

Statements REQUIRED BY LAW

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This form contains a brief summary of the various laws and executive orders that affect GEDA's business loan programs and gives applicants and borrowers the notices required by law or otherwise. The signatures required on the last page provide evidence that GEDA has given the necessary notices, that the signatory understands that special information will be required in some cases and that he or she may be required to complete and submit reports to GEDA.

FREEDOM OF INFORMATION ACT (5 U.S.C. 552)

This law provides that, with some exceptions, GEDA must supply information reflected in agency files and records to a person requesting it. Information about approved loan that will be automatically released includes, among other things, statistics on our loan programs (individual borrowers are not identified in the statistics) and other information such as the names of the borrowers (and their officers, directors, stockholders or partners), the collateral pledged to secure the loan, the amount of the loan, its purpose in general terms and the maturity. Proprietary data on a borrower would not routinely be made available to third parties. All requests under this Act are to be addressed to the GEDA office and be identified as a Freedom of Information request.

Business loan files are maintained by business name or in the name of individuals in their entrepreneurial capacity. Thus they are not files on individuals and, therefore, are not subject to this Act. Any person can request to see or get copies of any personal information that GEDA has in the requester's file. Requests for information about another party may be denied unless GEDA has the written permission of the individual to release the information to the requester or unless the information is subject to disclosure under the Freedom of Information Act.

Under the provisions of the Privacy Act, loan applicants are not required to give their social security number. The Guam Economic Development Authority, however, uses the social security number to distinguish between people with a similar or the same name. Failure to provide this number may not affect any right, benefit or privilege to which an individual is entitled by law but having the number makes it easier for GEDA to more accurately identify to whom adverse credit information applies and to keep accurate loan records.

RIGHT TO FINANCIAL PRIVACY ACT OF 1978 (12 U.S.C. 3401)

This is notice to you, as required by the Right to Financial Privacy Act of 1978, of GEDA's access rights to financial records held by financial institutions that are or have been doing business with you or your business, including any financial institution participating in a loan or loan guarantee. The law provides that GEDA shall have a right to access to your financial records in connection with its consideration or administration of assistance to you in the form of a Government loan or loan guarantee agreement. GEDA is required to provide a certificate of its compliance with the Act to a financial institution in connection with its first request for access to your financial records, after which no further certification is required for subsequent accesses. The law also provides that GEDA's access rights continue for the term of any approved loan or loan guarantee agreement. No further notice to you of GEDA's access rights is required during the term of any such agreement.

The law also authorizes GEDA to transfer to another Government authority, any financial records included in an application for a loan, or concerning an approved loan or loan guarantee, as necessary to process, service or foreclose a loan or loan guarantee or to collect on a defaulted loan or loan guarantee. No other transfer of your financial records to another Government authority will be permitted by GEDA except as required or permitted by law.

OCCUPATIONAL SAFETY AND HEALTH ACT (15 U.S.C. 651 ET SEQ.)

This legislation authorizes the Occupational Safety and Health Administration in the Department of Labor to require businesses to modify facilities and procedures to protect employees or pay penalty fees. In some instances, the business can be forced to cease operations or be prevented from starting operations in a new facility. Therefore, in some instances, GEDA may require additional information from an applicant to determine whether the business will be in compliance with OSHA regulations and allowed to operate its facility after the loan is approved and disbursed.

In all instances, signing this form as borrower is a certification that the OSHA requirements that apply to the borrower's business have been determined and the borrower is, to the best of its knowledge, in compliance.

CIVIL RIGHTS LEGISLATION

All businesses receiving GEDA financial assistance must agree not to discriminate in any business practice, including employment practices and services to the public as provided and protected by law. This includes making their goods and services available to handicapped clients or customers. All business borrowers will be required to display the "Equal Employment Opportunity Poster" prescribed by GEDA.

EQUAL CREDIT OPPORTUNITY ACT (15 U.S.C. 1691)

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided that the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law concerning this creditor is the Federal Trade Commission, Equal Credit Opportunity, Room 500, 633 Indiana Avenue, N., W., Washington, DC 20580.

EXECUTIVE ORDER 11738 - ENVIRONMENTAL PROTECTION (38 FR 25161)

The Executive Order charges GEDA with administering its loan programs in a manner that will result in effective enforcement of the Clean Air Act, the Federal Water Pollution Act and other environmental protection legislation. GEDA must, therefore, impose conditions on some loans. By acknowledging receipt of this form and presenting the application, the principals of all small businesses borrowing \$100,000 or more in direct funds stipulate to the following:

- That any facility used, or to be used, by the subject firm is not listed on the EPA list of Violating Facilities.
- That subject firm will comply with all the requirements of Section 114 of the Clean Air Act and Section 308 of the Water Act relating to inspection, monitoring, entry, reports and information, as well as all other requirements specified in Section 114 and Section 308 of the respective Acts, and all regulations and guidelines issued thereunder.
- That subject firm will notify GEDA of the receipt of any communication from the Director of the Environmental Protection Agency indicating that a facility utilized, or to be utilized, by subject firm is under consideration to be listed on EPA List of Violating Facilities.

DEBT COLLECTION ACT OF 1982, DEFICIT REDUCTION ACT OF 1984 (31 U.S.C. 3701 ET SEQ. AND OTHER TITLES)

These laws require GEDA to aggressively collect any loan payments which become delinquent. GEDA must obtain your taxpayer identification number when you apply for a loan. If you receive a loan and do not make payments as they become due, GEDA may take one or more of the following actions:

- Report status of your loan to credit bureaus
- Hire a collection agency to collect on your loan
- Refer your loan to attorneys for litigation
- Foreclose on collateral or take other action permitted in the loan instruments.

LEAD-BASED PAINT POISONING PREVENTION ACT (42 U.S.C. 4821 ET SEQ.))

Borrowers using GEDA funds for the construction or rehabilitation of a residential structure are prohibited from using lead-based paint (as defined in GEDA regulations) on all interior surfaces, whether accessible or not, and exterior surfaces, such as stairs, decks, porches, railings, windows and doors, which are readily accessible to children under 7 years of age. A "residential structure" is any home, apartment, hotel, motel, orphanage, boarding school, dormitory, day care center, extended care facility, college or other school housing, hospital, group practice or community facility and all other residential or institutional structures where persons reside.

SEX OFFENDER REGISTRATION AND NOTIFICATION ACT (42 U.S.C. 16911)/CONVICTION OF MORAL TURPITUDE

The private entity hereby certifies that the Principals of the private entity have not been convicted of a sex offense against a minor or convicted of moral turpitude. For the purposes of this certification Principal means the following: if a sole proprietorship, the proprietor; if a partnership, each managing partner and each partner who is a natural person and holds a 20% or more ownership interest in the partnership; and if a corporation, limited liability company, association or a development company, each director, each of the five most highly compensated executives or officers of the entity, and each natural person who is a direct or indirect holder of 20% or more of the ownership stock or stock equivalent of the entity.

An applicant who is refused credit because of adverse information about the applicant's credit, reputation, character or mode of living an opportunity to refute or challenge the accuracy of such reports. Therefore, whenever GEDA declines a loan in whole or in part because of adverse information in a credit report, the applicant will be given the name and address of the reporting agency so the applicant can seek to have that agency correct its report, if inaccurate. If GEDA declines a loan in whole or in part because of adverse information received from a source other than a credit reporting agency, the applicant will be given information about the nature of the adverse information but not the source of the report.

My (our) signature(s) acknowledges receipt of this form, that I (we) have read it and that I (we) have a copy for my (our) files. My (out) signature(s) represents my (our) agreement to comply with the requirements the Guam Economic Development Authority makes in connection with the approval of my (our) loan request and to comply, whenever applicable, with the hazard insurance, lead-based paint, civil rights or other limitations contained in this notice.

Business Name

Date

Name and Title

PROPRIETORS, PARTNERS, PRINCIPALS, AND GUARANTORS

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Personal Financial STATEMENT

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PLEASE READ CAREFULLY - PRINT OR TYPE

Each principal of the business requesting for financial assistance must complete and submit this form. **SIGNATURES ARE REQUIRED.**

The following individuals must complete this form:

1. If a sole proprietorship, by the following individuals.
2. If a partnership, by each partner.
3. If a corporation or a development company, by each officer, director, and additionally by each holder of 20% or more of the voting stock.
4. Any other person including a hired manager, who has authority to speak for and commit the borrower in the management of the business.

Full Name of Applicant:	Social Security Number:		
ASSETS		LIABILITIES	
Cash On Hand	\$	Accounts Payable	\$
Bank Accounts	\$	Notes Payable	\$
Accounts & Notes Receivable (Describe in Section 6)	\$	Installment Accounts (Auto) Monthly Payments	\$
Life Insurance-Cash (Surrender Value Only)	\$	Installment Accounts (Auto) Monthly Payments	\$
Stocks & Bonds (Describe in Section 3)	\$	Loans on Life Insurance	\$
Real Estate (Describe in Section 4)	\$	Mortgages on Real Estate (Describe in Section 4)	\$
Automobile-Present Value	\$	Other Liabilities (Describe in Section 7)	\$
Other Personal Property (Describe in Section 5)	\$	Unpaid Taxes (Describe in Section 8)	\$
Other Assets (Describe in Section 6)	\$	Total Liabilities	\$
Total Assets	\$	Net Worth	\$
SECTION 1. SOURCE OF INCOME		CONTINGENT LIABILITIES	
Salary	\$	As Endorser or Co-Maker	\$
Net Investment Income	\$	Legal Claims & Judgments	\$
Real Estate Income	\$	Provisions for Federal Income Tax	\$
Other Income (Describe)	\$	Other Special Debt	\$
	\$		\$

DESCRIPTION OF ITEMS LISTED IN SECTION 1.

Alimony or child support payments need not be disclosed in "Other Income" unless it is desired to have such payments counted toward total income.

SECTION 2. NOTES PAYABLE TO BANKS AND OTHERS

NAME AND ADDRESS OF NOTE HOLDER	ORIGINAL BALANCE	CURRENT BALANCE	PAYMENT AMOUNT	TERMS	SECURITY

SECTION 3. STOCK AND BONDS (Use a separate sheet if necessary.)

NUMBER OF SHARES	NAME OF SECURITIES	COST	DATE OF PURCHASE	MARKET VALUE QUOTATION / EXCHANGE	DATE OF VALUATION

SECTION 4. REAL ESTATE OWNED. (List each parcel separately. Use supplemental sheets if necessary.)

ADDRESS / TYPE OF PROPERTY	NAME ON TITLE	DATE PURCHASED	ORIGINAL COST	PRESENT VALUE	MORTGAGE BALANCE	AMOUNT OF PAYMENT	STATUS OF MORTGAGE

SECTION 5. OTHER PERSONAL PROPERTY.

ADDRESS / TYPE OF PROPERTY	NAME ON TITLE	DATE PURCHASED	ORIGINAL COST	PRESENT VALUE	MORTGAGE BALANCE	AMOUNT OF PAYMENT	STATUS OF MORTGAGE

SECTION 6. OTHER ASSETS, NOTES, & ACCOUNTS RECEIVABLE (Describe)

SECTION 7. OTHER LIABILITIES (Describe in detail.)

SECTION 8. UNPAID TAXES (Describe in detail, as to type, to whom payable, when due, amount, and what, if any, property the tax lien attaches.)

SECTION 9. LIFE INSURANCE HELD (Give face amount of policies-name of company and beneficiar.)

GEDA is authorized to make all inquiries necessary to verify the accuracy of the statements made herein and to determine my / our creditworthiness.

(I) or (We) certify the above and the statements contained in the schedules herein are a true and accurate statement of my / our financial condition as of the date stated herein.

This statement is given for the purpose of: (Check one of the following).

- Consideration for financial assistance with GEDA as requested in the application for the individual or firm whose name appears herein.
- Furnishing a statement of my / our financial condition, pursuant to the terms of the guaranty executed by me / us at the same time GEDA granted a loan to the individual or firm, whose name appears herein.

Print Name

Signature

Date



Schedule of **COLLATERAL**

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Applicant:		
Street Address:		
City:	State:	Zip Code:

LIST ALL COLLATERAL TO BE USED AS SECURITY FOR THIS LOAN

SECTION 1 - REAL ESTATE

Attach a copy of the recorded property map(s) and a supplemental directional map(s) which show the location of each parcel(s) and include street address where applicable. Following the List of Real Estate below, give a brief description of the improvements, such as size, type of construction, use, number of stories, and present condition (use additional sheet if more space is required).

LIST OF REAL ESTATE				
LEGAL DESCRIPTION	YEAR ACQUIRED	ORIGINAL COST	MARKET VALUE	NAME OF LIENHOLDER
DESCRIPTION(S)				

SECTION 2 - PERSONAL PROPERTY

All items listed herein must show manufacturer or make, model, year, and serial number. Items with no serial number must be clearly identified (use additional sheet if more space is required).

All information contained herein is TRUE and CORRECT to the best of my knowledge. I understand that FALSE statements may result in forfeiture of benefits and possible fine and prosecution by the U.S. Attorney General (Ref. 18 U.S.C. 100).

Print Name

Signature

Date

Print Name

Signature

Date

Borrower's Authorization TO RELEASE INFORMATION

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I/We hereby Authorize the Guam Economic Development Authority, the "lender", to verify my/our past and present employment earnings records, bank accounts, stock holdings, mortgage payment history, and any other asset balances and credit information necessary to process my/our loan application. I/We further authorize the Guam Economic Development Authority to order a consumer credit report and verify other credit information, including past and present loan and landlord references (for the previous two years). If applicable, I/We further authorize the Guam Economic Development Authority to obtain and verify information from my/our client case file compiled by the University of Guam Small Business Development Center. **It is understood that I/We authorize a photocopy of this form to serve as an original signed authorization.**

The information obtained by the lender is only to be used in the processing of my/our loan application. Privacy Act Notice: This information is to be used by the agency collecting it in determining whether you qualify as a prospective loan recipient under its programs. It will not be disclosed outside the agency without your consent except to your employer(s) for verification of employment and as required and permitted by law. You do not have to give us this information, but if you do not your application for approval as a prospective loan recipient may be delayed or rejected. The information requested in this form is authorized by Title 38, U.S.C., Chapter 37 (if VA); by 12 U.S.C., Section 1710 et. Seq. (if HUD/FHA) and Title 42 U.S.C., 1471 et. Seq., or U.S.C. 1921 et seq. (if U.S.D.A. FMHA).

Borrower #1

Title

Tax Payer Identification #

Date

Borrower #2

Title

Tax Payer Identification #

Date

Borrower #3

Title

Tax Payer Identification #

Date

Good Faith ESTIMATE

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To: _____
(Applicant)

As a result of GEDA's review and evaluation of your application, advance costs for documents associated with processing your loan are incurred. We advise you that the applicant must pay these advance costs to GEDA whether the loan is approved or disapproved.

The following is a schedule of items that have advance costs associated with them.

PROCESSING COST	ESTIMATED COSTS
APPLICATION FEE	\$20.00 - Payable upon submission
APPRaisal REPORT	\$450.00 residential, \$5,000.00 commercial*
CREDIT REPORT	\$10.00 each
PRELIMINARY TITLE REPORT	\$100.00 to \$200.00*
UNIFORM COMMERCIAL CODE #3 (Dept. of Revenue and Tax)	\$10.00

CLOSING COST	ESTIMATED COST
PROCESSING FEE	\$100.00
ORIGINATION FEE	2% OF TOTAL LOAN AMOUNT
LEGAL FEES	\$500 TO \$5,000*
TITLE INSURANCE	\$300.00 FLAT FEE (ESTIMATED COST RANGE)
UNIFORM COMMERCIAL CODE #1 (Dept. of Revenue and Tax)	\$10.00

Note: Amounts are subject to change. * Estimate of cost range.

(I) / (We) have read the above and agree to these charges by my acknowledgment below.

Applicant

Date

Agreement OF COMPLIANCE

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(FOR CONSTRUCTION ONLY)

In compliance with Executive Order 11246, as amended (Executive Order 11246, as amended prohibits discrimination because of race, color, religion, sex, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment by all contractors and subcontractors, performing work under a Federally assisted construction contract in excess of \$10,000, regardless of the number of employees), the applicant/recipient, contractor or subcontractor agrees that in consideration of approval and as a condition of the disbursement of all or any part of a loan by the Guam Economic Development Authority (GEDA) that it will incorporate or cause to be incorporated into any contract or subcontract in excess of \$10,000 for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor, at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance or guarantee or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance or guarantee, the following equal opportunity clause:

During the performance of this contract, the contractor agrees as follows:

1. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
3. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the contractor's commitments under Executive Order 11246, as amended, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The contractor will comply with all provisions of Executive Order 11246, as amended, and the rules and relevant orders of the Secretary of Labor created thereby.
5. The contractor will furnish all information and reports required by Executive Order 11246, as amended, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to books, records and accounts by the Guam Economic Development Authority and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
6. In the event of the contractor's noncompliance with the nondiscrimination clause or with any of the said rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246, as amended, and such other sanctions may be imposed and remedies invoked as provided in the said

The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (6) in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Executive Order 11246, as amended, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as GEDA may direct as a means of enforcing such provisions, including sanctions for noncompliance. Provided, however that in the event a contractor becomes involved in or is threatened with litigation with a subcontractor or vendor as a result of such direction by GEDA, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

The Applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work.

The Applicant agrees that it will assist and cooperate actively with GEDA and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations and relevant orders of the Secretary of Labor, that it will furnish GEDA and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist GEDA in the discharge of the Agency's primary responsibility for securing compliance. The Applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246, as amended, and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by GEDA or the Secretary of Labor or such other sanctions and penalties for violations thereof as may, in the opinion of the Administrator, be necessary and appropriate.

In addition, the Applicant agree that if it fails or refuses to comply with these undertakings GEDA may take any or all of the following actions: cancel, terminate or suspend in whole or part the loan; refrain from extending any further assistance to the applicant under the programs with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Attorney General for appropriate legal proceedings.

(FOR CONSTRUCTION ONLY)

In consideration of the approval by the Guam Economic Development Authority of a loan to _____
 Applicant, said Applicant and _____ the general contractor, mutually promise and agree that the (y) will
 comply with all nondiscrimination provisions and requirements of Executive Order 11246, as amended.

Executed this _____ day of _____ 20____.

APPLICANT

NAME _____

ADDRESS _____

PHONE _____

BY _____
 Name & Title of Authorized Official

AFFIX CORPORATE SEAL

HERE

SUB RECIPIENT

NAME _____

ADDRESS _____

PHONE _____

BY _____
 Name & Title of Authorized Official

AFFIX CORPORATE SEAL

HERE

Signature of Authorized Official

Corporate Resolution TO BORROW

GEDA FORM 1-008 | PAGE 1 OF 2

Resolved, that this corporation _____ borrow from the GUAM ECONOMIC DEVELOPMENT AUTHORITY, a public corporation created by Public Law 8-80. Hereinafter referred to as "GEDA", from time to time, such sum or sums of money as, in the judgment of the officer or officers hereinafter authorized, this corporation may require; provided that the aggregate amount of such borrowing, pursuant to this resolution, shall not at any time exceed the sum of _____ DOLLARS (\$ _____), in addition to such amount as may be otherwise authorized.

RESOLVED FURTHER, that

_____ the _____
or _____ the _____
and _____ the _____
or _____ the _____

of this corporation (the officer or officers, or officers acting in combination, authorized to act pursuant hereto being hereinafter designated as "authorized officers"), be and they are hereby authorized, directed and empowered, in the name of this corporation, to execute and deliver to GEDA, and GEDA is requested to accept, the note or notes, advance account agreements, acceptance agreements and other instruments evidencing the indebtedness of this corporation for the moneys so borrowed or to be borrowed, with interest thereon, and said authorized officers are authorized from time to time to execute renewals or extensions of said note or notes, advance account agreements, acceptance agreements or other instruments.

RESOLVED FURTHER, that said authorized officers be and they are hereby authorized, directed and empowered, as security for any note or notes or another indebtedness of this corporation to GEDA, whether arising pursuant to this resolution or otherwise, to grant a security interest in, transfer, or otherwise hypothecate to GEDA, or deed in trust for its benefit, any and all loan or credit agreements, grants, transfers, security agreements, deeds of trust and other hypothecation agreements, which said instruments and note or notes and other instruments referred to in the preceding paragraph may contain such provisions, covenants, recitals and agreements as GEDA may require and said authorized officers may approve, and the execution thereof by said authorized officers shall be conclusive evidence of such approval;

RESOLVED FURTHER, that GEDA is authorized to act upon this resolution until written notice of its revocation is delivered to GEDA, and that the authority hereby granted shall apply with equal force and effect to the successors in office of the officers herein named.

I, _____, Secretary of _____, a corporation, incorporated under the laws of Guam, do hereby certify that the foregoing is a full, true and correct copy of a resolution of the Board of Directors of said corporation, duly and regularly adopted by the Board of Directors of said corporation in all respects as required by law, and by the by-laws of said corporation, on the _____ day of _____, 20 ____ at which meeting a majority of the Board of Directors of said corporation was present and voted in favor of said resolution.

I further certify that said resolution is still in full force and effect and has not been amended or revoked, and that the specimen signatures appearing below are the signatures of the officers authorized to sign for this corporation by virtue of this resolution.

IN WITNESS WHEREOF, I have hereunto set my hand as such Secretary, and affixed the corporate seal of said corporation, this _____ day of _____, 20 ____.

AUTHORIZED SIGNATURES:

Signature

Secretary of Corporation Signature

Signature

AFFIX

Signature

CORPORATE SEAL

Signature

HERE

Signature