

Instructions for Bond-Preparation

We direct your attention to the following requirements of the Law Bureau of this Department regarding the preparation of the attached bond:

1. Name of principal shown on bond must conform **exactly** with the name shown on application for registration as a distributor.

2. Bond must be signed by both principal and surety.

Where the principal is a partnership, a general partner should sign the bond. The partner's name and designation as partner must be printed below the partner's signature.

Name and title of officer signing on behalf of corporate principal must be printed below officer's signature.

3. Corporate seal must be affixed opposite signature of officer signing on behalf of the principal.

4. Surety seal must be affixed opposite signature of person signing on behalf of surety.

5. Signature of **both** principal and surety must be **acknowledged** before a Notary Public. **Notarization** of the signatures is not sufficient.

6. The correct form of acknowledgment (individual, partnership, or corporate) must be used. See forms attached.

7. The acknowledgments before a Notary Public must show the following:

- a. Date
- b. Venue
- c. County in which Notary is qualified
- d. Date of expiration of Notary's commission

8. Acknowledgments of the signatures must not be taken prior to execution of the bond.

9. Bond must be supported by **current** financial statement (not more than 18 months old) of the **surety**, a copy of the authority of the person signing on behalf of the surety to execute it (power of attorney-in-fact), and a certified statement that the power of attorney is still in existence on the date of acknowledgment.

10: Bond number must be shown on face of bond.

Other:

Your cooperation is requested in following the above instructions exactly. In this way we hope to spare both your office and the applicant for registration the annoyance and delay resulting when improperly prepared bonds must be returned for correction.

Form of Bond for Wholesale Dealer of Cigarettes

KNOW ALL MEN BY THESE PRESENTS, that we _____
(Name of Corporation, Partnership or Individual)

of _____
(Address-Street, City, State, ZIP)

as Principal, and _____ a corporation organized under the laws of
(Name of surety)

_____ having it's principal office at _____
(State of Incorporation) (Address-Street, City, State and ZIP)

and being duly authorized to transact business in the State of New York, as Surety, are held and firmly bound to the People of the State of New York in the sum of \$10,000, lawful money of the United States of America to be paid to the said People of the State of New York, their attorney or assigns, for which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, said principal is a wholesale dealer of cigarettes within the meaning of Article 20 of the Tax Law of the State of New York having a place of business at _____ and said Article 20
(Address-Street, City, State and ZIP)
providing that the Commissioner of Taxation and Finance may license wholesale dealers of cigarettes, and said Principal having been licensed as such wholesale dealer of cigarettes or having made application for such license.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the principal shall pay to the New York State Department of Taxation and Finance, its fiscal agent, or any fiscal sub-agents all sums due for any violation of Article 20 or Article 20-A of the Tax Law, and amendments thereto, and the regulations of the Commissioner of Taxation and Finance adopted pursuant thereto, then this obligation to be void, otherwise to remain in full force and effect, subject, however, to the following conditions:

1. The aggregate liability of the surety with respect to sums due for violations by the Principal of Article 20 or Article 20-A of the Tax Law during the entire effective period of this bond shall not exceed the amount above stated.
2. This bond may be canceled upon the written consent of the Department of Taxation and Finance, or by the service of written notice by the Surety upon the Department of Taxation and Finance, in which event the liability of the Surety hereunder shall absolutely cease and terminate ninety (90) days after the service of such notice as to any subsequent acts by said Principal.

IN WITNESS WHEREOF, said Principal and Surety have caused this instrument to be duly signed, sealed and acknowledged this _____ day of _____.

Principal. (Seal)

By _____

Surety (Seal)

By _____

NOTE: Attach acknowledgements by both principal and surety, current financial statement of the surety and copy of power of attorney for person signing on behalf of surety company.

SURETY ACKNOWLEDGMENT

State of)
) SS.:
County of)

On this ____ day of ____ in the year ____ before me personally came ____ to me known,
(name of attorney in fact)
who, being duly sworn, did depose and say that he/she resides in; ____
(if the place of residence is in a city, include the street and street number, if any, thereof)
that he/she is the attorney in fact duly appointed of the ____, the corporation described in and which
(name of corporate surety)
executed the attached instrument as surety; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by authority of the board of directors of said corporation; and that he/she signed his/her name thereto by like authority.

Notary Public ____
My commission expires ____

ACKNOWLEDGMENT BY PRINCIPAL

<p>INDIVIDUAL ACKNOWLEDGMENT</p> <p>State of ss.:</p> <p>County of</p> <p>On this ____ day of ____ in the year ____ before me personally came ____ to me known, to be the person described in the attached bond and that he/she acknowledged to me that he/she executed the same.</p> <p>_____ (notary public)</p>	<p>PARTNERSHIPS/LIMITED LIABILITY PARTNERSHIP ACKNOWLEDGMENT</p> <p>State of ss.:</p> <p>County of</p> <p>On this ____ day of ____ in the year ____ before me personally came ____ to me known, who being by me duly sworn, did depose and say that he/she resides at ____ ; that he/she is a partner of _____, the partnership described in and which executed the attached bond as principal; and that he/she is empowered to and did execute the same for and on behalf of the partnership.</p> <p>_____ (notary public)</p>
<p>CORPORATE ACKNOWLEDGMENT (AS PRINCIPAL)</p> <p>State of ss.:</p> <p>County of</p> <p>On this ____ day of ____ in the year ____ before me personally came ____ to me known, who being by me duly sworn, did depose and say that he/she resides in _____ ; (if the place of residence is a city include the street and street number, if any) that he/she is the _____ (corporate title) of the, _____ (name of corporation) the corporation described in and which executed the attached bond as principal; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by authority of the board of directors of said corporation, and that he/she signed his/her name thereto by like authority.</p> <p>_____ (notary public)</p>	<p>LIMITED LIABILITY COMPANY ACKNOWLEDGMENT</p> <p>State of ss.:</p> <p>County of</p> <p>On this ____ day of ____ in the year ____ before me personally came ____ to me known, who being by me duly sworn, did depose and say that he/she resides in _____ ; (if the place of residence is a city include the street and street number, if any) that he/she is a member or manager of the _____ (name of LLC) _____, the limited liability company described in and which executed the attached bond as principal; that he/she is authorized to and did execute the same for and on behalf of the company.</p> <p>_____ (notary public)</p>