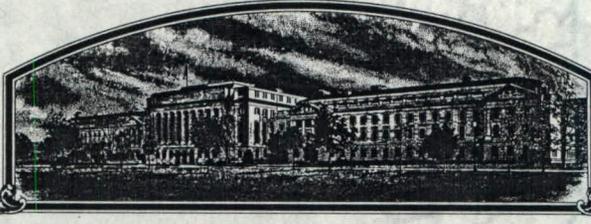


No.

8500135



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

## Asgrow 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 *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 (1930, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BEAN

'Tess'



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 31st day of March in the year of our Lord one thousand nine hundred and eighty-seven.

Attest:

*Kenneth B. Evans*  
Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

*Richard E. Lyng*  
Secretary of Agriculture



THE UNITED STATES OF AMERICA  
DEPARTMENT OF STATE  
WASHINGTON, D. C. 20520

OFFICE OF THE ASSISTANT SECRETARY FOR  
PUBLIC AFFAIRS  
STATE DEPARTMENT

FOR IMMEDIATE RELEASE  
MAY 15, 1964

STATEMENT BY  
ROBERT F. ROSEN, ASSISTANT SECRETARY FOR  
PUBLIC AFFAIRS

AT THE NEWS CONFERENCE  
HOLDING ROOM, STATE DEPARTMENT  
MAY 15, 1964

QUESTION: How do you view the  
situation in Cuba?

ANSWER: The situation in Cuba  
remains a serious concern of the  
United States. The Cuban  
Government's policies and actions  
continue to threaten the  
security and stability of the  
Western Hemisphere. The  
United States remains committed  
to the goal of a free and  
democratic Cuba.

QUESTION: What steps are being  
taken to address the situation?

ANSWER: The United States  
continues to work through  
diplomatic channels to  
achieve a peaceful resolution  
of the Cuban situation. At  
the same time, we maintain  
a firm and consistent policy  
of non-recognition of the  
Cuban Government and  
of the illegality of its  
regime.

QUESTION: How do you view the  
role of the United States in  
the Western Hemisphere?

ANSWER: The United States  
has a vital interest in the  
stability and security of the  
Western Hemisphere. We  
are committed to the  
promotion of democracy and  
the well-being of the  
peoples of this region.

1964

1000

U.S. DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL MARKETING SERVICE  
 WAREHOUSE & SEED DIVISION

APPROVAL EXPIRES 4-30-85

FORM APPROVED: OMB NO. 0581-0055

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).

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions on reverse)

1. NAME OF APPLICANT(S) Asgrow Seed Company		2. TEMPORARY DESIGNATION XP-B161		3. VARIETY NAME <u>TESS</u> <span style="color:red">11/19/86 pollett mlc</span>	
4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) (9620-190-25) Asgrow Seed Company Kalamazoo, MI 49001		5. PHONE (Include area code) (616) 385-6605		FOR OFFICIAL USE ONLY VPVO NUMBER <b>8500135</b>	
6. GENUS AND SPECIES NAME <u>Phaseolus vulgaris</u>		7. FAMILY NAME (Botanical) Leguminosae		FILING DATE 4/30/85 TIME 2:30 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	
8. KIND NAME Garden Bean		9. DATE OF DETERMINATION September 1982		FEES RECEIVED AMOUNT FOR FILING \$ 1,800 DATE 4/30/85 AMOUNT FOR CERTIFICATE \$ 200 <sup>00</sup> DATE February 25, 1987	
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) Corporation				11. IF INCORPORATED, GIVE STATE OF INCORPORATION Delaware	
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS Mr. John A. Batcha Asgrow Seed Company (9620-190-25) Kalamazoo, MI 49001				12. DATE OF INCORPORATION March 22, 1968	
				PHONE (Include area code): (616) 385-6605	

14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED

a. <input checked="" type="checkbox"/> Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)	c. <input checked="" type="checkbox"/> Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
b. <input checked="" type="checkbox"/> Exhibit B, Novelty Statement	d. <input type="checkbox"/> Exhibit D, Additional Description of the Variety
e. <input checked="" type="checkbox"/> Statement of Ownership	

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.)  
 Yes (If "Yes," answer items 16 and 17 below)  No

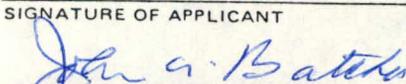
16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?  
 Yes  No

17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?  
 Foundation  Registered  Certified

18. DID THE APPLICANT(S) FILE FOR PROTECTION OF THE VARIETY IN THE U.S.?  
 Yes (If "Yes," give date)  
 No

19. HAS THE VARIETY BEEN OFFERED FOR SALE OR MARKETED IN THE U.S. OR OTHER COUNTRIES?  
 Yes (If "Yes," give names of countries and dates)  
 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 	DATE April 8, 1985
SIGNATURE OF APPLICANT John A. Batcha	DATE

1

INSTRUCTIONS

\*\*\*

General: Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$1,800 fee (\$200 filing fee and \$1,600 examination fee) to U.S. Department of Agriculture, Agricultural Marketing Service, Warehouse 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 are clear differences; 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.

\*\*\* Please send untreated seed. We have no facilities for handling seed that has been treated.



EXHIBIT A

Origin and Breeding History

The original cross was between Gitana and XP-B3077, an Asgrow breeding line. XP-B161 was developed at Asgrow's Western Breeding Station (WBS) by pedigree selection from that cross as follows:

- 3-1-78 Parental lines Gitana and XP-B3077 planted in the greenhouse at WBS. Crosses made.
- 6-8-78 Planted F<sub>1</sub> seeds in the field at WBS. Advanced one generation.
- 5-25-79 Planted F<sub>2</sub> population in the field at WBS. Individual plant selections made.
- 6-10-80 Planted F<sub>3</sub> line in the field at WBS. Individual plant selections made.
- 10-31-80 Planted F<sub>4</sub> seed in the greenhouse at WBS. Advanced one generation.
- 2-25-81 Planted F<sub>5</sub> seed in the greenhouse at WBS. Advanced one generation.
- 6-12-81 Planted F<sub>6</sub> line in the field at WBS. Made single plant selections.
- 6-4-82 Planted F<sub>7</sub> line in the field at WBS under the number R825746. Observations during the growing season indicated the line was uniform and breeding true. All subsequent increases of XP-B161 trace to the bulk of R825746.
- 5-25-83 Planted F<sub>7+1</sub> bulk from R825746 in the field at WBS under the number F83519. Observations during the year confirmed that the line was uniform and breeding true.

Observations indicated XP-B161 is uniform and stable within commercially acceptable limits. As is true with other garden bean varieties, a small percentage of variants or offtypes can occur within commercially acceptable limits, for almost any characteristic during the course of repeated multiplications.



Asgrow Seed Company  
PVP Application - Garden Bean (XP-B161) Tess  
December 31, 1986

REVISED  
EXHIBIT B

Novelty Statement

Tess is a very small sieve, round-podded bean for processing. To our knowledge, the commercial variety most similar to Tess is Gitana.

Comparative characteristics that distinguish Tess and Gitana include, but may not be limited to, the following:

1. Pod Length. In three separate comparisons, one at Asgrow's Western Breeding Station (WBS) in Idaho in 1984, and the other two at the Northern European Research Station (NERS) in France in 1983 and 1984, pods of Tess was consistently longer than those of Gitana by an average of 6 mm.

Location	Year	Pod Length (mm)	
		Tess	Gitana
NERS	1983	106	100
NERS	1984	102	95
WBS	1984	108	102

An analysis of variance (ANOVA) of pod length data for Tess and Gitana, from the original Exhibit B, is provided below (Table 1). The average length for Tess was 10.5 cm, compared to 9.9 cm for Gitana. The highly significant F value for treatments indicates this difference is real.

TABLE 1: ANOVA, Tess and Gitana Pod Length  
Data from NERS<sub>1</sub> and WBS<sub>2</sub>, 1983-1984

Total	df	ss	ms	f
Blocks (Year-Location)	2	44.334	22.167	133.5**
Treatment (Variety)	1	60.167	60.167	362.4**
Error	2	0.333	0.166	

1. Northern Europe Research Station, near Amiens, France
2. Western Breeding Station, Twin Falls, Idaho

2. Germination Potential. Data based on "germination potential" provides the clearest difference between Gitana and Tess, but you declined to accept this data with the explanation that germination potential is not a definitive character. Germination potential is a genetically determined definitive characteristic and for beans is extremely important for success in the market (Atkin, 1958, attached). We prefer not to reveal the precise details of the test we use to evaluate this character as it is an important and confidential part of our selection procedure. Briefly, the test involves a controlled environment and measures resistance to cold induced transverse cracking of cotyledons. The analysis in Table 2 is on the germination potential



data of the original application plus that of an additional year, 1984, for which corresponding data for all three varieties were available (Table 3). The significant F value for varieties indicates there are real genetic differences among varieties. From the averages it is clear the source of the significant F value is the greater scores for Laureat and Tess, 93.7 and 94.5, respectively, compared to the score for Gitana, 37.5. The effect of year was not significant.

TABLE 2: ANOVA Analysis of seed vigor ratings  
 a component of germination potential  
 (1980, 1981, 1982, 1984)

Plant Scientist	df	ss	ms	f
Blocks	3	654.25	218.08	.67NS
Treatments	2	8551.5	4275.75	12.13**
Error	6	1952.5	325.42	

TABLE 3: Germination potential ratings for Gitana, Laureat, Tess

Year	Gitana	Laureat	Tess
1980	3	100	95
1981	60	90	91
1982	24	91	96
1984	63	94	96
Average	37.5	93.7	94.5

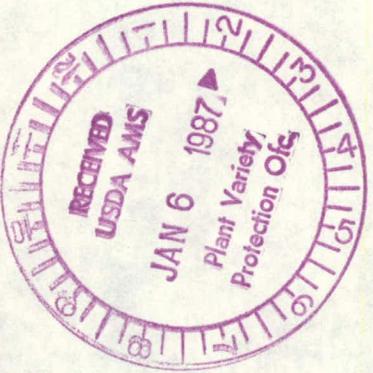


Application for Plant Variety Protection  
No. 1000

The following is a description of the plant variety:  
The variety is a new and distinct variety of [plant name]  
which has been developed by the applicant and is  
not a variety that is known to the public prior to  
the filing of this application. The variety is  
characterized by the following traits: [traits]

It is the applicant's belief that the variety is  
new and distinct from all other varieties known to  
the public prior to the filing of this application.

Year	Plant Variety	Production
1981	...	...
1982	...	...
1983	...	...
1984	...	...
1985	...	...
1986	...	...
1987	...	...





20-1310

U.S. DEPARTMENT  
OF AGRICULTURE  
AMS  
PVPD  
RECEIVED  
APR 15 1985



3. PLANT: (Cont'd)

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

1 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

1 1 = dull 2 = glossy

1 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) \_\_\_\_\_

5  1 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
		98.1		1.9	0	

X SIEVE (4 YRS)  
#1 = 4%  
2 = 59%  
3 = 37%  
*Parlett  
11/1/86  
KAL*

3 sieve	<input type="checkbox"/> 1 <input type="checkbox"/> 1	cm length	<input type="checkbox"/> 8 <input type="checkbox"/> 0	mm width	<input type="checkbox"/> 8 <input type="checkbox"/> 1	mm thickness
4 sieve	<input type="checkbox"/> <input type="checkbox"/>	cm length	<input type="checkbox"/> <input type="checkbox"/>	mm width	<input type="checkbox"/> <input type="checkbox"/>	mm thickness
5 sieve	<input type="checkbox"/> <input type="checkbox"/>	cm length	<input type="checkbox"/> <input type="checkbox"/>	mm width	<input type="checkbox"/> <input type="checkbox"/>	mm thickness
6 sieve	<input type="checkbox"/> <input type="checkbox"/>	cm length	<input type="checkbox"/> <input type="checkbox"/>	mm width	<input type="checkbox"/> <input type="checkbox"/>	mm thickness

890133

U.S. DEPARTMENT  
 APR 15 1965  
 RECEIVED  
 AMMS  
 P/PP  
 SIGNATURE



- 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
- 2 Pod flesh: 1 = light 2 = medium 3 = dark
- 0  8 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  2 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



8200137

U.S. DEPARTMENT  
AMS  
PIPO  
APR 15 1985  
RECEIVED  
SIGNATURE



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

8500135 XP-B161

2 1 = truncate ends 2 = rounded ends

1  8 gm/100 seed

0  1 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):

2 Anthracnose (specify race below) ARE gene  
alpha, beta, gamma, delta, lambda

0 Fuscos 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)  
all races

0 Pythium root rot

2 Mosaic mottle

0 Rhizoctonia root rot

1 Black root

0 Pythium wilt

0 Bean yellow mosaic virus

0 Angular leaf spot

0 Curly top

0 Bacterial wilt

0 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

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:

800-110



ASSIGNATURE

RECEIVED  
APR 15 1985

Asgrow Seed Company  
PVP Application-Garden Bean <XP-B161> *TEH* *11/19/86* *per letter*  
April 1, 1985

8500135

EXHIBIT E

Statement of the Basis of Applicant's Ownership

XP-B161 was originated and developed by John D. Atkin and David M. Webster, Asgrow Plant Breeders. By agreement between employee and Asgrow Seed Company, all rights to any invention, discovery, or development made by an employee are assigned to the Company. No rights to such invention, discovery, or development are retained by the employee.

JAB/1ka  
3/21/85

EXHIBIT

Statement of the Basis of Applicant's Invention

This invention was conceived and developed by [Name], [Title], [Company].  
As a result of the invention, [Description of the invention and its benefits].  
The invention is a [Description of the invention].  
The invention is a [Description of the invention].  
The invention is a [Description of the invention].

APR 13 1985

U.S. DEPARTMENT  
AMS  
P/PD  
APR 13 1985  
RECEIVED  
SIGNATURE



85-135

### **Transfer of Plant Variety Protection Act Rights**

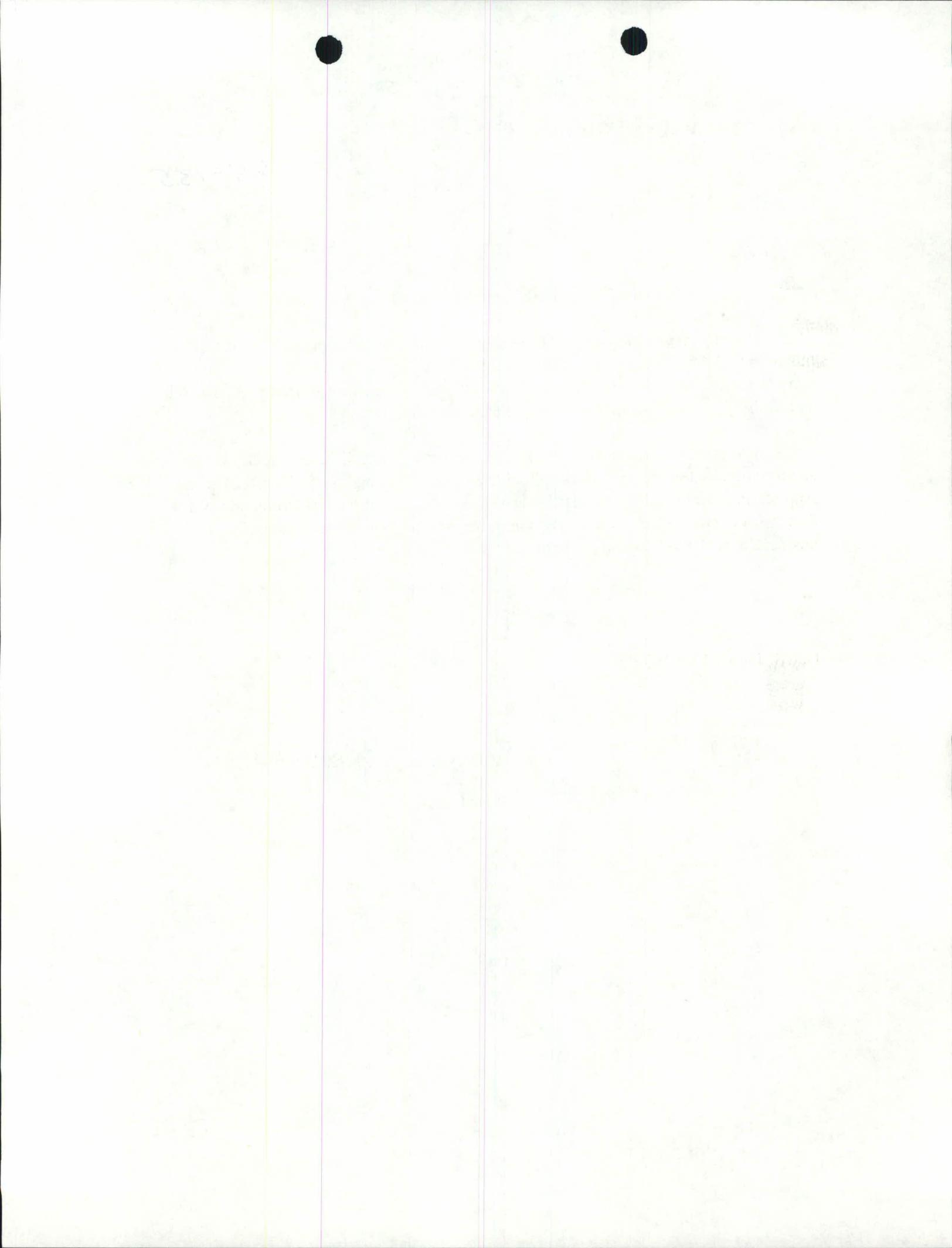
Asgrow Seed Company, a Delaware Corporation with its principle place of business at 2605 E. Kilgore Road, Kalamazoo MI 49001, is the owner of the Plant Variety Protection Act Certificates and applications for certificates listed on and attached as Exhibit A to this document (the "Certificates and Applications").

For good and valuable consideration, receipt of which is hereby acknowledged, Asgrow hereby transfers all of its right, title and interest in and to the Certificates and Applications and to all rights relating thereto under the Plant Variety Protection Act to Seminis Vegetable Seeds, Inc., a California corporation, whose principle place of business is at 1905 Lirio Street, Saticoy, CA 93007-4206.

Dated: January 31, 1997

Asgrow Seed Company

By: Norman A Braksik  
Norman A. Braksik  
President



---

SECURITY AGREEMENT

By

SEMINIS VEGETABLE SEEDS, INC.,

SEMINIS, INC.

and

THE DOMESTIC SUBSIDIARIES PARTY HERETO,  
as Grantors,

and

CITICORP NORTH AMERICA, INC.,  
as Collateral Agent

---

Dated as of September 29, 2003

---

*Original document filed in front office.  
(52 pages)*

#559734

