

2006 TERMS AND CONDITIONS OF SALE

GENERAL:

- Fresh Black grapes are sold per pound as whole bunches with stems; **Minimum order 100 lbs.**
- Arrangements for de-stemming grapes should be made at time of purchase. Stem weight is calculated at 5%. 100 lb. of ordered black grapes that are stemmed would yield 95 pounds.
- De-stemmed "must" will be charged \$100/ton or \$0.05/lb. Destemming not available at all times.
- Frozen Black Grapes are sold slightly* crushed and de-stemmed by volume in U.S. gallons.
- A limited selection of Fresh White Grapes are sold per pound as whole bunches; **Minimum order 100 lbs.**
- All Fresh White Grapes may be sold as settled juice; **Minimum order 5 gallons.**
- Frozen White Grapes are sold as settled juice, by volume in U.S. gallons.
- All grapes grown in Washington or Oregon are priced f.o.b. Underwood, WA. or Portland, OR.
- All grapes grown in California are priced f.o.b. Richmond, CA or Petaluma, CA.
- Grapes are an agricultural product and are subject to price variation and availability.
- Prices are final only after grapes have been harvested.
- **ALL monies for grapes are due and payable upon placement of order. Shipments arranged by BV must be paid before shipment.** Frozen and fresh grapes, juice and must must be paid in full before any pick up is scheduled.
- Some grapes have been and will probably be harvested at higher sugars than 24° brix. The buyer understands that this condition does exist. It does not benefit the interests of Brehm Vineyards (selling by weight would cost more) while selling by volume, high sugar is not grounds for objecting to the grapes' quality.

FRESH AND FROZEN ORDERS FOR CURRENT HARVEST:

- As grapes are harvested, they are assigned to the orders on the basis of Priority Numbers. The Priority Number is assigned in the sequential order in which the grape order was received. If shortages occur, earlier orders will be filled first.
- Fresh Black Grape orders between 100 and 399 pounds will be charged a service fee of \$20. No fee for larger orders.
- Destemming/crushing fee is \$0.05 per pound.
- Fresh White Grape orders between 5 and 29 gallons (100-399 lbs. for whole white grapes) will be charged a service fee of \$20. No fee for larger orders.

FRESH GRAPES / JUICE ORDERS:

- Fresh grapes are usually sold net, without containers and/or storage. On special order, 58 gallon drums may be used to ship juice or destemmed grapes within a days drive.
- It is not possible to predict the exact date of harvest and availability for pick up. It is the responsibility of the customer / buyer to make sure that we have adequate information to reach you by phone at home and work. If available, please also provide us with an eMail address.
- If you will be unavailable, please designate an alternate person, with appropriate phone numbers, to receive your grapes. **If we are unable to reach you when your grapes are ready, you will forfeit all or part of monies paid.** Please remember that this is an agricultural product and the coordination between grower, pickers, weather, traffic, etc., may cause inconvenience.

HARVESTED / INVENTORIED FROZEN GRAPES:

- All monies for the purchase of inventoried / harvested grapes are due in full with order.

Brehm Vineyards

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FROZEN STORAGE CHARGES:

Frozen Grapes / Juice prices include the cost of the containers and frozen storage through November 30th 2006, following the harvest. Frozen Grapes / Juice stored from December 1st, 2006 onward will be subject to storage charges. Storage charges range from \$0.75 per pail to \$10 per pail depending on the total number of pails remaining in frozen storage. Price may change without notice.

Harvested/Inventoried grapes ordered after August 1st and before November 1st will have frozen storage without charge from time of said order to November 30th, 2006. Harvested / Inventoried grapes ordered after November 1st will have 30 days frozen storage without charge from time of said order. Grapes in frozen storage past these time frames will be charged a storage fee. This storage fee is what the freezer charges us and can vary from \$1.40 per 100 pounds to \$300.00 per pail (50 lb.). This fee is dependant on the amount of grapes in storage as well as the amount of a particular lot. BV is not in the storage business. Storage after February 15th is beyond the scope of this sale agreement and may require additional fees or arrangements.

Freezer pulling charge of \$3.50 applies to the first pail / drum of each particular varietal ordered. Freezer pull charge do not apply to the 2nd, 3rd, etc. unit ordered, nor does it apply to a full pallet of one varietal.

Frozen storage charges are subject to change without notice.

PICK UP:

Frozen grapes are purchased at and in the freezer. Upon full payment, you are entitled to pick up your grapes. The freezer facilities require a *minimum* of one working day notice to prepare your grapes for pick up. Please notify Brehm Vineyard's at least 48 hours prior to desired date of pick-up. You will also need to call the freezer and schedule an appointment time. Peter Brehm/Brehm Vineyards' responsibility for the integrity of the product ends once the grapes leave his control.

SHIPPING:

Shipment of grapes and / or juice by air cargo, truck or commercial carrier, less than truck load or full truckload under contract with Peter Brehm or customer(s) are "out of control" of Peter Brehm/Brehm Vineyards. If grapes/juice are delivered in unsatisfactory condition: defects, losses, any damage must be written on the Bill of Lading, or Air Waybill, acknowledged and signed by the driver or airline agent, and notification provided to Peter Brehm/Brehm Vineyards within 36 hours.

When shipping arrangements are made and prepaid by Brehm Vineyards (truck or air cargo), a \$35.00 shipping and handing fee will be charged. No fees are charged when a customer makes his/her own shipping arrangements and pays the carrier for the shipment directly from the freezer.

Grapes frozen in Oakland, CA and shipped to Portland, OR, or vice versa, to consolidate a load, or assist in shipping in some other way, will incur an additional charge. For more information on shipping, please call the office or review the shipping section on our website.

I have read the above and agree to the Terms and Conditions of Sale. The placement of an order certifies agreement to the above terms.

Signed _____ Date _____

Please mail the signed and dated Terms and Conditions along with your payment to Brehm Vineyards to confirm your grape order.