



ELEVATOR GRAIN COMPANY UNSCHEDULED DELIVERY AGREEMENT

The undersigned Supplier seeks either to sell agricultural commodities to or to store agricultural commodities with ELEVATOR. ELEVATOR will accept agricultural commodities in from Supplier subject to the following terms and conditions.

1. Supplier warrants that the commodities supplied to ELEVATOR:

- (a) are of merchantable quality;
- (b) are neither adulterated nor misbranded and may be introduced into interstate commerce, within the meaning of the federal Food, Drug and Cosmetic Act;
- (c) were grown within the boundaries of the continental United States;
- (d) are free from animal proteins restricted under 21 CFR part 589; and
- (e) belong to the Supplier.

2. Supplier warrants that, except as Supplier notified ELEVATOR at the time of delivery, the commodities delivered to ELEVATOR are free and clear of all liens and encumbrances. Supplier authorizes ELEVATOR to make settlement jointly with the Supplier and such person or persons in whose favor any lien or encumbrance has attached.

3. ELEVATOR may delay payments on unscheduled deliveries until it has verified that Supplier has legal title to the commodity it is selling.

4. Supplier will indemnify ELEVATOR from all claims, costs, damages and losses—including consequential damages and attorney’s fees—arising from Supplier’s breach of this Agreement.

5. The terms, conditions and notices contained in this Agreement apply to every grain transaction between the parties beginning with the date shown below and ending when a party delivers written notice to the other party that it is terminating this Agreement.

ELEVATOR EMPLOYEE

PRINTED NAME OF SUPPLIER

SUPPLIER

DATE

| | |
|---|--|
| “Know Your Customer” Anti-Theft Verification | |
| I have verified that this grain: | |
| <input type="checkbox"/> | came from ____ acres that the Supplier owns in _____. |
| <input type="checkbox"/> | came from ____ acres that Supplier leases from _____ in _____. |
| <input type="checkbox"/> | was purchased from _____. |
| In the past, Supplier has taken his grain to: _____. | |
| _____ ELEVATOR Employee | _____ Date |