

Certified Development Corporation of South Carolina

Checklist for CDC/SBA 504 Loan

CDC Contact Person: _____ Telephone: _____

Name of Borrower: _____

The Following Must Be In File for SBA Submission:

- _____ 1. CDC Application, along with a detailed history and description of the business. Include any Schedule of Debts for existing and any government debt.
- _____ 2. Personal History Statement [SBA Form 912 (2-2013)] current within ninety (90) days for each principal with 20% or more ownership of the SBC, any director or officer of the business (regardless of ownership) and anyone hired to manage day-to-day operations of the business (required on both EPCs and OC). If non-U.S. Citizen, an INS Form G-845 and accompanying documentation (i.e. INS Consent Form, front/back legible copy of legal resident alien card) of anyone with 20% or more ownership or anyone who controls the small business applicant is required. Legible copy of driver's license or state issued ID for each principal of the borrowing entity.
- _____ 3. Personal Financial Statement [SBA Form 413 (09-14)] current within ninety (90) days for each proprietor, partner or stockholder with 20% or more ownership of the EPCs/OCs, as well as any guarantors for the loan. A copy of the federal personal income tax return for the last three (3) years is required. If an extension for the most recent year was filed, please submit the previous year's tax return, as well as the **signed** extension request form (if applicable). **Please be sure that all tax returns are signed.** Credit Reports for the each principal and guarantor current within 90 days.
- _____ 4. Resumés for each principal of the borrowing entity or individual involved in the day-to-day operations of the business.
- _____ 5. Three (3) years federal income tax returns for the SBC. **The tax returns must be signed.** If the SBC is a new business, provide a proforma balance sheet with a description of assumptions attached.
- _____ 6. A current Balance Sheet and Profit & Loss of the existing business dated within the last one-hundred twenty (120) days of the application together with an aging of the accounts receivable and accounts payable listed. **Interims must be signed and dated.**
- _____ 7. Where applicable, a projected, annualized Income Statement for the first two (2) years after the loan with a description of assumptions attached. **Projections must be signed and dated.**
- _____ 8. For a new business, a signed and dated monthly Cash Flow Analysis for the first twelve (12) months of operation or for three (3) months beyond the breakeven point (whichever is longer) together with a description of assumptions. **Cash flow must be signed and dated.**
- _____ 9. A schedule of debts which includes the original date and amount, monthly payment, interest rate, present balance owed, maturity, to whom payable, and collateral securing the loan for each short-term and long term loan that the business currently has outstanding or has planned for the next twelve (12) months. Please indicate whether each loan is current or delinquent. A Schedule of any personal or business government debts is also required.
- _____ 10. The names of any affiliated (through ownership or management control) or subsidiary businesses, as well as the last two (2) fiscal year-end financial statements and/or federal income tax returns for the last two (2) years. **Please be sure all tax returns are signed.**
- _____ 11. If the business is a franchise, a copy of the Franchise Agreement **and** the Franchiser's Disclosure Statement (required by the Federal Trade Commission) is required, or a copy of a Certificate of Franchise Documents executed by a franchise representative (only applies to franchises listed on SBA Franchise Registry).
- _____ 12. Key cost documents (i.e. real estate purchase agreements, contractor cost estimates, vendor quotes for machinery and equipment, as well as an itemized list of professional fees). Copy of Note and Mortgage from Lender for any debt being refinanced with loan proceeds is required.
- _____ 13. If Applicable, a copy of the existing or proposed Lease Agreement.
- _____ 14. Environmental Questionnaire, if applicable. Please be sure this is signed by Purchaser and Seller (if applicable).
- _____ 15. Organizational Documents of the Borrower.
- _____ 16. Request for Copy of Tax Transcripts [IRS Form 4506-T (Rev. September 2015)] for existing businesses. If purchasing an existing business, please forward to the Seller for signature.
- _____ 17. Borrower's Certification, CDC Agreement, Term Sheet and Deposit (\$2,000).
- _____ 18. Statements Required by Laws and Executive Orders (Form 1244, Part C (1-15)). Each principal with 20% or more ownership of the SBC, any director or officer of the business, and any guarantors must sign. Also, be sure that questions under "Applicant Notifications" are answered.

Certified Development Corporation of South Carolina

Company Information

Company name _____

Address _____ City _____ State _____ Zip _____

Principal in charge _____ Phone () _____ Fax () _____

Secondary contact person _____ Phone () _____ Fax () _____
(IN-HOUSE CONTROLLER OR BOOKKEEPER)

Type of business _____ Date established _____

Type of entity (check one): Proprietorship Partnership Corporation LLC

Company Ownership

Name _____ Title _____ % of Ownership _____

Name _____ Title _____ % of Ownership _____

Name _____ Title _____ % of Ownership _____

Affiliate Businesses IF APPLICABLE

Name _____ Owner _____ % of Ownership _____
(APPLICANT COMPANY OR INDIVIDUALS)

Name _____ Owner _____ % of Ownership _____
(APPLICANT COMPANY OR INDIVIDUALS)

Existing Business Locations

Address _____ Square feet _____ Lease payment _____ Replaced by new facility? _____

Address _____ Square feet _____ Lease payment _____ Replaced by new facility? _____

References

Bank name _____ Acct. no. _____ Acct. officer _____ Phone _____

Accountant _____ Firm name _____ Phone _____

Attorney _____ Firm name _____ Phone _____

Trade references _____ Contact Person _____ Phone _____

Nature of Your Business

Nature of your business _____

Type of products or services (include any catalogs or brochures) _____

Geographic market area _____

List key customers _____

List major competitors _____

Project Information

Street address of project _____

City _____ State _____ Zip _____ County _____

What is the square footage of the new building? _____ What is the square footage your company will occupy?*

* Please note -- We require your company to occupy 51% of an existing building and 67% of a new building.

Escrow closing date _____ Realtor's name _____ Phone _____

If known, how will the property be vested (i.e. individually, partnership, LLC, corporation, trust ...) _____

Please provide appropriate document (i.e. Partnership Agreement, LLC documents, Articles of Incorporation, Trust Agreement ...)

Total Project Costs

Purchase existing building or Equipment only

Purchase price \$ _____

Tenant improvements \$ _____

Equipment* \$ _____

Other \$ _____

Total \$ _____

Construction Project

Land acquisition \$ _____

Construction bid \$ _____

Architects, permits, other soft costs \$ _____

Equipment* \$ _____

Other \$ _____

Total \$ _____

* Please note -- equipment to be financed must have a useful life of 10 years or greater.

If there are any tenants that will remain in the building, please provide the following information: *Also, please have your realtor provide copies of all existing leases.*

Tenant name	Square footage	Lease expiration	Rent amount

Business Debt Schedule

Indebtedness: Furnish the following information on all installment debts, contracts, notes, and mortgages payable. Do not include accounts payable or accrued liabilities.

Date _____ *

Creditor Name/address	Original amount	Original date	Present balance	Interest rate	Maturity date	Monthly payment	Security	Current or delinquent
Total present balance**				Total monthly payment				

* Should be the same date as current financial statement.

** Total must agree with balance shown on current financial statement.

Employee Questionnaire

Number of current employees _____

Estimated number of new employees within the next two years as a result of this project _____

Key employees

Name	Title	Responsibilities	Years with company	Years in the industry

Miscellaneous Questions

Have you or any officer of your company ever been involved in bankruptcy or insolvency proceedings? _____

Are you or your business involved in any pending or prior lawsuits? _____ *If yes, please provide details on a separate sheet.*

Have you ever received a SBA loan? _____ *If yes, please provide a copy of the SBA Loan Authorization Document and the following:*

Original Amount \$ _____ Date of the loan _____

Current Balance \$ _____ Status _____

Checklist

Business Information

<input type="checkbox"/>	Business financial statements for the last three years
<input type="checkbox"/>	Interim financial statement dated within the last 45 days
<input type="checkbox"/>	Business debt schedule (form attached)
<input type="checkbox"/>	Federal tax returns for the last three years
<input type="checkbox"/>	Articles of Incorporation and By-Laws (if corporation)
<input type="checkbox"/>	• President of the corporation is:
<input type="checkbox"/>	• Secretary of the corporation is:
<input type="checkbox"/>	Articles of Organization and Operating Agreement (if LLC)
<input type="checkbox"/>	Partnership Agreement (if partnership)
<input type="checkbox"/>	Business License <i>and</i> Fictitious Business Name Statement (if proprietorship)
<input type="checkbox"/>	Franchise Agreement

Personal information (for each owner of 20% or greater)

<input type="checkbox"/>	Personal tax returns for the last three years
<input type="checkbox"/>	Personal resume (form attached)
<input type="checkbox"/>	Personal financial statement (form attached)

Real estate information

<input type="checkbox"/>	Real Estate Purchase Agreement or settlement sheet
<input type="checkbox"/>	Construction cost budget and/or equipment invoices
<input type="checkbox"/>	Existing environmental studies

Authorization to Release Information

I/We hereby authorize the release to Certified Development Corporation of South Carolina of any information they may require at any time for any purpose related to my/our credit transaction with them.

I/We further authorize Certified Development Corporation of South Carolina to release such information to any entity they deem necessary for any purpose related to my/our credit transaction with them.

I/We hereby certify that the enclosed information, including any attachments or exhibits provided herewithin or at a later date, is valid and correct to the best of my/our knowledge.

Name of applicant(s) _____

Signature of applicant(s) _____ Date _____

Name of applicant(s) _____

Signature of applicant(s) _____ Date _____

NOTICES REQUIRED BY LAW

The following is a brief summary of the laws applicable to this solicitation of information.

Paperwork Reduction Act (44 U.S.C. Chapter 35)

SBA is collecting the information on this form to make a character and credit eligibility decision to fund or deny you a loan or other form of assistance. The information is required in order for SBA to have sufficient information to determine whether to provide you with the requested assistance. The information collected may be checked against criminal history indices of the Federal Bureau of Investigation.

Privacy Act (5 U.S.C. § 552a)

Any person can request to see or get copies of any personal information that SBA has in his or her file, when that file is retrieved by individual identifiers, such as name or social security numbers. Requests for information about another party may be denied unless SBA has the written permission of the individual to release the information to the requestor or unless the information is subject to disclosure under the Freedom of Information Act.

Under the provisions of the Privacy Act, you are not required to provide your social security number. Failure to provide your social security number may not affect any right, benefit or privilege to which you are entitled. Disclosures of name and other personal identifiers are, however, required for a benefit, as SBA requires an individual seeking assistance from SBA to provide it with sufficient information for it to make a character determination. In determining whether an individual is of good character, SBA considers the person's integrity, candor, and disposition toward criminal actions. In making loans pursuant to section 7(a)(6) the Small Business Act (the Act), 15 USC § 636 (a)(6), SBA is required to have reasonable assurance that the loan is of sound value and will be repaid or that it is in the best interest of the Government to grant the assistance requested. Additionally, SBA is specifically authorized to verify your criminal history, or lack thereof, pursuant to section 7(a)(1)(B), 15 USC § 636(a)(1)(B). Further, for all forms of assistance, SBA is authorized to make all investigations necessary to ensure that a person has not engaged in acts that violate or will violate the Act or the Small Business Investment Act, 15 USC §§ 634(b)(11) and 687b(a). For these purposes, you are asked to voluntarily provide your social security number to assist SBA in making a character determination and to distinguish you from other individuals with the same or similar name or other personal identifier.

When the information collected on this form indicates a violation or potential violation of law, whether civil, criminal, or administrative in nature, SBA may refer it to the appropriate agency, whether Federal, State, local, or foreign, charged with responsibility for or otherwise involved in investigation, prosecution, enforcement or prevention of such violations. See 74 Fed. Reg. 14890 (2009) for other published routine uses.

DECLARATION OF _____
(Name)

**WHERE PAST CRIMINAL ACTIVITY IS EVIDENT
FROM PERSONAL HISTORY STATEMENT
(SBA FORM 912)**

I, _____ declare and state as follows:
(Name)

1. As to the following facts, I know them to be true of my own personal knowledge, and if called to testify as to these facts, I could and would testify competently thereto.

2. I am not presently under indictment, on parole or probation for other than those matters referred to in my Statement of Personal History (SBA Form 912) dated _____.

3. I have not been charged with or arrested for any criminal offense other than a minor vehicle violation except for those offenses referred to in my Statement of Personal History (SBA Form 912) dated _____.

4. I have never been convicted of any criminal offense, except for those criminal offenses listed in my Statement of Personal History (SBA Form 912) dated _____.

5. I declare under penalty of perjury that the foregoing is true and correct.

Executed this ___ day of _____, 20__ in _____, South Carolina.

Signature

Under the provision of Section 16 (a) of the Small Business Act the making of a false statement shall be punishable by a fine of \$5,000 or by imprisonment for 2 years, or both.

STATEMENT OF PERSONAL HISTORY

DETAILS NEEDED WHEN INDIVIDUAL ANSWERS “YES” IN QUESTIONS 7, 8, or 9

PROVIDE THE FOLLOWING FOR **EACH OFFENSE**:

- NAME(S) UNDER WHICH CHARGED:

- DATE OF OFFENSE:

- CHARGE (State Exactly what you were Charged with):
 - Additionally, state whether Charge was a **Misdemeanor or a Felony**:

- DISPOSITION (State Exactly what you were Convicted of):
 - Additionally, state whether Conviction was a Misdemeanor or a Felony:

- SENTENCE(S):

- FINES:

- UNPAID FINES OR PENALTIES (IF ANY):

- DATE OF PAROLE/PROBATION (IF APPLICABLE):

- ANY OTHER PERTINENT INFORMATION (State specifically the circumstances leading to your arrest/charge. If space below is insufficient, provide this information on an attachment.):

(NOTE: Complete one sheet for each criminal charge)

INS DOCUMENT VERIFICATION REQUEST

Full Name: _____ Date of Birth: _____

Address: _____

Signature: _____

I authorize the U.S. Customs and Immigration Service to release information regarding my immigration status to Business Development Corporation of South Carolina or Certified Development Corporation of South Carolina because I am applying for U.S. Small Business Loan.



**PERSONAL FINANCIAL STATEMENT
 7(a) / 504 LOANS AND SURETY BONDS**

U.S. SMALL BUSINESS ADMINISTRATION

As of _____, _____

SBA uses the information required by this Form 413 as one of a number of data sources in analyzing the repayment ability and creditworthiness of an application for an SBA guaranteed 7(a) or 504 loan or a guaranteed surety.

Complete this form for: (1) each proprietor; (2) general partner; (3) managing member of a limited liability company (LLC); (4) each owner of 20% or more of the equity of the Applicant (including the assets of the owner's spouse and any minor children); and (5) any person providing a guaranty on the loan

Return completed form to:

For 7(a) loans: the lender processing the application for SBA guaranty

For 504 loans: the Certified Development Company (CDC) processing the application for SBA guaranty

For Surety Bonds: the Surety Company or Agent processing the application for surety bond guaranty

Name	Business Phone
-------------	-----------------------

Home Address	Home Phone
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City, State, & Zip Code

Business Name of Applicant

ASSETS (Omit Cents)	LIABILITIES (Omit Cents)
Cash on Hand & in banks.....\$ _____	Accounts Payable.....\$ _____
Savings Accounts.....\$ _____	Notes Payable to Banks and Others.....\$ _____ (Describe in Section 2)
IRA or Other Retirement Account.....\$ _____ (Describe in Section 5)	Installment Account (Auto).....\$ _____ Mo. Payments \$ _____
Accounts & Notes Receivable.....\$ _____ (Describe in Section 5)	Installment Account (Other).....\$ _____ Mo. Payments \$ _____
Life Insurance – Cash Surrender Value Only.....\$ _____ (Describe in Section 8)	Loan(s) Against Life Insurance.....\$ _____
Stocks and Bonds.....\$ _____ (Describe in Section 3)	Mortgages on Real Estate.....\$ _____ (Describe in Section 4)
Real Estate.....\$ _____ (Describe in Section 4)	Unpaid Taxes.....\$ _____ (Describe in Section 6)
Automobiles.....\$ _____ (Describe in Section 5, and include Year/Make/Model)	Other Liabilities.....\$ _____ (Describe in Section 7)
Other Personal Property.....\$ _____ (Describe in Section 5)	Total Liabilities.....\$ _____
Other Assets.....\$ _____ (Describe in Section 5)	Net Worth.....\$ _____
Total \$ _____	Total \$ _____ *Must equal total in assets column.

Section 1. Source of Income.	Contingent Liabilities
Salary.....\$ _____	As Endorser or Co-Maker.....\$ _____
Net Investment Income.....\$ _____	Legal Claims & Judgments.....\$ _____
Real Estate Income.....\$ _____	Provision for Federal Income Tax.....\$ _____
Other Income (Describe below)*.....\$ _____	Other Special Debt.....\$ _____

Description of Other Income in Section 1.

*Alimony or child support payments should 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. (Use attachments if necessary. Each attachment must be identified as part of this statement and signed.)

Names and Addresses of Noteholder(s)	Original Balance	Current Balance	Payment Amount	Frequency (monthly, etc.)	How Secured or Endorsed Type of Collateral

Section 3. Stocks and Bonds. (Use attachments if necessary. Each attachment must be identified as part of this statement and signed.)

Number of Shares	Name of Securities	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value

Section 4. Real Estate Owned. (List each parcel separately. Use attachment if necessary. Each attachment must be identified as a part of this statement and signed.)

	Property A	Property B	Property C
Type of Real Estate (e.g. Primary Residence, Other Residence, Rental Property, Land, etc.)			
Address			
Date Purchased			
Original Cost			
Present Market Value			
Name & Address of Mortgage Holder			
Mortgage Account Number			
Mortgage Balance			
Amount of Payment per Month/Year			
Status of Mortgage			

Section 5. Other Personal Property and Other Assets. (Describe, and, if any is pledged as security, state name and address of lien holder, amount of lien, terms of payment and, if delinquent, describe delinquency.)

Section 6. Unpaid Taxes. (Describe in detail as to type, to whom payable, when due, amount, and to what property, if any, a tax lien attaches.)

Section 7. Other Liabilities. (Describe in detail.)

Section 8. Life Insurance Held. (Give face amount and cash surrender value of policies – name of insurance company and Beneficiaries.)

I authorize the SBA/Lender/Surety Company to make inquiries as necessary to verify the accuracy of the statements made and to determine my creditworthiness.

CERTIFICATION: (to be completed by each person submitting the information requested on this form)

By signing this form, I certify under penalty of criminal prosecution that all information on this form and any additional supporting information submitted with this form is true and complete to the best of my knowledge. I understand that SBA or its participating Lenders or Certified Development Companies or Surety Companies will rely on this information when making decisions regarding an application for a loan or a surety bond. I further certify that I have read the attached statements required by law and executive order.

Signature _____

Date _____

Print Name _____

Social Security No. _____

Signature _____

Date _____

Print Name _____

Social Security No. _____

NOTICE TO LOAN AND SURETY BOND APPLICANTS: CRIMINAL PENALTIES AND ADMINISTRATIVE REMEDIES FOR FALSE STATEMENTS:

Knowingly making a false statement on this form is a violation of Federal law and could result in criminal prosecution, significant civil penalties, and a denial of your loan or surety bond application. A false statement is punishable under 18 U.S.C. §§ 1001 and 3571 by imprisonment of not more than five years and/or a fine of up to \$250,000; under 15 U.S.C. § 645 by imprisonment of not more than two years and/or a fine of not more than \$5,000; and, if submitted to a Federally-insured institution, a false statement is punishable under 18 U.S.C. § 1014 by imprisonment of not more than thirty years and/or a fine of not more than \$1,000,000. Additionally, false statements can lead to treble damages and civil penalties under the False Claims Act, 31 U.S.C. § 3729, and other administrative remedies including suspension and debarment.

PLEASE NOTE: The estimated average burden hours for the completion of this form is 1.5 hours per response. If you have questions or comments concerning this estimate or any other aspect of this information, please contact Chief, Administrative Branch, U.S. Small Business Administration, Washington, D.C. 20416, and Clearance officer, paper Reduction Project (3245-0188), Office of Management and Budget, Washington, D.C. 20503. PLEASE DO NOT SEND FORMS TO OMB.

PLEASE READ, DETACH, AND RETAIN FOR YOUR RECORDS
STATEMENTS REQUIRED BY LAW AND EXECUTIVE ORDER

SBA is required to withhold or limit financial assistance, to impose special conditions on approved loans, to provide special notices to applicants or borrowers and to require special reports and data from borrowers in order to comply with legislation passed by the Congress and Executive Orders issued by the President and by the provisions of various inter-agency agreements. SBA has issued regulations and procedures that implement these laws and executive orders. These are contained in Parts 112, 113, and 117 of Title 13 of the Code of Federal Regulations and in Standard Operating Procedures.

Privacy Act (5 U.S.C. 552a)

Any person can request to see or get copies of any personal information that SBA has in his or her file when that file is retrieved by individual identifiers such as name or social security numbers. Requests for information about another party may be denied unless SBA has the written permission of the individual to release the information to the requestor or unless the information is subject to disclosure under the Freedom of Information Act.

Under the provisions of the Privacy Act, you are not required to provide your social security number. Failure to provide your social security number may not affect any right, benefit or privilege to which you are entitled. Disclosures of name and other personal identifiers are, however, required for a benefit, as SBA requires an individual seeking assistance from SBA to provide it with sufficient information for it to make a character determination. In determining whether an individual is of good character, SBA considers the person's integrity, candor, and disposition toward criminal actions. Additionally, SBA is specifically authorized to verify your criminal history, or lack thereof, pursuant to section 7(a)(1)(B), 15 USC Section 636(a)(1)(B) of the Small Business Act (the Act). Further, for all forms of assistance, SBA is authorized to make all investigations necessary to ensure that a person has not engaged in acts that violate or will violate the Act or the Small Business Investment Act, 15 USC Sections 634(b)(11) and 687(b)(a), respectively. For these purposes, you are asked to voluntarily provide your social security number to assist SBA in making a character determination and to distinguish you from other individuals with the same or similar name or other personal identifier.

The Privacy Act authorizes SBA to make certain "routine uses" of information protected by that Act. One such routine use is the disclosure of information maintained in SBA's investigative files system of records when this information indicates a violation or potential violation of law, whether civil, criminal, or administrative in nature. Specifically, SBA may refer the information to the appropriate agency, whether Federal, State, local or foreign, charged with responsibility for, or otherwise involved in investigation, prosecution, enforcement or prevention of such violations. Another routine use is disclosure to other Federal agencies conducting background checks; only to the extent the information is relevant to the requesting agencies' function. See, 74 F.R. 14890 (2009), and as amended from time to time for additional background and other routine uses.

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 SBA'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 institutions participating in a loan or loan guaranty. The law provides that SBA shall have a right of access to your financial records in connection with its consideration or administration of assistance to you in the form of a Government guaranteed loan. SBA 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 SBA's access rights continue for the term of any approved loan guaranty agreement. No further notice to you of SBA's access rights is required during the term of any such agreement. The law also authorizes SBA to transfer to another Government authority any financial records included in a application for a loan, or concerning an approved loan or loan guarantee, as necessary to process, service or foreclose on a loan guaranty or collect on a defaulted loan guaranty.

Freedom of Information Act (5 U.S.C. 552)

This law provides, with some exceptions, that SBA must supply information reflected in agency files and records to a person requesting it. Information about approved loans 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 nearest SBA office and be identified as a Freedom of Information request.

Flood Disaster Protection Act (42 U.S.C. 4011) -- Regulations have been issued by the Federal Insurance Administration (FIA) and by SBA implementing this Act and its amendments. These regulations prohibit SBA from making certain loans in an FIA designated floodplain unless Federal Flood insurance is purchased as a condition of the loan. Failure to maintain the required level of flood insurance makes the applicant ineligible for any financial assistance from SBA, including disaster assistance.

Executive Orders -- Floodplain Management and Wetland Protection (42 F.R. 26951 and 42 F.R. 26961) – SBA discourages settlement in or development of a floodplain or a wetland. This statement is to notify all SBA loan applicants that such actions are hazardous to both life and property and should be avoided. The additional cost of flood preventive construction must be considered in addition to the possible loss of all assets and investments due to a future flood.

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. Businesses can be forced to cease operations or be prevented from starting operations in a new facility. Therefore, SBA 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. Signing this form as an applicant is certification that the OSHA requirements that apply to the applicant business have been determined and that the applicant, to the best of its knowledge, is in compliance. Furthermore, applicant certifies that it will remain in compliance during the life of the loan.

Civil Rights Legislation -- All businesses receiving SBA financial assistance must agree not to discriminate in any business practice, including employment practices and services to the public on the basis of categories cited in 13 C.F.R., Parts 112, 113, and 117 of SBA Regulations. 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 SBA.

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 or age (provided 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 has in good faith exercised any right under the Consumer Credit Protection Act.

Executive Order 11738 -- Environmental Protection (38 F.R. 251621) -- The Executive Order charges SBA 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 environment protection legislation.

Debt Collection Act of 1982, Deficit Reduction Act of 1984 (31 U.S.C. 3701 et seq. and other titles) -- These laws require SBA to collect aggressively any loan payments which become delinquent. SBA must obtain your taxpayer identification number when you apply for a loan. If you receive a loan, and do not make payments as they come due, SBA may take one or more of the following actions: (1) report the status of your loan(s) to credit bureaus, (2) hire a collection agency to collect your loan, (3) offset your income tax refund or other amounts due to you from the Federal Government, (4) suspend or debar you or your company from doing business with the Federal Government, (5) refer your loan to the Department of Justice or other attorneys for litigation, or (6) foreclose on collateral or take other action permitted in the loan instruments.

Immigration Reform and Control Act of 1986 (Pub. L. 99-603) -- If you are an alien who was in this country illegally since before January 1, 1982, you may have been granted lawful temporary resident status by the United States Immigration and Naturalization Service pursuant to the Immigration Reform and Control Act of 1986. For five years from the date you are granted such status, you are not eligible for financial assistance from the SBA in the form of a loan guaranty under Section 7(a) of the Small Business Act unless you are disabled or a Cuban or Haitian entrant. When you sign this document, you are making the certification that the Immigration Reform and Control Act of 1986 does not apply to you, or if it does apply, more than five years have elapsed since you have been granted lawful temporary resident status pursuant to such 1986 legislation.

Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821 et seq.)

Borrowers using SBA funds for the construction or rehabilitation of a residential structure are prohibited from using lead-based paint (as defined in SBA 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.

Executive Order 12549, Debarment and Suspension 2 CFR 2700

1. The borrower or contractor certifies, by submission of its application for an SBA loan or bond guarantee, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to the application.

PERSONAL RESUME OF

Home Address _____
Street _____ City _____ State _____ Zip _____ Phone _____

Past Address _____
Street _____ City _____ State _____ Zip _____ From _____ To _____

Date of Birth _____ Place of Birth _____ Marital Status _____

MILITARY

Branch of Military _____ From _____ To _____ Honorable Discharge _____

Rank at Discharge _____ Job Description _____

EDUCATION

College or Technical Training Name and Location	Dates Attended		Major	Degree or Certificate
	From	To		
1. _____	_____	_____	_____	_____
Comments _____				
2. _____	_____	_____	_____	_____
Comments _____				
3. _____	_____	_____	_____	_____
Comments _____				
4. _____	_____	_____	_____	_____
Comments _____				

WORK EXPERIENCE

1. Name of Company _____ From: _____ To: _____
Full Address _____
Title: _____ Duties: _____

2. Name of Company _____ From: _____ To: _____
Full Address _____
Title: _____ Duties: _____

3. Name of Company _____ From: _____ To: _____
Full Address _____
Title: _____ Duties: _____

4. Name of Company _____ From: _____ To: _____
Full Address _____
Title: _____ Duties: _____

5. Name of Company _____ From: _____ To: _____
Full Address _____
Title: _____ Duties: _____

ENVIRONMENTAL QUESTIONNAIRE AND DISCLOSURE STATEMENT

Applicant: _____

Address and Location of Property: _____

The purpose of this questionnaire is to provide information about the past and present ownership and uses of the real property upon which lender will rely in deciding whether to extend credit. Please respond fully to all questions, including supporting documentary evidence where appropriate. If unable to answer, please respond "unknown." If space is inadequate to answer, please attach additional pages as needed. If applicant has an interest (leasehold or fee interest) and conducts business at multiple locations, separate disclosure statement should be supplied for each location.

1. The present and previous owner(s) of the property:

2. The present and previous occupant of the property:

3. Date of last transfer of ownership:

Was preacquisition site assessment or environmental audit required? If so, include a copy of the report.

4. The present, proposed and previous use(s) of the property:

5. The present, proposed and previous use(s) of the adjacent properties:

6. **Has the real property or any adjacent property ever been used for industrial, manufacturing, refining, processing, land fill or agricultural purposes? If so, please describe.**

7. **If buildings or improvements on premises were constructed prior to 1978, was asbestos used for insulation or other purposes?**

8. **Have any asbestos tests or surveys been performed on site? If so, please attach copies of results.**

9. **Are electrical transformers, switches, capacitors or other comparable devices on or adjacent to the premises? If so, have they been inspected for the presence of PCB's or other hazardous toxic substances? If inspection reports have been made, include copies.**

10. **Have there been any leaks, spills, or fires on site involving PCB electrical equipment? If so, please describe.**

11. **Are there now, have there ever been, or are there proposed to be underground storage tanks located on or adjacent to the site? If so, please indicate the number of tanks and the contents and age of each tank.**

12. **Have any of the following measures been provided for the underground tanks and their associated piping?**

- | | |
|-----------------------------|---------------------------------|
| _____ integrity testing | _____ inventory reconciliation |
| _____ leak detection system | _____ overfill spill protection |
| _____ secondary containment | _____ other (please describe) |
| _____ cathodic protection | |

13. Are there any above ground pipelines on site now or proposed to be used to transfer chemicals? If so, please describe.
14. Have the pipelines been inspected or tested for leaks? If so, please indicate the results.
15. Are there chemicals and wastes currently stored on site, have they been stored in the past or are they proposed to be stored on site? If so, check all applicable categories of storage methods:
- | | | |
|--|------------------|--------------------------|
| _____ drums | _____ containers | _____ waste piles |
| _____ pits | _____ sumps | _____ above ground tanks |
| _____ surface impoundments/ponds/lagoons | | |
16. Are there disposal facilities or dumpsites, storage or use of hazardous waste/toxic materials adjacent to the property? If so, please describe.
17. Does your business use chemicals or substances which require permits or licenses to own, use or remove from the property?
- a) If so, please attach copies of such.
- b) Are you presently in compliance with all regulations for continued utilization of such permits or licenses?
18. Are there any past, current, or pending regulatory actions or the subject property by federal, state or local environmental agencies alleging non-compliance with regulations? If so, please describe.
19. Are there any past, current or pending lawsuits or administrative proceedings naming the facility for alleged environmental damages? If so, please describe.

- 20. Has the facility or any nearby property ever been listed, proposed, or investigated as a federal or state Superfund site? If so, please describe.

- 21. Has the facility ever been involved in site investigations, cleanup actions, corrective action programs or other regulatory requirements regarding potential or known contamination on site? If so, please describe.

- 22. Have there ever been or is there physical evidence of any spills, leaks or other releases of any toxic/hazardous chemicals/substances on the property or adjacent property?

I am familiar with the real property described in this questionnaire. By signing below, I represent and warrant to Business Development Corporation/Certified Development Corporation (BDC/CDC) that the answers to the above questions are complete and accurate to the best of my knowledge. I also understand that BDC/CDC will rely on the completeness and accuracy of my answers in assessing any environmental risks associated with the property.

SELLER

APPLICANT

COMPANY:

COMPANY:

By: _____

By: _____

(Title)

(Title)

DATE: _____

DATE: _____

Based on my visits to the referenced property, I concur with the applicant's assessment that no adverse conditions exist and no further action is necessary.

Authorized Representative of Lender

Request for Transcript of Tax Return

- ▶ **Do not sign this form unless all applicable lines have been completed.**
- ▶ **Request may be rejected if the form is incomplete or illegible.**
- ▶ **For more information about Form 4506-T, visit www.irs.gov/form4506t.**



OMB No. 1545-1872

Tip. Use Form 4506-T to order a transcript or other return information free of charge. See the product list below. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Get a Tax Transcript..." under "Tools" or call 1-800-908-9946. If you need a copy of your return, use **Form 4506, Request for Copy of Tax Return**. There is a fee to get a copy of your return.

1a Name shown on tax return. If a joint return, enter the name shown first.	1b First social security number on tax return, individual taxpayer identification number, or employer identification number (see instructions)
2a If a joint return, enter spouse's name shown on tax return.	2b Second social security number or individual taxpayer identification number if joint tax return
3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code (see instructions)	
4 Previous address shown on the last return filed if different from line 3 (see instructions)	
5 If the transcript or tax information is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number. Business Development Corporation of SC/Certified Development Corporation of SC P.O. Box 21823, Columbia, SC 29221 Phone: 803.798.4064 *scrossBDC*	

Caution: If the tax transcript is being mailed to a third party, ensure that you have filled in lines 6 through 9 before signing. Sign and date the form once you have filled in these lines. Completing these steps helps to protect your privacy. Once the IRS discloses your tax transcript to the third party listed on line 5, the IRS has no control over what the third party does with the information. If you would like to limit the third party's authority to disclose your transcript information, you can specify this limitation in your written agreement with the third party.

6 Transcript requested. Enter the tax form number here (1040, 1065, 1120, etc.) and check the appropriate box below. Enter only one tax form number per request. ▶ _____

a Return Transcript, which includes most of the line items of a tax return as filed with the IRS. A tax return transcript does not reflect changes made to the account after the return is processed. Transcripts are only available for the following returns: Form 1040 series, Form 1065, Form 1120, Form 1120-A, Form 1120-H, Form 1120-L, and Form 1120S. Return transcripts are available for the current year and returns processed during the prior 3 processing years. Most requests will be processed within 10 business days

b Account Transcript, which contains information on the financial status of the account, such as payments made on the account, penalty assessments, and adjustments made by you or the IRS after the return was filed. Return information is limited to items such as tax liability and estimated tax payments. Account transcripts are available for most returns. Most requests will be processed within 10 business days

c Record of Account, which provides the most detailed information as it is a combination of the Return Transcript and the Account Transcript. Available for current year and 3 prior tax years. Most requests will be processed within 10 business days

7 Verification of Nonfiling, which is proof from the IRS that you **did not** file a return for the year. Current year requests are only available after June 15th. There are no availability restrictions on prior year requests. Most requests will be processed within 10 business days

8 Form W-2, Form 1099 series, Form 1098 series, or Form 5498 series transcript. The IRS can provide a transcript that includes data from these information returns. State or local information is not included with the Form W-2 information. The IRS may be able to provide this transcript information for up to 10 years. Information for the current year is generally not available until the year after it is filed with the IRS. For example, W-2 information for 2011, filed in 2012, will likely not be available from the IRS until 2013. If you need W-2 information for retirement purposes, you should contact the Social Security Administration at 1-800-772-1213. Most requests will be processed within 10 business days

Caution: If you need a copy of Form W-2 or Form 1099, you should first contact the payer. To get a copy of the Form W-2 or Form 1099 filed with your return, you must use Form 4506 and request a copy of your return, which includes all attachments.

9 Year or period requested. Enter the ending date of the year or period, using the mm/dd/yyyy format. If you are requesting more than four years or periods, you must attach another Form 4506-T. For requests relating to quarterly tax returns, such as Form 941, you must enter each quarter or tax period separately.

_____ / _____ / _____ | _____ / _____ / _____ | _____ / _____ / _____ | _____ / _____ / _____

Caution: Do not sign this form unless all applicable lines have been completed.

Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax information requested. If the request applies to a joint return, at least one spouse must sign. If signed by a corporate officer, 1 percent or more shareholder, partner, managing member, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506-T on behalf of the taxpayer. **Note:** For transcripts being sent to a third party, this form must be received within 120 days of the signature date.

Signatory attests that he/she has read the attestation clause and upon so reading declares that he/she has the authority to sign the Form 4506-T. See instructions.

Phone number of taxpayer on line 1a or 2a _____

▶ _____
Signature (see instructions) Date

Sign Here ▶ _____
Title (if line 1a above is a corporation, partnership, estate, or trust)

▶ _____
Spouse's signature Date

BORROWER'S CERTIFICATION

**TO: CERTIFIED DEVELOPMENT CORPORATION OF SOUTH CAROLINA ("CDC")
U.S. SMALL BUSINESS ADMINISTRATION ("SBA")**

RE: SBA 504 LOAN APPLICATION

Each of the undersigned certifies the following:

1. I/we have applied for a U.S. Small Business Administration Section 504 Loan through Certified Development Corporation of South Carolina. In applying for the SBA 504 Loan, I/we have or will complete an SBA 504 Loan Application (the "Application") and submit various information and documents in support thereof, including, but not limited to, the purpose of the SBA 504 Loan, employment and income information, tax returns, financial statements, ownership interests, affiliate information, and other pertinent information and documents.
2. I/we certify that all information contained in the Application and all information and documents submitted as part of the Application is or will be true and correct and does not omit any pertinent information which would make any information untrue or misleading. *See Attached List for specified forms.*
3. I/we certify that we will forthwith inform Certified Development Corporation of South Carolina of any changed circumstances or other discovered information which would make the Application or any previously submitted information untrue or misleading.
4. I/we fully understand that it is a federal crime punishable by fine or imprisonment, or both, to knowingly make any false statements when applying for a Section 504 loan, as applicable under the provisions of title 15, United States Code, Section 645 and Title 18, United States Code Section 1001.

(Signature)

Date

(Signature)

Date

(Some of the following may not apply to your businesses situation as it stands today)

Statement of Personal History (SBA Form 912)

Personal Financial Statement

Personal Income Tax Returns

Corporate Tax Returns

Any and all Business Financial Statements (Balance Sheet and Profit & Loss)

Any and all Financial Projections

All Affiliate Tax Returns and Financial Statements of Affiliate Entities

Environmental Questionnaire

AGREEMENT

THIS AGREEMENT is made by and between the Certified Development Corporation of South Carolina (hereinafter CDC) and _____ (hereinafter SBC);

WHEREAS the SBC has engaged the CDC in efforts to arrange financing for its proposed start-up, or expansion by providing a loan through the sale of a debenture guaranteed by the Small Business Administration (hereinafter SBA), and;

WHEREAS the CDC is putting forth sincere efforts to assist the SBC in financing for its proposed start-up or expansion, and in so doing, the CDC has collected from the SBC a deposit in the amount of \$2,000.00 (payable to CDC of SC), and;

WHEREAS the CDC is expected to apply this deposit toward expenses involved in the closing of the debenture;

NOW BE IT AGREED to by both the CDC and the SBC that;

If either the CDC or the SBA declines the application, such deposit shall be refunded to the SBC within ten days after approval rights have been exhausted or waived, and;

If the debenture is approved by the SBA, and at such time as the debenture authorization is issued by the SBA, the deposit may be applied toward the closing costs and other expenses incurred by the CDC as provided for by the SBA policies and procedures, and;

If the loan should not be approved for any reason, the deposit will be refunded less any expenses incurred by CDC in processing your loan request. If the loan is approved by the SBA, the CDC will consider the deposit earned in full whether the loan closes or not. If the loan does close, the fee will be applied to the closing costs, or refunded as appropriate.

IN WITNESS WHEREOF, this AGREEMENT is entered into by both parties on the dates so shown.

SBC Name

Certified Development Corporation
of South Carolina (CDC)

By: _____

By: _____

Its: _____

Its: _____

Date: _____

Date: _____

U.S. SMALL BUSINESS ADMINISTRATION

PART C

Statements Required by Law and Executive Order

Federal executive agencies, including the Small Business Administration (SBA), are required to withhold or limit financial assistance, to impose special conditions on approved loans, to provide special notices to applicants or borrowers and to require special reports and data from borrowers in order to comply with legislation passed by the Congress and Executive Orders issued by the President and by the provisions of various inter-agency agreements. SBA has issued regulations and procedures that implement these laws and executive orders, and they are contained in Parts 112, 113, 116, and 117, Title 13, Code of Federal Regulations Chapter 1, or Standard Operating Procedures.

Freedom of Information Act (5 U.S.C. 552)

This law provides, with some exceptions, that SBA must supply information reflected in agency files and records to a person requesting it. Information about approved loans 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 nearest SBA office and be identified as a Freedom of Information request.

Privacy Act (5 U.S.C. 552a)

A person can request to see or get copies of any personal information that SBA has in his or her file when that file is retrieved by individual identifiers such as name or social security numbers. Requests for information about another party may be denied unless SBA has the written permission of the individual to release the information to the requestor or unless the information is subject to disclosure under the Freedom of Information Act.

Under the provisions of the Privacy Act, you are not required to provide your social security number. But see Debt Collection notice below. Disclosures of name and other personal identifiers are, required for a benefit, as SBA requires an individual seeking assistance from SBA to provide it with sufficient information for it to make a character determination. In determining whether an individual is of good character, SBA considers the person's integrity, candor, and disposition toward criminal actions. In making loans pursuant to section 7(a)(6) of the Small Business Act (the Act), 15 USC Section 636(a)(6), SBA is required to have reasonable assurance that the loan is of sound value and will be repaid or that it is in the best interest of the Government to grant the assistance requested. Additionally, SBA is specifically authorized to verify your criminal history, or lack thereof, pursuant to section 7(a)(1)(B), 15 USC Section 636(a)(1)(B). Further, for all forms of assistance, SBA is authorized to make all investigations necessary to ensure that a person has not engaged in acts that violate or will violate the Act or the Small Business Investment Act, 15 USC Sections 634(b)(11) and 687(b)(a). For these purposes, you are asked to voluntarily provide your social security number to assist SBA in making a character determination and to distinguish you from other individuals with the same or similar name or other personal identifier.

The Privacy Act authorizes SBA to make certain "routine uses" of information protected by that Act. One such routine use for SBA's loan system of records is that when this information indicates a violation or potential violation of law, whether civil, criminal, or administrative in nature, SBA may refer it to the appropriate agency, whether Federal, State, local or foreign, charged with responsibility for or otherwise involved in investigation, prosecution, enforcement or prevention of such violations. Another routine use of personal information is to assist in obtaining credit bureau reports, including business credit reports on the small business borrower and consumer credit reports and scores on the principals of the small business and guarantors on the loan for purposes of originating, servicing, and liquidating small business loans and for purposes of routine periodic loan portfolio management and lender monitoring. See, SBA-21, Loan System, at 74 FR 14890 (April 1, 2009) as amended by notices published at 77 FR 15835 (3/16/2012) and 77 FR 61467 (10/9/2012) for additional background and other routine uses.

Right to Financial Privacy Act of 1978 (12 U.S.C. 3401)

This is notice to you as required by the Right of Financial Privacy Act of 1978, of SBA'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 institutions participating in a loan or loan guarantee. The law provides that SBA shall have a right of 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 guaranty agreement. SBA 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 SBA's access rights continue for the term of any approved loan or loan guaranty agreement. No further notice to you of SBA's access rights is required during the term of any such agreement.

The law also authorizes SBA 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 on 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 SBA except as required or permitted by law.

Debt Collection Act of 1982 Deficit Reduction Act of 1984 (31 U.S.C. 3701 et seq. and other titles)

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

- Report the status of your loan(s) to credit bureaus
- Hire a collection agency to collect your loan
- Offset your income tax refund or other amounts due to you from the Federal Government
- Suspend or debar you or your company from doing business with the Federal Government
- Refer your loan to the Department of Justice or other attorneys for litigation
- Foreclose on collateral or take other action permitted in the loan instruments

Flood Disaster Protection Act (42 U.S.C. 4011)

Regulations have been issued by the Federal Insurance Administration (FIA) and by SBA implementing this Act and its amendments. These regulations prohibit SBA from making certain loans in an FIA designated floodplain unless Federal flood insurance is purchased as a condition of the loan. Failure to maintain the required level of flood insurance makes the applicant ineligible for any future financial assistance from SBA under any program, including disaster assistance.

Executive Orders -- Floodplain Management and Wetland Protection (42 F.R. 26951 and 42 F.R. 26961)

The SBA discourages any settlement in or development of a floodplain or a wetland. This statement is to notify all SBA loan applicants that such actions are hazardous to both life and property and should be avoided. The additional cost of flood preventive construction must be considered in addition to the possible loss of all assets and investments in future floods.

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 SBA 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. Signing this form as borrower is a certification that the OSA requirements that apply to the borrower's business have been determined and the borrower to the best of its knowledge is in compliance.

Civil Rights Legislation

All businesses receiving SBA financial assistance must agree not to discriminate in any business practice, including employment practices and services to the public, on the basis of categories cited in 13 C.F.R., Parts 112, 113, and 117 of SBA Regulations. 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 SBA.

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 or 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 has 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, Washington, D.C. 20580.

Executive Order 11738 -- Environmental Protection (38 C.F.R. 25161)

The Executive Order charges SBA 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. SBA 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:

1. That any facility used, or to be used, by the subject firm is not cited on the EPA list of Violating Facilities.
2. That subject firm will comply with all the requirements of Section 114 of the Clean Air Act (42 U.S.C. 7414) and Section 308 of the Water Act (33 U.S.C 1318) 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.
3. That subject firm will notify SBA 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 the EPA List of Violating Facilities.

Immigration and Nationality Act (8 U.S.C. 1101, et seq., as amended)

If you are an alien who was in this country illegally since before January 1, 1982, you may have been granted lawful temporary resident status by the United States Citizenship and Immigration Services pursuant to the Immigration Reform and Control Act of 1986 (Pub. L. 99-603). For five years from the date you are granted such status, you are not eligible for financial assistance from the SBA in the form of a loan or guaranty under section 7(a) of the Small Business Act unless you are disabled or a Cuban or Haitian entrant. When you sign this document, you are making the certification that the Immigration Reform and Control Act of 1986 does not apply to you, or if it does apply, more than five years have elapsed since you have been granted lawful temporary resident status pursuant to such 1986 legislation.

Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821 et seq.)

Borrowers using SBA funds for the construction or rehabilitation of a residential structure are prohibited from using lead-based paint (as defined in SBA 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.

Executive Order 12549 as amended by E.O. 12689, Debarment and Suspension and 2 CFR Part 2700

1. The prospective lower tier participant certifies, by submission of this loan application, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to the loan application.

Applicant Notifications

The Applicants, its proprietors, partners, officers or stockholders owning 20% or more of the Applicant have/ have not been involved in bankruptcy or insolvency proceedings. This question covers not only the Applicant, but also the personal bankruptcy or insolvency proceedings of proprietors, partners, officers or stockholders owning 20% or more of the Applicant. You must attach copies of the proceedings, if any.

The Applicant, its proprietors, partners, officers or stockholders owning 20% or more the Applicant are/ are not involved in any pending lawsuits. This question covers not only the Applicant, but also proprietors, partners, officers or stockholders owning 20% or more of the Applicant in their personal capacities.

Applicant's Acknowledgment

My signature acknowledges receipt of these Statements Required by Laws and Executive Orders, that I have read it and that I have a copy for my files. My signature represents my agreement to comply with the requirements SBA makes in connection with the approval of my loan request and to comply, whenever applicable, with the limitations contained in these Statements.

Certification as to Application Accuracy – Criminal Penalties for False Statements

The undersigned certifies that all information provided to the CDC, and that all information in, and submitted with this application, including all exhibits is true and complete to the best of his or her knowledge--Applicant acknowledges that the application and exhibits are submitted to the CDC and to SBA so that the CDC and SBA can decide whether to approve this application. Any future submissions of information to the CDC must be accompanied by a certification as to the accuracy of that information.

The undersigned acknowledges that whoever makes any false statement or report, or willfully overvalues any land property or security for the purpose of influencing in any way the action of the SBA under the Small Business Investment Act, as amended, may be punished by a fine of not more than \$1,000,000 or by imprisonment for up to 30 years, or both, pursuant to 18 U.S.C. 1014. The undersigned further acknowledges that, in connection with a 504 loan, submission of any false statement to the CDC or SBA or submission of any record to the CDC or SBA omitting material information can result in civil money penalties and additional monetary liability up to three times the amount of damages which the Government sustains because of the false statement under the False Claims Act, 31 U.S.C. 3729.

(Each Proprietor, each General Partner, each Limited Partner or Stockholder owning 20% or more, and each Guarantor must sign. Each person should only sign once.)

If Applicant is a proprietor or partnership, sign below:

If Applicant is an L.L.C. or corporation, sign below:

Name of Business

Corporate Name

By: _____ Date: _____

By: _____ Date: _____

Attested by: _____ (seal, if required)

Additional Proprietors, Partners, Stockholders or Guarantors as required.

Signature

Date

Signature

Date

Signature

Date

Signature

Date

**U.S. SMALL BUSINESS ADMINISTRATION
APPLICATION FOR SECTION 504 LOAN**

**PART D
Instructions for Third Party Lender Certification for Loans Made For Debt Refinancing**

The Third Party Lender must provide the following certifications in its commitment letter submitted as Exhibit 17 of SBA Form 1244, Application for Section 504 Loan.

The Third Party Lender certifies that it has no reason to believe that the following statements are not true:

1. Either:
 - (a.) Substantially all (85% or more) of the proceeds of the indebtedness being refinanced were used to acquire and Eligible Fixed Asset (e.g. land, including a building situated thereon, to construct a building thereon, or to purchase equipment) and the remaining amount (15% or less) was incurred for the benefit of the small business seeking the refinancing; or
 - (b) If the Eligible Fixed Asset(s) was (were) originally financed through a commercial loan (the "original loan") that was subsequently refinanced one or more times:
 - (i) substantially all (85% or more) of the proceeds of the original loan was used to acquire an Eligible Fixed Asset (e.g., land, including a building situated thereon, to construct a building thereon, or to purchase equipment) and the remaining (15% or less) was incurred for the small business seeking the refinancing; and
 - (ii) the existing debt is the most recent refinancing of the original loan.
2. All of the proceeds of the indebtedness being refinanced were used for the benefit of the small business.
3. For Same Institution Debt:

For Debt Refinancing as Part of an Expansion

If the indebtedness being refinanced is debt of the Third Party Lender, or any of its affiliates, (Same Institution Debt), the Third Party Lender must certify that it is not in a position to sustain a loss causing a shift to SBA or all or part of a potential loss from the existing debt.