



NURSERYMEN'S ERRORS AND OMISSIONS PROPOSAL FORM

(THIS PROPOSAL FORM IS FOR A CLAIMS MADE, COST-INCLUSIVE POLICY)

PLEASE ATTACH A TYPICAL PURCHASE ORDER, CATALOG, LABEL OR TAG, INVOICE, DISCLAIMER CLAUSE, LIMITATION OF LIABILITY CLAUSE AND LETTERHEAD USED BY YOUR FIRM WHEN SUBMITTING THIS PROPOSAL. If the space for your answers is insufficient on this form, please continue your answers on your firm's letterhead.

PROPOSAL

- 1. Firm name and address of your firm's main office.

- 2. Address(es) of Branch Office(s), if any.

- 3. Date firm established.

- 4. Of which Nurserymen's Association(s) is the firm a member in good standing? Please provide name(s) and address(es).

Do any of these Associations have binding arbitration rules? YES _____ NO _____

If the answer is yes, please attach a copy of the Association's Arbitration Rules and By-Laws.

- 5. Is the Firm a co-operative or a member of a co-operative? YES _____ NO _____

If the answer is yes, please provide the name and address of the co-operative.

- 6. Do you grow experimental nurserystock? YES _____ NO _____

If so, do you allow any experimental stock to be retained for sale either by your firm or by your growers?

YES _____ NO _____

7. In testing and checking nursery stock, does your firm maintain a private laboratory staffed with analysts?
YES_____ NO_____

If not, does the firm use the facilities of a qualified commercial laboratory?

If so, please list the name and address of the laboratory used.

8. Describe your quality control program. Who is responsible for your quality control program, to whom does he or she report, and what training has he or she had in quality control?

9. (a) If nursery stock is grown for you by contract growers, whose crew examines or inspects the nursery stock?

(b) At what times do your representatives examine or inspect the nursery stock?

(c) What experience have these representatives had in caring for, examining and inspecting nursery stock?

(d) If field inspection raises questions as to the acceptability of the nursery stock inspected what procedures are followed to correct any indicated problems before the nursery stock is marketed?

10. Do you keep a representative sample of all nursery stock? YES_____ NO_____

If so, where and under what conditions is it kept and when and how is it ultimately disposed of?

11. (a) Do you use a disclaimer of implied warranties with respect to your sales of nursery stock?
YES_____ NO_____

(b) Does your disclaimer of implied warranties appear on your catalogues, promotional literature, tags, containers, labels, purchase orders and invoices? YES_____ NO_____

Please attach a copy of the portion of each printed document where your disclaimer clause appears.

(c) Do you use a limitation of liability or limited remedy clause that limits your liability for incidental and consequential damages and limits the buyer's remedy?
YES_____ NO_____

(d) Does your limitation of liability or limited remedy clause appear on your catalogues, promotional literature, tags, containers, purchase orders, labels and invoices?

YES _____ NO _____

Please attach a copy of the portion of each printed document where your limitation clause(s) appear(s).

12. (a) Does your firm participate in a nursery stock certification program?
YES _____ NO _____

If yes, please identify the certification programs in which your firm participate(s).

- (b) Please attach copies of all regulations and rules which govern those certification program(s).

- (c) Does the certification process cover both rootstocks and scionwood?
YES _____ NO _____

- (d) What percentage of your nursery stock sold is certified and non-certified?

	<u>% Certified</u>	<u>% Non-Certified</u>
(1) Apple		
(2) Peach		
(3) Nectarine		
(4) Apricot		
(5) Cherry		
(6) Pear		
(7) Plum		
(8) Prune		
(9) Other (identify)		

13. In your production of nursery stock do you meet the certification standards, procedures and requirements recommended by regulatory officials, extension departments, and universities?
YES _____ NO _____

For nursery stock which has no such recommended requirements, what requirements do you observe?

14. (a) Please provide your dollar sales by type and source of nursery stock for the last 12 months:

	(A) Nursery Stock Grown By Others Where <u>You</u> are Responsible the Quality Control	(B) Nursery Stock Grown By Others Where <u>Grower</u> Does the Quality Control	(C) Nursery Stock Grown By You	(D) Nursery Stock Sales – Distribution of Stock produced by others	(E) All Other Nursery Stock Sales by You for Others
	<i>USD:</i>	<i>USD:</i>	<i>USD:</i>	<i>USD:</i>	<i>USD:</i>
(1) Apple					
(2) Peach					
(3) Nectarine					
(4) Apricot					
(5) Cherry					
(6) Pear					
(7) Plum					
(8) Prune					
(9) Other (identify)					

(b) As regards (D) Distributor Sales above, please show the margin difference between the Cost to you and your Total Sales Receipts in this category. _____ %

15. Please provide your dollar sales of exported and imported nursery stock for the last 12 months:

	(A) Nursery Stock That You Export (Please list countries to which you export.)		(B) Nursery Stock That You Import (Please list countries from which you import.)	
	<i>USD:</i>	<i>Destination Countries:</i>	<i>USD:</i>	<i>Countries of Origin:</i>
(1) Apple				
(2) Peach				
(3) Nectarine				
(4) Apricot				
(5) Cherry				
(6) Pear				
(7) Plum				
(8) Prune				
(9) Other (identify)				

16. Do you desire coverage to be extended to include nursery stock grown by others for sale by you?
YES _____ NO _____

If so, please furnish copies of your agreements with those parties.

17. Have any claims been made during the past five years against the firm or its predecessors in business that would have been covered by the proposed Insurance?

YES _____ NO _____

If yes, please give the date of each claim and full particulars.

18. Is the firm aware of any circumstances which may result in any claim being made against the firm?

YES _____ NO _____

If yes, give full particulars.

19. Do you currently carry Nurserymen's Errors and Omissions Insurance ? YES _____ NO _____

If "Yes", please give full particulars:

Insurer: _____ Sum Insured: _____ Deductible: _____

Premium: _____ Period: _____

Retroactive Date: _____

20. Circle the amount of indemnity required:

\$250,000 \$500,000 \$1,000,000 \$2,000,000 Other _____

Circle the amount of deductible required:

\$5,000 \$10,000 \$50,000 Other _____

I/WE HEREBY DECLARE THAT THE ABOVE STATEMENTS AND PARTICULARS ARE TRUE AND THAT I/WE HAVE NOT SUPPRESSED OR MISSTATED ANY MATERIAL FACTS AND I/WE AGREE THAT THE PROPOSAL FORM SHALL BE THE BASIS OF THE CONTRACT WITH THE UNDERWRITERS. HOWEVER, IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT THIS APPLICATION DOES NOT PROVIDE COVERAGE OR BIND HEREUNDER IN ANY WAY NOR TO ANY EXTENT WHATEVER FOR ANY LOSS OR CLAIM AND COMPLETION OF THIS APPLICATION IS FOR QUOTATION PURPOSES ONLY.

NAME OF FIRM _____

BY _____ DATE _____
(Partner or Officer)