

Business Development Corporation of South Carolina

Checklist for BDC/SBA 7(a) Loan

BDC Contact Person: _____ Telephone: _____

Name of Borrower: _____

The Following Must Be In File for SBA Submission:

- _____ 1. Borrower Information [SBA Form 1919 Revised 4/14] current within ninety (90) days for each principal with 20% or more ownership of the small business concern (SBC), any director or officer of the business (regardless of ownership), anyone hired to manage day-to-day operations of the business as well as any guarantors for the loan. Business Plan required for a new business. Appropriate documentation for mortgages taken as collateral (i.e. copy of mortgage, deed, title, etc.). Fee Disclosure and Compensation [SBA Form 159 (7A) (8-14)], Packaging Notice and Fee.
Amount of Packaging Fee: \$ _____
- _____ 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 eighty (180) 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 three (3) fiscal year-end financial statements and/or federal income tax returns for the last three (3) years. A current Balance Sheet and Profit & Loss of the affiliate business dated within the last one-hundred eighty (180) days. **Please be sure all tax returns/interims 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), 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 from Interim Lender for debt being refinanced with loan proceeds is required. For any credit card debt in the business' name, a Lender/Borrower Certification is to be signed stating the credit card debt was used for business purposes only. If credit card debt is in a principal's individual name and is being refinanced with loan proceeds, Borrower must prove business related purchases with invoices and proofs of payment and sign a Lender/Borrower Certification that the debt was for business purposes.
- _____ 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. Commitment Letter and Guaranty Deposit Fee
Amount of Deposit: \$ _____



BORROWER INFORMATION FORM

For use with all 7(a) Programs

The purpose of this form is to collect identifying information about the applicant, loan request, indebtedness, information about the principals, information about current or previous government financing, and certain other disclosures. The information also facilitates background checks as authorized by Section 7(a)(1)(B) of the Small Business Act, 15 U.S.C. 636(a)(1)(B). This form is to be completed by the Small Business Applicant and submitted to an SBA Participating Lender.

To be completed by the following:

(With the exception of guarantors, all parties listed below are considered "Associates" of the small business applicant.)

- For a sole proprietorship, the sole proprietor;
- For a partnership, all general partners and all limited partners owning 20% or more of the equity of the firm;
- For a corporation, all owners of 20% or more of the corporation and each officer and director;
- For limited liability companies (LLCs), all members owning 20% or more of the company, each officer, director, and managing member;
- Any person hired by the business to manage day-to-day operations; and
- Any other person who is guaranteeing the loan, if required by SBA.

For clarification regarding any of the questions, you should contact the SBA Participating Lender that will be processing the loan request.

NAME OF BUSINESS APPLYING FOR LOAN ("APPLICANT"): _____

YOUR NAME: _____ TITLE: _____

SOCIAL SECURITY NUMBER: _____ DATE OF BIRTH: _____

PLACE OF BIRTH (City & State or Foreign Country): _____

Veteran**	1=Non-Veteran; 2=Veteran-Other; 3=Service-Disabled Veteran; 4=Not Disclosed.					
Gender**	M=Male; F=Female; N=Not Disclosed					
Race**	1=American Indian or Alaska Native; 2=Asian; 3=Black or African-American; 4=Native Hawaiian or Pacific Islander; 5=White; X=Not Disclosed					
Ethnicity**	H=Hispanic or Latino; N=Not Hispanic or Latino; Y=Not Disclosed					
Owner	% Owned	Veteran	Gender	Race	Ethnicity	List proprietors, partners, officers, directors, all holders of outstanding stock. 100% of ownership must be shown. Use separate sheet if necessary. Please reference the above codes to complete this table for each owner of the applicant business. More than one race may be selected.

**** The gender/race/ethnicity/veteran data is collected for program reporting purposes only. Disclosure is voluntary and has no bearing on the credit decision.**

ALL QUESTIONS MUST BE ANSWERED AND ARE SUBJECT TO VERIFICATION BY SBA

- (1) Are you presently subject to an indictment, criminal information, arraignment, or other means by which formal criminal charges are brought in any jurisdiction? Yes ... No
- (2) Have you been arrested in the past six months for any criminal offense? Yes ... No
- (3) For any criminal offense – other than a minor vehicle violation – have you ever: 1) been convicted; 2) plead guilty; 3) plead nolo contendere; 4) been placed on pretrial diversion; or 5) been placed on any form of parole or probation (including probation before judgment)? Yes ... No
- (4) Has an application for the loan you are applying for now ever been submitted to SBA or to a Certified Development Company or lender in connection with any SBA program? Yes No

- (5) Are you presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency? Yes ... No
- (6) If you are at least a 50% or more owner of the applicant business, are you more than 60 days delinquent on any obligation to pay child support arising under an administrative order, court order, repayment agreement between the holder and a custodial parent, or repayment agreement between the holder and a state agency providing child support enforcement services? Yes ... No

If “YES” to Question 1, the loan request is ineligible for SBA assistance. If there is a “YES” response to Question 2 or 3, you must complete SBA Form 912 and furnish details on a separate sheet, including dates, location, fines, sentences, whether misdemeanor or felony, dates of parole/probation, unpaid fines or penalties, name(s) under which charged, and any other pertinent information. If “YES” to Questions 2 or 3, the lender will be required to conduct a background check and make a character determination in accordance with the procedures described in SOP 50 10 5. If “YES” to Question 3 and you are currently on parole or probation (including probation before judgment), the loan request is ineligible for SBA assistance. If the charge resulting in a “YES” was a single misdemeanor that was subsequently dropped without prosecution, you must provide documentation from the appropriate court or prosecutor’s office along with the completed Form 912.

If “YES” to Questions 4, 5 or 6, this application may not be submitted to SBA under any delegated or expedited processing method, but must be submitted to the Standard 7(a) Loan Guaranty Processing Center (LGPC) for non-delegated processing. The only exception is an application that was declined under a 7(a) Small Loan due to the applicant’s credit score may be submitted under SBA Express procedures. Note: This does not mean that your loan will be denied, only that your lender will need to use different SBA procedures to process the loan.

- (7) Are you a U.S. Citizen?..... Yes ... No
 If “No,” are you a Lawful Permanent resident alien?..... Yes ... No
 Provide Alien Registration Number _____

- (8) Are any of your business’ products or services exported or do you plan to begin exporting as a result of this loan?..... Yes ... No
 If “Yes,” provide the estimated total export sales this loan will support: \$ _____

- (9) Is your business a franchise? Yes ... No

- (10) Does the Applicant business have any Affiliates? Yes ... No

Affiliation exists when one individual or entity controls or has the power to control another or when a third party or parties control or have the power to control both. SBA considers factors such as ownership, management previous relationships with or ties to another entity, and contractual relationships when determining whether affiliation exists. The complete definition of affiliation is found at 13 CFR 121.103. (See also, 13 CFR 121.107 and 121.301.) An “Affiliate” includes, for example: (1) a parent company; (2) subsidiaries and other companies that are owned or controlled by the Applicant; (3) companies in which an officer, director, general partner, managing member or party owning 20% or more is also an officer, director, general partner, managing member or 20% or greater owner of the Applicant; (4) companies or individuals with unexercised options to own 50% or more of the Applicant’s stock; and (5) companies that have entered into agreements to merge with the Applicant.

If answered “yes,” attach a listing of all Affiliates to this form.

- (11) Have you, the Applicant, its Affiliates, or any business owned or controlled by you or any Associate ever obtained a direct or guaranteed loan from SBA or any other Federal agency or been a guarantor on such a loan? (This includes student loans and disaster loans.) Yes ... No
 (a) If you answered “Yes” to Question 11, is any of the financing currently delinquent?..... Yes ... No
 (b) If you answered “Yes” to Question 11, did any of this financing ever default and cause a loss to the Government? Yes ... No

- (12) What is the existing number of employees currently employed by the business? _____

- (13) Number of jobs to be created as a result of the loan? _____ Number of jobs that will be retained as a result of the loan that would have been lost otherwise? _____

- (14) Have you or the Applicant used (or intend to use) a packager, broker, accountant, lawyer, etc. to assist in (a) preparing the loan application or any related materials and/or (b) referring the loan to the lender?..... Yes ... No
 If answer is “Yes,” a SBA [Form 159](#) 7(a) will need to be completed by the Applicant and the lender.

- (15) Will more than \$10,000 of the loan proceeds be used for construction? Yes ... No
 If answer is “Yes,” a SBA [Form 601](#) will need to be completed.
- (16) Are any of the Applicant’s revenues derived from gambling or from the sale of products or services, or the presentation of any depiction, displays or live performances, of a prurient sexual nature? Yes ... No
- (17) Is the loan request for a Community Advantage Pilot Program loan? Yes ...No
 If answer is “Yes,” a SBA Form 2449, Community Advantage Addendum will need to be completed.

SBA may not provide financial assistance to an applicant where there is any appearance of a conflict of interest with an SBA or other governmental employee. If any of the questions below are answered “False”, this application may not be submitted under any delegated or expedited processing method, but must be submitted to the LGPC for non-delegated processing. Note: This does not mean that your loan will be denied, only that your lender will need to use different SBA procedures to process the loan.

- (18) No SBA employee, or the household member (see definition at * below) of an SBA employee, is a sole proprietor, partner, officer, director, or stockholder with a 10 percent or more interest, of the Applicant. [13 CFR 105.204] True ___ False ___
- (19) No former SBA employee, who has been separated from SBA for less than one year prior to the request for financial assistance, is an employee, owner, partner, attorney, agent, owner of stock, officer, director, creditor or debtor of the Applicant. [13 CFR 105.203] True ___ False ___
- (20) No member of Congress, or an appointed official or employee of the legislative or judicial branch of the Federal Government, is a sole proprietor, general partner, officer, director, or stockholder with a 10 percent or more interest, or household member of such individual, of the Applicant. [13 CFR 105.301(c)] True ___ False ___
- (21) No Government employee having a grade of at least GS-13 or higher is a sole proprietor, general partner, officer, director, or stockholder with a 10 percent or more interest, or a household member of such individual, of the Applicant. [13 CFR 105.301(a)] True ___ False ___
- (22) No member or employee of a Small Business Advisory Council or a SCORE volunteer is a sole proprietor, general partner, officer, director, or stockholder with a 10 percent or more interest, or a household member of such individual, of the Applicant. [13 CFR 105.302(a)] True ___ False ___

* A “**household member**” of an SBA employee includes: a) the spouse of the SBA employee; b) the minor children of said individual; and c) the blood relatives of the employee, and the blood relatives of the employee’s spouse who reside in the same place of abode as the employee.[13 CFR 105.201(d)]

Please read the following restrictions regarding use of federal financial assistance programs. If you understand them fully and agree to them, sign your name at the end of this document.

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 an 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 (13 C.F.R. 112, 113, 117) -- 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 (13 C.F.R. 145) -- 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. 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.

By Signing Below, You Make the Following Representations, Authorizations and Certifications

REPRESENTATIONS AND AUTHORIZATIONS: I represent that I have read the items above and I understand them. I represent that I will comply, whenever applicable, with the hazard insurance, lead-based paint, civil rights or other limitations in this notice. I further represent that all SBA loan proceeds will be used only for business related purposes as specified in the loan application and, to the extent feasible, to purchase only American-made equipment and products. I authorize the SBA Office of Inspector General to request criminal record information about me from criminal justice agencies for the purpose of determining my eligibility for programs authorized by the Small Business Act, as amended.

CERTIFICATION AS TO ACCURACY: I certify that the information provided in this application and the information that I have provided in all supporting documents and forms is true and accurate. I realize that the penalty for knowingly making a false statement to obtain a guaranteed loan from SBA is that I may be fined up to \$250,000 and/or be put in jail for up to 5 years under 18 USC § 1001 and if false statements are submitted to a Federally insured institution, I may be fined up to \$1,000,000 and/or be put in jail for up to 30 years under 18 USC § 1014.

Signature

Date

Print Name

NOTE: According to the Paperwork Reduction Act, you are not required to respond to this collection of information unless it displays a currently valid OMB Control Number. The estimated burden for completing this form, including time for reviewing instructions, gathering data needed, and completing and reviewing the form is 9 minutes per response. Comments or questions on the burden estimates should be sent to U.S. Small Business Administration, Chief, AIB, 409 3rd St., SW, Washington DC 20416, and/or SBA Desk Officer, Office of Management and Budget, New Executive Office Building, Rm. 10202, Washington DC 20503. **PLEASE DO NOT SEND FORMS TO THESE ADDRESSES.**



FEE DISCLOSURE FORM AND COMPENSATION AGREEMENT **For Agent Services In Connection With a SBA 7(a) Loan**

Purpose of this form: Section 13 of the Small Business Act (15 U.S.C. § 642) requires that a small business SBA loan applicant (“Applicant”) identify the names of persons engaged by or on behalf of the Applicant for the purpose of expediting the application and the fees paid or to be paid to any such person. 13 C.F.R. Section 103.5 requires any Agent to execute and provide to SBA a compensation agreement showing the compensation charged for services rendered or to be rendered to the Applicant or lender in any matter involving SBA assistance. “Agent” includes a loan packager, referral agent, broker, accountant, attorney, consultant or any other party that receives compensation from representing an Applicant or lender in connection with an SBA loan. (13 C.F.R. Part 103 and sections 120.221 and 120.222 contain the rules governing compensation of Agents in connection with a 7(a) loan. These rules may be found at the [electronic code of federal regulations website, http://www.e-cfr.gov.](http://www.e-cfr.gov))

A 7(a) participating lender (“Lender”) may charge an Applicant reasonable fees for packaging services that are customary for similar lenders in the geographic area where the loan is being made. The Lender must advise the Applicant in writing that the Applicant is not required to obtain or pay for these services if they are unwanted. The Lender or its Associates cannot charge an Applicant any commitment, bonus, broker, commission, referral or similar fee.

If an Applicant chooses to employ an Agent to represent the Applicant, compensation an Agent or the Lender charges to and that is paid by the Applicant must bear a necessary and reasonable relationship to the services actually performed. Compensation cannot be contingent on loan approval. In addition, compensation must not include any expenses which are deemed by SBA to be unnecessary in connection with the loan application or are prohibited by SBA rules. If the compensation is not permitted by SBA rules, the Agent or the Lender must cancel the compensation, or refund to the applicant any portion the Applicant already paid. In cases where SBA deems the amount of compensation unreasonable, the Agent or the Lender must reduce the compensation charged to an amount SBA deems reasonable, refund to the Applicant any sum in excess of the amount SBA deems reasonable, and refrain from charging or collecting directly or indirectly from the Applicant an amount in excess of the amount SBA deems reasonable. Violation by an Agent or the Lender of any of these rules may result in SBA’s suspension or revocation of the privilege of conducting business with SBA.

The following are not considered Agents for purposes of this form and, therefore, are not required to complete this form: 1) Applicant’s accountant for the preparation of financial statements required by the Applicant in the normal course of business and not related to the loan application; 2) a state-certified or state-licensed appraiser employed by the Lender to appraise collateral in connection with the SBA loan; 3) a lender service provider operating under an SBA-approved lender service provider agreement; 4) an individual employed by the Lender to perform a business valuation in connection with the SBA loan; 5) an environmental professional employed by the lender to conduct an environmental assessment of the collateral in connection with the SBA loan; 6) a real estate agent who is receiving a commission for the sale of real estate in connection with the SBA loan; and 7) any attorney in connection with the 7(a) loan closing. In addition, direct costs associated with document preparation in connection with the loan closing do not need to be reported in this form.

Instructions for completing this form: This form must be completed in connection with a loan application and submitted to lender if: (1) the Applicant has paid (or will be paying) compensation to an Agent or the Lender or (2) the Lender has (or will be paying) a referral fee. There must be a separate, completed Form 159(7a) for each Agent compensated by the Applicant. If the certifications are made by a legal entity other than an individual (e.g., corporation, limited liability company), execution of the certification must be in the legal entity’s name by a duly authorized officer or other representative of the entity; if by a partnership, execution of the certification must be in the partnership’s name by a general partner. If the total compensation exceeds \$2,500, the compensation must be itemized. (An itemization is required even if the compensation charged is on a percentage basis.)

Loan applicant name:
Loan applicant business name (if any):

System of Records Notification: Information obtained from this form is part of the Agency’s Privacy Act Systems of Records, Loan Systems (“SOR 21”) and may become part of SBA’s System of Records for Suspension and Debarment Files (“SOR 36”). As such this record and the information contained therein may be used, disclosed, or referred for the following purposes, among others:

- To the Federal, State, local or foreign agency or professional organization which investigates, prosecutes or enforces violations of statutes, rules, regulations or orders, or which undertakes procurement of goods or services, when SBA determines that disclosure will promote programmatic integrity or protect the public interest.
- To SBA employees, contractors, interns, volunteers, and other regulators or legal authorities for the review of Loan Agent fees and activities and for the review of loans generated by Loan Agents (e.g. for performance and other trends).
- To GSA and the public for publication of Loan Agent suspensions, revocations, debarments, other enforcement actions, and exclusions in the System Awards Management’s (SAM) Excluded Parties List System (EPLS) or any successor system and on the SBA website consistent with Executive Order 12549 and other applicable law.
- To SBA employees, contractors, interns, volunteers and other regulators for regulatory purposes.

(See 77 FR 61467 (October 9, 2012), 77 FR 15835 (March 16, 2012), 74 FR 14890 (April 1, 2009) and as amended from time to time for additional routine uses.)

Agent’s Agreement and Certifications: By signing this form, the undersigned Agent agrees that it has not and will not directly or indirectly charge or receive any payment in connection with the application for or making of the SBA loan except for services actually performed on behalf of Applicant and identified in this form. The undersigned Agent certifies that the information provided in this form accurately describes the type of services it has provided to the Applicant and that the compensation described in this form is the only compensation that has been charged to or received from the Applicant or that will be charged to the Applicant for services covered by this form. The undersigned Agent further certifies that neither it nor any of the principals of its organization are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or Agency. **WARNING: False certifications can result in criminal prosecution under 18 U.S.C. § 1001 and other penalties provided under law.**

Type of agent:			
<input type="checkbox"/> Independent loan packager	<input type="checkbox"/> Lender compensated by applicant for loan packaging services	<input type="checkbox"/> Broker or Referral agent employed by applicant	<input type="checkbox"/> Other (describe):
Type of services agent provided to applicant:			
<input type="checkbox"/> Loan packaging	<input type="checkbox"/> Financial statements specifically for the application	<input type="checkbox"/> Broker or Referral services paid by applicant	<input type="checkbox"/> Other (describe):
Total compensation charged to applicant: \$ _____			
<u>If the amount exceeds \$2,500:</u> For the entire compensation charged, attach a separate schedule itemizing 1) the services performed; and 2) the <u>hourly rate</u> and the <u>number of hours</u> billed for that service. An itemization describing the services actually performed is required even if the compensation charged is on a percentage basis.			

Agent Name and Signature: By _____ (Signature of agent) _____ (Date)

(Name of agent – please print)

(Business name of agent – please print)

(Business address of agent including zip code)

(Business address cont.)

Applicant's Certifications: The undersigned Applicant certifies to SBA that the above representations and amounts are the only amounts paid (or that will be paid) by the Applicant in connection with the services covered by this form and are satisfactory to the Applicant. The Applicant further certifies that a separate compensation agreement (SBA Form 159(7a)) has been executed for all Agents, as defined above, involved with this loan application. **WARNING: False certifications can result in criminal prosecution under 18 U.S.C. § 1001 and other penalties provided under law.**

(Applicant's Name)

By: _____ (Signature of authorized representative)

(Date)

(Name of authorized representative – please print)

Lender's Certifications: The undersigned 7(a) participating lender certifies that the representations of services rendered and amounts charged as identified in this form are reasonable and satisfactory to it. The undersigned also certifies that he or she has no knowledge that any other Agent, as defined above, was engaged by, represented or worked on behalf of the Applicant other than as disclosed above or in another executed compensation agreement (SBA Form 159(7a)). The undersigned further certifies that any referral fees described below are the only referral fees paid by the lender to a referral agent in connection with this loan, and were not charged directly or indirectly to the Applicant. **WARNING: False certifications can result in criminal prosecution under 18 U.S.C. § 1001 and other penalties provided under law.**

(Name of referral agent – please print)

(7(a) lender name)

(Business name of agent – please print)

By: _____ (Signature of authorized lender representative) _____ (Date)

(Business address of agent including zip code)

(Name of authorized lender representative – please print)

(Business address cont.)

Referral fee paid, if any: \$ _____

SBA Loan Number _____ (if approved)

SBA Form 159(7a) (8-14)

PLEASE NOTE: The estimated burden for completion of this Form 159 is 5 minutes per response. You are not required to respond to this information collection unless it displays a currently valid OMB approval number. Comments or questions on the burden estimate should be sent to U.S. Small Business Administration, Chief, Administrative Information Branch, Washington, D.C. 20416, and Desk Officer for SBA, Office of Management and Budget, New Exec. Office Building, Room 10202, Washington, D. C. 20503. **PLEASE DO NOT SEND FORMS TO THESE ADDRESSES.**

BUSINESS DEVELOPMENT CORPORATION

Packaging Fee and Deposit Requirements

BDC requires a nonrefundable Packaging Fee for all loan requests as follows:

<u>Loan Amount</u>	<u>Packaging Fee</u>
Up to \$499,999	\$ 500.00
\$500,000 to \$999,999	\$ 750.00
\$1,000,000 or more	\$1,000.00

This packaging fee must accompany your application for financing.

In addition to BDC's Packaging Fee described above, SBA charges a guarantee fee. If your loan is approved and BDC issues a commitment letter to you, a deposit equal to 1.5% of the loan amount must be submitted with the signed and accepted commitment letter. At closing, this fee will be credited toward the remaining balance due for the required SBA guarantee fee. In the event the loan does not close, a portion or all of this deposit may be applied to administrative costs for BDC, including but not limited to legal fees.

Acknowledged: _____
Date



United States of America
SMALL BUSINESS ADMINISTRATION
STATEMENT OF PERSONAL HISTORY

Please Read Carefully: SBA uses Form 912 as one part of its assessment of program eligibility. Please reference SBA Regulations and Standard Operating Procedures if you have any questions about who must submit this form and where to submit it. For further information, please call SBA's Answer Desk at 1-800-U-ASK-SBA (1-800-827-5722), or check SBA's website at www.sba.gov. **DO NOT SEND COMPLETED FORMS TO OMB as this will delay the processing of your application; send forms to the address provided by your lender or SBA representative.**

Name and Address of Applicant (Firm Name)(Street, City, State, and ZIP Code)		SBA District/Disaster Area Office	
Amount Applied for (when applicable)		File No. (if known)	

1. Personal Statement of: (State name in full, if no middle name, state (NMN), or if initial only, indicate initial.) List all former names used, and dates each name was used. Use separate sheet if necessary. First _____ Middle _____ Last _____	2. Give the percentage of ownership or stock owned or to be owned in the small business or the development company _____	Social Security No. _____
	3. Date of Birth (Month, day, and year) _____	
	4. Place of Birth: (City & State or Foreign Country) _____	
	5. U.S. Citizen? <input type="checkbox"/> YES <input type="checkbox"/> NO INITIALS: _____ If No, are you a Lawful Permanent resident alien: <input type="checkbox"/> YES <input type="checkbox"/> NO If non- U.S. citizen provide alien registration number: _____	

Name and Address of participating lender or surety co. (when applicable and known)	6. Present residence address: From: _____ To: _____ Address: _____ Home Telephone No. (Include Area Code): _____ Business Telephone No. (Include Area Code): _____
	Most recent prior address (omit if over 10 years ago): From: _____ To: _____ Address: _____

PLEASE SEE REVERSE SIDE FOR EXPLANATION REGARDING DISCLOSURE OF INFORMATION AND THE USES OF SUCH INFORMATION.

YOU MUST INITIAL YOUR RESPONSES TO QUESTIONS 5,7,8 AND 9.

IF YOU ANSWER "YES" TO 7, 8, OR 9, FURNISH DETAILS ON A SEPARATE SHEET. INCLUDE DATES, LOCATION, FINES, SENTENCES, WHETHER MISDEMEANOR OR FELONY, DATES OF PAROLE/PROBATION, UNPAID FINES OR PENALTIES, NAME(S) UNDER WHICH CHARGED, AND ANY OTHER PERTINENT INFORMATION. AN ARREST OR CONVICTION RECORD WILL NOT NECESSARILY DISQUALIFY YOU; HOWEVER, AN UNTRUTHFUL ANSWER WILL CAUSE YOUR APPLICATION TO BE DENIED AND SUBJECT YOU TO OTHER PENALTIES AS NOTED BELOW.

7. Are you presently subject to an indictment, criminal information, arraignment, or other means by which formal criminal charges are brought in any jurisdiction?
 Yes No **INITIALS:** _____

8. Have you been arrested in the past six months for any criminal offense?
 Yes No **INITIALS:** _____

9. For any criminal offense – other than a minor vehicle violation – have you ever: 1) been convicted; 2) plead guilty; 3) plead nolo contendere; 4) been placed on pretrial diversion; or 5) been placed on any form of parole or probation (including probation before judgment).
 Yes No **INITIALS:** _____

10. I authorize the Small Business Administration Office of Inspector General to request criminal record information about me from criminal justice agencies for the purpose of determining my eligibility for programs authorized by the Small Business Act, and the Small Business Investment Act.

CAUTION - PENALTIES 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, surety bond, or other program participation. A false statement is punishable under 18 USC 1001 and 3571 by imprisonment of not more than five years and/or a fine of up to \$250,000; under 15 USC 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, under 18 USC 1014 by imprisonment of not more than thirty years and/or a fine of not more than \$1,000,000.

Signature _____	Title _____	Date _____
-----------------	-------------	------------

Agency Use Only 11. <input type="checkbox"/> Fingerprints Waived _____ Date _____ Approving Authority _____ <input type="checkbox"/> Fingerprints Required _____ Date _____ Approving Authority _____ Date Sent to OIG _____		12. <input type="checkbox"/> Cleared for Processing _____ Date _____ Approving Authority _____ 13. <input type="checkbox"/> Request a Character Evaluation _____ Date _____ Approving Authority _____ (Required whenever 7, 8 or 9 are answered "yes" even if cleared for processing.)
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PLEASE NOTE: The estimated burden for completing this form is 15 minutes per response. You are not required to respond to any collection of information unless it displays a currently valid OMB approval number. If you wish to submit comments on the burden for completing this form, direct these comments to U.S. Small Business Administration, Chief, AIB, 409 3rd St., S.W., Washington D.C. 20416 and Desk Officer for the Small Business Administration, Office of Management and Budget, New Executive Office Building, Room 10202, Washington, D.C. 20503. OMB Approval 3245-0178. **DO NOT SEND COMPLETED FORMS TO OMB as this will delay the processing of your application; send forms to the address provided by your lender or SBA representative.**

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.

Form 912 Explanation Form

(Details needed when individual answers “Yes” or “No” to Questions 7, 8 or 9)

Provide the following for each offense:

- **Name(s) under which you were charged:**
- **Date of offense:**
- **Charge** (state exactly what you were charged with):
 - **Is this charge a misdemeanor or felony?:**
- **Disposition** (state exactly what you were convicted of):
 - **Was the conviction a misdemeanor or 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
---------------------	-------------------

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:
- | | | |
|---|-------------------------------------|---|
| <input type="checkbox"/> drums | <input type="checkbox"/> containers | <input type="checkbox"/> waste piles |
| <input type="checkbox"/> pits | <input type="checkbox"/> sumps | <input type="checkbox"/> above ground tanks |
| <input type="checkbox"/> 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