Willem van Overschot, President, and Richard B. Geller, Secretary, of Rogers NK Seed Co., a corporation existing under the laws of the State of Delaware, do hereby certify as follows:

FIRST: The Certificate of Incorporation of the corporation was filed on 2/27/75.

SECOND: The Certificate of Incorporation of said corporation has been amended as follows:

By striking out the whole of Article I thereof as it now exists and inserting in lieu and instead thereof, a new Article I, reading as follows:

ARTICLE I

Name

The name of the Corporation is ROGERS SEED CO.

THIRD: Such amendment has been duly adopted in accordance with the provisions of the General Corporation Law of the State of Delaware, by the unanimous written consent of all of the stockholders entitled to vote in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

FOURTH: See attached Written Consent of Sole Shareholder and Board of Directors' Resolution.

IN WITNESS WHEREOF, we have signed this certificate this 13th day of April,
1994.

Willem van Overschot
Willem van Overschot, President

Richard B. Geller
Richard B. Geller, Secretary

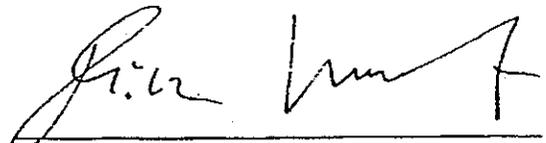
ROGERS NK SEED CO.

WRITTEN CONSENT OF SOLE SHAREHOLDER

SANDOZ CORPORATION, owner of all of the issued and outstanding shares of ROGERS NK SEED CO., hereby consents, pursuant to Section 228 of the Delaware General Corporation Law, to the adoption of the following resolution as and for the act of the shareholder:

RESOLVED, that SANDOZ CORPORATION, as sole shareholder, approves the amendment to Article I of the Certificate of Incorporation of ROGERS NK SEED CO., changing its name to **ROGERS SEED CO.**

Dated: April 22, 1994



Heinz P. Imhof,
Chief Executive Officer
Sandoz Corporation

02 00 30

02

ROGERS NK SEED CO.

RESOLUTION

RESOLVED, that according to Section 242 of the General Corporation Law of the State of Delaware, that Article I of the Certificate of Incorporation be amended, effective June 1, 1994, to read as follows: The name of the Corporation is **ROGERS SEED CO.**; and, further,

RESOLVED, that the appropriate officers of Rogers NK Seed Co. be, and they hereby are, authorized to take any and all further action and execute and deliver any and all further documents that may be necessary or desirable in order to carry out and effectuate fully the purposes set forth in the foregoing resolution.

ADOPTED UNANIMOUSLY BY THE BOARD
MARCH 31, 1994

Richard B. Geller
Richard B. Geller, Secretary

STATE OF DELAWARE
 SECRETARY OF STATE
 DIVISION OF CORPORATIONS
 FILED 09:00 AM 06/25/1997
 971211767 - 0829320

**CERTIFICATE OF MERGER
 OF
 ROGERS SEED CO.
 INTO
 NOVARTIS SEEDS, INC.**

The undersigned corporation organized and existing under and by virtue of the General Corporation Law of Delaware,

DOES HEREBY CERTIFY:

FIRST: That the name and state of incorporation of each on the constituent corporations of the merger is as follows:

NAME	STATE OF INCORPORATION
Novartis Seeds, Inc.	Delaware
Rogers Seed Co.	Delaware

SECOND: That an Agreement and Plan of Merger between the parties to the merger has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of section 251 of the General Corporation Law of Delaware

THIRD: That the name of the surviving corporation is Novartis Seeds, Inc.

FOURTH: That the Certificate of Incorporation of Novartis Seeds, Inc., a Delaware corporation which will survive the merger, shall be the Certificate of Incorporation of the surviving corporation.

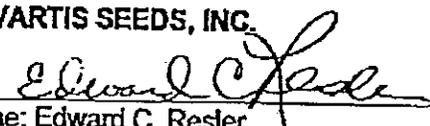
FIFTH: That the executed Agreement and Plan of Merger is on file at the principal place of business of the surviving corporation, the address of which is 7500 Olson Memorial Highway, Golden Valley, MN 55427.

SIXTH: That a copy of the Agreement and Plan of Merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of any constituent corporation.

SEVENTH: That this Certificate of Merger shall be effective on July 1, 1997.

Dated June 23, 1997

NOVARTIS SEEDS, INC.

By: 
 Name: Edward C. Resler
 Title: Vice President & General Counsel