

TO:

FROM:

**NOTICE OF INTENT TO PRESERVE  
TRUST BENEFITS**

PLEASE TAKE NOTICE that \_\_\_\_\_ ("Seller") hereby expresses its intent to preserve any and all rights in and to the trust benefits provided for under the Perishable Agricultural Commodities Act, 1930, 7 U.S.C. §§ 499a-499t (hereinafter "PACA"), for all unpaid invoices attached hereto as **Exhibit A**. These unpaid invoices cover shipments to the following account debtor (hereinafter the "Debtor"):

Debtor's Full Address and Fax #  
Describe produce sold, when, prices and total due

Pursuant to the Federal Regulations enacted to implement the PACA trust, Seller is, and remains, a beneficiary in a statutory trust which includes the following:

perishable agricultural commodities received in all transactions, all inventory of food or other products derived from such perishable agricultural commodities, and all receivables or proceeds from the sale of such commodities and food or products derived therefrom.

7 C.F.R. § 46.46(c) (emphasis added).

**This Notice imposes a duty upon the Debtor to maintain and prevent dissipation of all trust assets** for the benefit of all unpaid sellers and suppliers, including, but not limited to, Seller until such parties are paid in full. "Any act or omission which is inconsistent with this responsibility, including dissipation of trust assets, is unlawful and in violation of section 2 of [PACA]." 7 C.F.R. § 46.46(e)(1).

**PROOF OF SERVICE ON DEBTOR**

The undersigned, being first duly sworn on oath, deposes and says that she served a copy of the above Notice of Intent to Preserve Trust Benefits on the Debtor, as defined herein, at its address indicated above, via facsimile transmission and by depositing a true and correct copy of same in the U.S. Mail, postage pre-paid, before the hour of 5:00 p.m. on this day, \_\_\_\_\_, 20\_\_\_\_.

SUBSCRIBED and SWORN to  
before me this day,

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(NOTARY PUBLIC)