TRANSIENT MERCHANT CASH BOND

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
SFN 60253 (10/2012)

License Number (Office Use Only)

Name of Obligor	Cash Bond Amount $

The obligor named above does hereby deposit with the Attorney General of the state of North Dakota the cash sum indicated above as a cash deposit bond in lieu of a surety bond, pursuant to North Dakota Century Code (N.D.C.C.) § 51-04-03, for the performance of all obligations as a transient merchant under N.D.C.C. ch. 51-04, and as set forth herein below. The condition of the within obligation is such that the obligor has applied for a license as a transient merchant under the provisions of N.D.C.C. ch. 51-04.

NOW, THEREFORE, if the obligor, his/her or its agents, representatives, and employees shall faithfully and honestly conduct the business of the applicant under North Dakota law, and all rules and regulations promulgated in pursuance thereof, and the obligor shall comply with all material oral or written statements and representations made by the applicant, his/her or its agents, employees, or representatives, with reference to merchandise sold, or offered for sale and on faithful performance under all warranties made with reference thereto, then this obligation will be void; otherwise the obligation will remain in full force and effect.

Any person injured by the breach of conditions of such cash bond may make application to the Attorney General to recover legal damages suffered by reason of such breach; provided that the aggregate recovery from such cash deposit bond for all such damages shall, in no event, exceed the sum of said cash deposit. Where the legal damage suffered by an injured person exceeds the amount recovered from the cash deposit, such partial recovery shall in no way prejudice the right of the injured person to proceed directly against the obligor/licensee for such excess damages.

This cash deposit bond is a continuing obligation and shall cover the full period of licensing of the obligor. Claims against the cash deposit bond may be made during the licensing period and for two years thereafter.

This cash deposit bond shall not be refundable nor terminate prior to two years after the expiration of the last license issued pursuant thereto. This cash deposit bond may be refunded, upon written request sent by certified mail to the Attorney General, two years after the termination of the license issued pursuant thereto. The cash deposit bond may be refunded two years after the filing of a commercial surety bond as a replacement to the cash deposit.

All liability hereunder shall terminate two years after the expiration of the last license issued, except that the liability of the obligor shall apply as provided to any acts of omissions which may have occurred during the licensing period for which claims were made on or before two years after the last license issued and remain pending.

Name of Obligor	
Signature	Title

If obligor is a corporation or limited liability company, officer, member or governor signing must attach resolution authorizing execution.

FORM A

State of
County of

Individual signing on behalf of Obligor on page 1

Name	Title

As of the date indicated below,

☐ IF BY INDIVIDUAL USE THIS FORM — Personally appeared the individual identified above, known to me to be the person who is described in and who executed the within instrument as obligor, and he acknowledged to me that he executed same.

☐ IF BY CO-PARTNERSHIP USE THIS FORM — Personally appeared the individual identified above, known to me to be one of the members of the co-partnership that is described in and that executed the within instrument for and on behalf of said co-partnership as obligor, and he acknowledged to me that he executed the same for said co-partnership.

☐ IF BY CORPORATION USE THIS FORM — Personally appeared the individual identified above, known to me to be an officer of the corporation that is described in and that executed the within instrument as obligor, and he acknowledged to me that such corporation executed the same.

☐ IF BY LIMITED LIABILITY COMPANY USE THIS FORM — Personally appeared the individual identified above, known to me to be a governor or member of the limited liability company that is described in and that executed the within instrument as obligor, and he acknowledged to me that such limited liability company executed the same.

Notary Stamp	Subscribed to and sworn before me	Date
	Signature of Notary Public	
	Commission Expiration Date	

Cash Bond Amount $	Written Amount

Receipt of the cash amount indicated above, is hereby acknowledged from the obligor as a transient merchant cash deposit bond, under the terms set forth above.

Date Received	Received By Director, Licensing Section	
Signature		Effective Date

APPROVAL ND OFFICE OF ATTORNEY GENERAL

Approved as to form on behalf of Wayne Stenehjem, Attorney General	Approval Date
Signature of Assistant Attorney General	

RESOLUTION

Name	Title
Obligor Name	State in which Obligor is Incorporated or Organized
Cash Bond Amount $	

RESOLVED, that the individual named above is hereby authorized and directed to deliver to the State of North Dakota for and on behalf of the corporation or limited liability company a transient merchant bond in the amount provided for above.

☐ IF BY CORPORATION USE THIS FORM

As secretary of the corporation, incorporated under the laws of the state named above, I hereby certify that the foregoing is a full, true and correct copy of a resolution of the board of directors of the corporation duly and regularly adopted by the corporation as required by law and the bylaws of the corporation.

IN WITNESS WHEREOF, I have set my hand as such secretary, and affixed the seal of the corporation (if any), as signed and dated below.

Secretary Signature	Date

☐ IF BY LIMITED LIABILITY COMPANY USE THIS FORM

As a member or governor of the limited liability company, organized under the laws of the state named above, I hereby certify that the foregoing is a full, true and correct copy of a resolution of the board of governors of the limited liability company duly and regularly adopted by the limited liability company as required by law and the articles of organization of the limited liability company.

IN WITNESS WHEREOF, I have set my hand as such member or governor, and affixed the seal of the limited liability company (if any), as signed and dated below.

Member or Governor Signature	Date