

BORROWER'S CERTIFICATION

INSTRUCTIONS: INDICATE THE PARAGRAPHS BEING CERTIFIED TO BY HAVING THE BORROWER INITIAL IN THE [_____] NEXT TO THE APPROPRIATE PARAGRAPHS, PRIOR TO SIGNING.

In order to induce _____ ("Lender") to make a U. S. Small Business Administration ("SBA") guaranteed Loan, SBA Loan Number _____ ("Loan") to _____ ("Borrower"),

A. Borrower and _____ ("Operating Company") certify that:

- [_____] 1. **Receipt of Authorization** - Borrower and Operating Company have received a copy of the Authorization for this Loan from Lender, and acknowledge that:
- a. The Authorization is not a commitment by Lender to make a loan to Borrower;
 - b. The Authorization is between Lender and SBA and creates no third party rights or benefits to Borrower;
 - c. The Note will require Borrower to give Lender prior notice of intent to prepay.
 - d. If Borrower defaults on Loan, SBA may be required to pay Lender under the SBA guarantee. SBA may then seek recovery of these funds from Borrower. Under SBA regulations, 13 CFR Part 101, Borrower may not claim or assert against SBA any immunities or defenses available under local law to defeat, modify or otherwise limit Borrower's obligation to repay to SBA any funds advanced by Lender to Borrower.
 - e. Payments by SBA to Lender under SBA's guarantee will not apply to the Loan account of Borrower, or diminish the indebtedness of Borrower under the Note or the obligations of any personal guarantor of the Note.
- [_____] 2. **Immigration Laws – (Mandatory for Loans made under Section 502 of the Recovery Act of 2009)** Neither Borrower nor Operating Company has been determined by the Secretary of Homeland Security or the Attorney General to have engaged in a pattern or practice of hiring an alien, recruiting an alien, or referring an alien for a fee for employment in the United States, knowing that the person is an unauthorized alien.
- [_____] 3. **Mandatory for Loans made under Sections 501 and 502 of the Recovery Act of 2009)** No working capital loan proceeds from this loan will be used for any costs or expenses associated with a swimming pool, aquarium, zoo and/or golf course.

(Borrower) Date

(Operating Company) Date

By: _____

By: _____