

# MERCHANT APPLICATION AND AGREEMENT

## PARTIES AND SERVICES

THIS MERCHANT APPLICATION AND AGREEMENT (this "Agreement") is entered into by and between PAYMENTECH, L.P., a Delaware limited partnership, and the Merchant identified in this Agreement. Under the terms of this Agreement, Company will be the sole provider to Merchant of the services necessary to authorize, process and settle all of Merchant's credit and debit card transactions set forth in Schedule A to this Agreement. If a third party referred you to Paymentech for the services provided under this Agreement, such third party may be party to the Agreement, but has no rights with respect to Merchant except as provided in such third party's agreement with us.

PAYMENTECH USE ONLY	
OUTLET #	
HIERARCHY	
MCC	REFERRAL SOURCE
SALES REPRESENTATIVE	PHONE
SALES ID	REFERRAL NUMBER

ESTIMATED DATE OF FIRST CREDIT CARD ACCEPTANCE: \_\_\_\_\_

MERCHANT INFORMATION*	
IS YOUR BUSINESS SEASONAL? <input type="checkbox"/> YES <input type="checkbox"/> NO	MERCHANT "DOING BUSINESS AS" NAME
NAME OF CORPORATION OR PARTNERSHIP	LOCATION ADDRESS
MAILING/BILLING ADDRESS	CITY, STATE AND ZIP
CITY, STATE AND ZIP	TELEPHONE NUMBER
TELEPHONE NUMBER	PRIMARY MERCHANT CONTACT
FAX NUMBER	E-MAIL ADDRESS
BUSINESS START DATE	HOW LONG AT THIS LOCATION
TAX ID #	TOTAL # OF LOCATIONS
<b>TYPE OF BUSINESS:</b> <input type="checkbox"/> RETAIL <input type="checkbox"/> WHOLESALE <input type="checkbox"/> RESTAURANT <input type="checkbox"/> LODGING <input type="checkbox"/> MAIL ORDER <input type="checkbox"/> TELEPHONE ORDER <input type="checkbox"/> CONVENIENCE STORE <input type="checkbox"/> CONVENIENCE STORE WITH GAS <input type="checkbox"/> INTERNET <input type="checkbox"/> BUSINESS TO BUSINESS <input type="checkbox"/> HOME-BASED <input type="checkbox"/> OTHER IF INTERNET BUSINESS, LIST WEBSITE ADDRESS: _____	
DESCRIBE THE MERCHANDISE SOLD OR SERVICE PROVIDED	
<b>CHECK METHOD OF ADVERTISING AND INCLUDE ANY MATERIALS:</b> <input type="checkbox"/> YELLOW PAGES AD <input type="checkbox"/> CATALOG <input type="checkbox"/> DIRECT MAIL - LETTER/BROCHURE <input type="checkbox"/> TV/RADIO <input type="checkbox"/> TELEPHONE/TELEMARKETING <input type="checkbox"/> NEWSPAPER/MAGAZINE ADVERTISEMENT <input type="checkbox"/> REFERRAL <input type="checkbox"/> INTERNET/E-MAIL	
<b>TYPE OF OWNERSHIP:</b> <input type="checkbox"/> SOLE OWNERSHIP <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> JOINT VENTURE <input type="checkbox"/> LLC CORP <input type="checkbox"/> PUBLIC CORP <input type="checkbox"/> PRIVATE CORP <input type="checkbox"/> GOVERNMENT CORP <input type="checkbox"/> NON-PROFIT CORP <input type="checkbox"/> OTHER	
<b>MAIL/FAX C/B'S RETRIEVALS TO:</b> <input type="checkbox"/> OUTLET <input type="checkbox"/> CORPORATE <b>MAIL/FAX STATEMENTS TO:</b> <input type="checkbox"/> OUTLET <input type="checkbox"/> CORPORATE	
AMERICAN EXPRESS MERCHANT #	DISCOVER MERCHANT #
EQUIPMENT TYPE	<input type="checkbox"/> RENT <input type="checkbox"/> PURCHASE <input type="checkbox"/> LEASE <input type="checkbox"/> REPROGRAM
<b>OWNERS*</b> (OWNERSHIP MUST EQUAL 100% - ADD ADDITIONAL SHEETS AS NECESSARY)	
NAME _____	TITLE _____ PERCENT OF OWNERSHIP _____ %
RESIDENCE ADDRESS _____	SOCIAL SECURITY # _____
CITY _____ STATE _____ ZIP _____	DATE OF BIRTH _____
DRIVER'S LICENSE # _____	STATE _____ HOME TELEPHONE (_____) _____
NAME _____	TITLE _____ PERCENT OF OWNERSHIP _____ %
RESIDENCE ADDRESS _____	SOCIAL SECURITY # _____
CITY _____ STATE _____ ZIP _____	DATE OF BIRTH _____
DRIVER'S LICENSE # _____	STATE _____ HOME TELEPHONE (_____) _____
<b>OFFICERS</b>	
COMPANY PRESIDENT _____	COMPANY CFO _____

CREDIT INFORMATION		
ANNUAL VISA/MASTERCARD VOLUME	AVERAGE CREDIT CARD TICKET	TOTAL SALES
<b>MAIL OR TELEPHONE ORDER SALES</b> (Complete if your sales are generated by mail, telephone or Internet orders, or if your product is not delivered at the point of sale.)		
PERCENT OF ANNUAL CREDIT CARD SALES GENERATED THROUGH MAIL _____ PHONE _____ INTERNET _____ CARD SWIPE _____ <b>TOTAL = 100%</b>		
PERCENTAGE OF HAND-KEYED ITEMS _____ %		
NUMBER OF DAYS TO PREPARE SHIPMENTS FOR DELIVERY TO CUSTOMER FROM DATE OF ORDER _____		
PERCENT OF CUSTOMER ORDERS DELIVERED IN 0-7 DAYS _____ 8-14 DAYS _____ 15-30 DAYS _____ MORE THAN 30 DAYS _____ = 100%		
MC/VISA SALES ARE DEPOSITED (CHECK ONE) <input type="checkbox"/> AT DATE OF ORDER <input type="checkbox"/> AT DATE OF DELIVERY <input type="checkbox"/> OTHER		
NAME OF FULFILLMENT HOUSE (IF ANY) _____ DELIVERY TIME FRAME _____		
STREET ADDRESS _____	CITY _____	STATE _____ ZIP _____
NAME OF SHIPPING SERVICE USED _____	DELIVERY TIME FRAME _____	
STREET ADDRESS _____	CITY _____	STATE _____ ZIP _____

\* FEDERAL REGULATIONS REQUIRE THAT WE COLLECT INFORMATION TO VERIFY CUSTOMER IDENTITY AND THAT WE RETAIN THIS INFORMATION IN OUR RECORDS.  
 POS-1002

**SALES DEPOSIT POLICY**

ARE CONSUMERS REQUIRED TO PROVIDE A DEPOSIT?  YES  NO IF YES, WHAT PERCENT OF YOUR CREDIT CARD TRANSACTIONS REQUIRE A DEPOSIT? \_\_\_\_\_% IF A DEPOSIT IS REQUIRED, WHAT PERCENT OF THE TOTAL SALE IS REQUIRED? \_\_\_\_\_%

**REFUND POLICY**

DO YOU HAVE A REFUND POLICY FOR YOUR MASTERCARD/VISA SALES?  YES  NO  
CHECK THE APPLICABLE REFUND POLICY:  CASH  EXCHANGE  STORE CREDIT  MASTERCARD/VISA CREDIT  
IF MC/VISA CREDIT, WITHIN HOW MANY DAYS DO YOU DEPOSIT CREDIT TRANSACTIONS?  0-3 DAYS  4-7 DAYS  8-14 DAYS  OVER 14 DAYS

**BANK AND BUSINESS TRADE REFERENCES**

**BANK NAME** \_\_\_\_\_ **PHONE** (\_\_\_\_\_) \_\_\_\_\_  
**ADDRESS** \_\_\_\_\_ **CITY/STATE/ZIP** \_\_\_\_\_  
**CONTACT** \_\_\_\_\_ **ACCOUNT** \_\_\_\_\_  
T/R# \_\_\_\_\_  
**TRADE NAME** \_\_\_\_\_ **PHONE** (\_\_\_\_\_) \_\_\_\_\_  
**ADDRESS** \_\_\_\_\_ **CITY/STATE/ZIP** \_\_\_\_\_  
**CONTACT** \_\_\_\_\_ **ACCOUNT** \_\_\_\_\_  
**TRADE NAME** \_\_\_\_\_ **PHONE** (\_\_\_\_\_) \_\_\_\_\_  
**ADDRESS** \_\_\_\_\_ **CITY/STATE/ZIP** \_\_\_\_\_  
**CONTACT** \_\_\_\_\_ **ACCOUNT** \_\_\_\_\_

**IF THE MERCHANT HAS PREVIOUSLY ACCEPTED CREDIT CARDS, THE LAST 3 MONTHS MERCHANT STATEMENTS MUST BE PROVIDED**

CURRENT CREDIT CARD PROCESSING BANK, IF APPLICABLE  
**BANK OR PROCESSOR NAME** \_\_\_\_\_ **PHONE** (\_\_\_\_\_) \_\_\_\_\_  
**CITY/STATE/ZIP** \_\_\_\_\_ **CONTACT** \_\_\_\_\_  
**REASON FOR CHANGING BANK OR PROCESSOR** \_\_\_\_\_

HAVE ANY OF THE PRINCIPALS EVER FILED FOR BANKRUPTCY?  YES  NO  
IF YES, NAME \_\_\_\_\_ CHAPTER FILED \_\_\_\_\_ DATE \_\_\_\_\_

HAVE ANY OF THE PRINCIPALS EVER MANAGED OR OWNED ANOTHER BUSINESS THAT ACCEPTED CREDIT CARDS?  YES  NO  
IF YES, PROVIDE BUSINESS NAME \_\_\_\_\_ CITY/STATE \_\_\_\_\_

**FOR MERCHANT** - As the person signing below on behalf of the business designated on the above Application ("Merchant"), I certify that I am an owner, partner or officer of the Merchant and have been duly authorized to sign this Merchant Application and Agreement on behalf of the Merchant. I also acknowledge that Merchant has received and read (1) Terms and Conditions for Merchant Agreement, (2) Schedule A (Pricing) and (3) the Operating Guides - Retail and Mail Order/Telephone Order/Internet Transactions, and Merchant agrees to be bound by the terms and conditions contained in those documents. Merchant hereby authorizes Paymentech to credit and debit Merchant's designated bank account(s) in accordance with this Agreement. Merchant represents and warrants that all information on this Application, and the related information submitted in conjunction with the Application, is true, complete and not misleading. The Application now belongs to Paymentech. Merchant understands that the application fee is non-refundable.

**FOR MERCHANT AND INDIVIDUAL GUARANTORS** - Merchant and each guarantor signing below ("Guarantor") hereby authorizes and agrees that Paymentech, or its designee, may investigate and verify the credit and financial information of Merchant and any individual Guarantor and may obtain consumer and commercial credit reports on the Guarantors and the Merchant from time to time. If the Application is approved, subsequent consumer and business credit reports may be required or used in connection with the maintenance, updating, renewal or extension of the Agreement. The Merchant and each Guarantor agrees that all business references, including banks, may release any and all credit and financial information to Paymentech. ANY UNILATERAL ALTERATION, STRIKEOVER OR MODIFICATION TO THE PREPRINTED TEXT OR LINE ENTRIES OF THIS MERCHANT APPLICATION AND LEGAL AGREEMENT SHALL BE OF NO EFFECT WHATSOEVER, AND AT PAYMENTECH'S SOLE DISCRETION, MAY RENDER THIS MERCHANT APPLICATION INVALID.

**FOR EACH INDIVIDUAL GUARANTOR** - As an individual Guarantor, I hereby agree to be bound as a Guarantor of the Merchant's obligations under this agreement, according to the Personal Guaranty contained in the Terms and Conditions for Merchant Agreement. I acknowledge that I have received and read (1) Terms and Conditions for Merchant Agreement including the terms and conditions of the Personal Guaranty, (2) Schedule A (Pricing) and (3) the Operating Guides - Retail and Mail Order/Telephone Order/Internet Transactions.

**FOR OWNERS** - Each owner signing below authorizes Paymentech, as part of its investigation, to obtain and review third party credit bureau consumer credit reports on such owner. Ownership must equal at least 50% and must include at least two individual owners, if applicable.

**MERCHANT:**

**BUSINESS LEGAL NAME** \_\_\_\_\_ **dba** \_\_\_\_\_


 **X** \_\_\_\_\_ **Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Individual Signature

Print Individual Name: \_\_\_\_\_

**GUARANTORS:**

 **X** \_\_\_\_\_ **Individual Signature** \_\_\_\_\_  
Print Guarantor Name: \_\_\_\_\_ **Date:** \_\_\_\_\_ **Individual Signature** \_\_\_\_\_  
Print Guarantor Name: \_\_\_\_\_ **Date:** \_\_\_\_\_

**OWNERS (SIGNORS' OWNERSHIP MUST EQUAL AT LEAST 50% AND, IF APPLICABLE, MUST INCLUDE AT LEAST TWO INDIVIDUAL OWNERS) :**

 **X** \_\_\_\_\_ **Owner Signature** \_\_\_\_\_  
Print Owner Name: \_\_\_\_\_ **Date:** \_\_\_\_\_ **Owner Signature** \_\_\_\_\_  
Print Owner Name: \_\_\_\_\_ **Date:** \_\_\_\_\_

**APPROVED:**

**PAYMENTECH, L.P., by PTI General Partner, LLC, its general partner**

**By:** \_\_\_\_\_ **Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_