

801-972-3676 Phone
801-972-3750 Fax

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APPLICATION FOR ACCOUNT

CUBAN CIGAR, INC.

3379 W. 2555 S. West Valley City, UT 84119

Date: _____
Customer # _____
Sales Rep #: _____

Account Name: _____ Store #: _____ TERMS: EFT-7 Days POD Net 7 Days
(Store Name) (Chains should attach account list) (Circle One)

Street Address: _____ City: _____ State: _____ Zip: _____ Phone #: (____) _____

Home Phone #: (____) _____ Fax #: (____) _____ E-Mail Address: _____

(Check One) Legal Name: _____ State of Incorporation: _____

Office Address: _____ Years in Business: _____

Corporation
 Partnership
 Proprietorship
 Gov/School
 Non Profit

City: _____ State: _____ Zip: _____ Phone #: (____) _____

Federal ID#: _____ Cig. Tax License #: _____

Date Business Commenced: _____ Sales Tax #: _____

Business Premises: Own ___ Lease ___ Tax Exempt #: _____

Type of Business (Circle All Applicable): Chain/C-Store/Kiosk/Gift Shop/Bookstore/Vending/Tobacco Only

Landlord Name: _____ Address: _____

City: _____ State: _____ Zip: _____ Phone: (____) _____

ALL OWNERS/PRINCIPALS

Owner Name: _____ Title: _____ Social Security #: _____ - _____ - _____

Home Address: _____ City: _____ State: _____ Zip: _____

Years @ Address: _____ Have you ever filed bankruptcy? **Y / N** Do you own your own home? **Y / N** Drivers Lic # _____

Owner Name: _____ Title: _____ Social Security #: _____ - _____ - _____

Home Address: _____ City: _____ State: _____ Zip: _____

Years @ Address: _____ Have you ever filed bankruptcy? **Y / N** Do you own your own home? **Y / N** Drivers Lic.# _____

BANK REFERENCES

Name of Bank (Business Account): _____ Account/Loan #: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone#: (____) _____ Fax: (____) _____ Type of Account: Savings/Checking/Loan

Name of Bank (Personal Account): _____ Account/Loan #: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone#: (____) _____ Fax: (____) _____ Type of Account: Savings/Checking/Loan

TRADE REFERENCES

(Please list vendors with whom you have a credit relationship)

Primary Wholesaler: _____ Phone # (_____) _____ Fax # (____) _____

Address: _____ City: _____ State: _____ Zip: _____ No. of Years: _____

Vendor: _____ Phone # (_____) _____ Fax # (____) _____

Address: _____ City: _____ State: _____ Zip: _____ No. of Years: _____

Vendor: _____ Phone # (_____) _____ Fax # (____) _____

Address: _____ City: _____ State: _____ Zip: _____ No. of Years: _____

TERMS & CONDITIONS

"If credit requested is \$10,000 or greater, please attach a copy of your most current financial statements" Minimum monthly purchases of \$400.00 required to set up charging privileges.

The undersigned customer (hereinafter, the "Customer") certifies to Cuban Cigar Inc. ("Cuban Cigar") that the information on this Application for Account is correct and that it is submitted for the purpose of obtaining an account. The Customer agrees to allow Bank and Trade References to release credit and account information to Cuban Cigar. In the event an account is approved, the Customer applicant for account, intending to be legally bound, agrees to the following terms and conditions:

1. The Customer agrees to pay all charges on receipt of merchandise. If the Customer is a corporation, partnership, Limited Liability Company or other entity, the principals of the entity will sign the guaranty that is attached to this Application.
2. In the event that Cuban Cigar does not receive payment according to the established terms, Cuban Cigar will charge, and the Customer agrees to pay, a finance charge at the rate of .049% per day, 18% per annum on the unpaid balance.
3. Cuban Cigar may, at its option, elect to refuse to continue to supply the Customer with any additional merchandise until the account is paid in full.
4. In the event the account is unpaid for a period of Thirty (30) days or more from the date of delivery of the merchandise, the account may be turned over for collection. The Customer will pay all Cuban Cigar's costs of collection, including reasonable attorneys' fees. If Cuban Cigar sues the Customer to collect any amounts owed and wins the suit, the Customer agrees to pay Cuban Cigar actual court costs and reasonable attorney's fees as allowed by law. The Customer agrees to allow Cuban Cigar to choose the court where legal proceedings will be filed.
5. If the Customer's account becomes past due, the Customer will allow Cuban Cigar the right to repossess the merchandise from the Customer's location.
6. In addition to any rights of Cuban Cigar under paragraph 5, the Customer hereby grants to Cuban Cigar a purchase money security interest in all inventory that is now or hereafter sold by Cuban Cigar to the Customer, wherever such inventory is located, and in all proceeds thereof. The Customer authorizes Cuban Cigar to file, in such offices and jurisdictions as Cuban Cigar may elect, at Customer's expense, financing and continuation statements pursuant to the Utah Uniform Commercial Code ("UCC") and notices of Cuban Cigar's security interest to other secured parties of Customer. Upon failure of the Undersigned to pay its obligations to Cuban Cigar according to the established terms, Cuban Cigar will have all of the rights and remedies of a secured party under the UCC in addition to all of its other rights and remedies at law, equity and under this Agreement.
7. If any term or provision of this Agreement or the application thereof to any party or circumstance shall to any extent be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to parties or circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the maximum extent permitted by law.
8. These terms and conditions may not be changed, altered, or modified unless in writing and signed by an authorized officer of Cuban Cigar.
9. Any notation made on any form of payment for less than full payment due to Cuban Cigar shall not act as a release, waiver, or relinquishment of any claims of Cuban Cigar for unpaid or portions thereof due from Customer.

Unconditional Guaranty of Account

Each of the undersigned, owner(s) of _____ [company name], a _____ [corporation][limited liability company] [partnership] ("Customer") hereby unconditionally jointly and severally guarantee(s) all obligations of Customer to Cuban Cigar, Inc. ("Seller"), its successors and assigns. This is a guaranty of payment, not of collection. The undersigned waive(s) all defenses based on survey ship or impairment of collateral, and waive(s) all notices. The undersigned also consent to Cuban Cigar, Inc. the use of non-business consumer credit reports to further evaluate credit worthiness of all principals in connection with the extension of business credit as contemplated by this credit application.

This guaranty may be revoked only thirty days after Seller's receipt of the undersigned's written notice of revocation, and the notice of revocation shall not apply to any obligations existing as of the effective date of the revocation. The undersigned will pay all Sellers' costs of collection, including reasonable attorneys' fees. This Guaranty contains the parties' entire understanding as to the undersigned's guaranty, and may only be modified by a writing signed by the undersigned and Seller.

In witness whereof, the undersigned has executed this Guaranty as a sealed instrument as of the ____ day of _____, 20__

Sign Name:

Print Name:

Sign Name:

Print Name:

Witness:



Utah State Tax Commission
Exemption Certificate
 (Sales, Use, Tourism and Motor Vehicle Rental Tax)

TC-721
 Rev. 12/07

Name of business or institution claiming exemption (purchaser)		Telephone Number	
Street Address	City	State	ZIP Code
Authorized Signature	Name (please print)	Title	
Name of Seller or Supplier:			Date

The person signing this certificate **MUST** check the applicable box showing the basis for which the exemption is being claimed. Questions should be directed (preferably in writing) to Taxpayer Services, Utah State Tax Commission, 210 N 1950 W, Salt Lake City, UT 84134. Telephone (801) 297-2200, or toll free 1-800-662-4335.

DO NOT SEND THIS CERTIFICATE TO THE TAX COMMISSION
 Keep it with your records in case of an audit.

For purchases by government, Native American tribes and public schools, use form TC-721G.

RESALE OR RE-LEASE

Sales Tax License No. _____

I certify I am a dealer in tangible personal property or services that is for resale or re-lease. If I use or consume any tangible personal property or services I purchase tax free for resale, or if my sales are of food, beverages, dairy products and similar confections dispensed from vending machines (see Rule R865-19S-74), I will report and pay sales tax directly to the Tax Commission on my next sales and use tax return.

LEASEBACKS

I certify the tangible personal property leased satisfies the following conditions: (1) the property is part of a sale-leaseback transaction; (2) sales or use tax was paid on the initial purchase of the property; and, (3) the leased property will be capitalized and the lease payments will be accounted for as payments made under a financing arrangement.

AGRICULTURAL PRODUCER

I certify the items purchased will be used primarily and directly in a commercial farming operation and qualify for the Utah sales and use tax exemption.

COMMERCIAL AIRLINES

I certify the food and beverages purchased are by a commercial airline for in-flight consumption; or, any parts or equipment purchased are for use in aircraft operated by common carriers in interstate or foreign commerce.

COMMERCIALS, FILMS, AUDIO AND VIDEO TAPES

Sales Tax License No. _____

I certify that purchases of commercials, films, prerecorded video tapes, prerecorded audio program tapes or records are for sale or distribution to motion picture exhibitors, or commercial television or radio broadcasters. If I subsequently resell items to any other customer, or use or consume any of these items, I will report any tax liability directly to the Tax Commission.

FILM, TELEVISION, VIDEO

I certify that purchases, leases or rentals of machinery or equipment will be used by a motion picture or video production company for the production of media for commercial distribution.

POLLUTION CONTROL FACILITY

Sales Tax License No. _____

I certify our company has been granted a "Certification of Pollution Control Facilities" as provided for by Utah Code §§19-2-123 through 19-2-127 and as explained in Tax Commission Rule R865-19S-83 by either the Air Quality Board or the Water Quality Board. I further certify each item of tangible personal property purchased under this exemption is qualifying machinery or equipment for this purpose.

MEDICAL EQUIPMENT

I certify the equipment or device checked below is prescribed by a licensed physician for human use.

- Durable Medical Equipment primarily used to serve a medical purpose, is not worn in or on the body, and is for home use only. (Sales of spas and saunas are taxable.)
- Mobility Enhancing Equipment primarily used to increase the ability to move from one place to another, is for use in a home or motor vehicle and is not used by persons with normal mobility.
- Prosthetic Device used to replace a missing portion of the body, to prevent or correct a physical deformity/malfunction or support a weak or deformed portion of the body. (Sales of corrective eyeglasses and contact lenses are taxable.)
- Disposable Home Medical Equipment or Supplies that cannot withstand repeated use and purchased by, for, or on behalf of a person other than a health care facility, health care provider or office of a health care provider. The equipment and supplies must be eligible for payment under Title XVIII, federal Social Security Act or the state plan for medical assistance under Title XIX, federal Social Security Act.

CONSTRUCTION MATERIALS PURCHASED FOR RELIGIOUS AND CHARITABLE ORGANIZATIONS

I certify the construction materials purchased are on behalf of a religious or charitable organization. I further certify the purchased construction materials will be installed or converted into real property owned by the religious or charitable organization.

Name of religious or charitable organization: _____

Sales Tax Exemption No. **N** _____

Name of project: _____

ENERGY-RELATED EQUIPMENT

Sales Tax License No. _____

I certify the machinery or equipment leased or purchased will be used to create or expand the operations of a renewable energy production facility, a waste energy production facility, or a facility that produces fuel from biomass energy.

FUELS, GAS, ELECTRICITY

Sales Tax License No. _____

I certify all natural gas, electricity, coal, coke, and other fuel purchased will be used for industrial use only and not for residential or commercial purposes.

MUNICIPAL ENERGY
Sales Tax License No. _____

I certify the natural gas or electricity purchased: is for resale; is prohibited from taxation by federal law, the U.S. Constitution, or the Utah Constitution; is for use in compounding or producing taxable energy; is subject to tax under the Motor and Special Fuel Tax Act; is used for a purpose other than as a fuel; is used by an entity exempted by municipal ordinance; or is for use outside a municipality imposing a municipal energy sales and use tax. The normal sales tax exemptions under Utah Code §59-12-104 do not apply to the Municipal Energy Sales and Use Tax.

STEEL MILL
Sales Tax License No. _____

I certify the rolls, rollers, refractory brick, electric motors or other replacement parts will be used in the furnaces, mills or ovens of a steel mill as described in Standard Industrial Code (SIC) 3312.

RESEARCH AND DEVELOPMENT OF COAL-TO-LIQUID, OIL SHALE AND TAR SANDS TECHNOLOGY
Sales Tax License No. _____

I certify the tangible personal property purchased will be used in research and development of coal-to-liquids, oil shale, and tar sands technology.

MAILING LISTS
Sales Tax License No. _____

I certify the printed mailing lists or electronic databases are used to send printed material that is delivered by U.S. mail or other delivery service to a mass audience where the cost of the printed material is not billed directly to the recipients.

MACHINERY AND EQUIPMENT AND NORMAL OPERATING REPAIR OR REPLACEMENT PARTS USED IN A MANUFACTURING FACILITY OR MINING ACTIVITY
Sales Tax License No. _____

I certify the machinery and equipment and normal operating repair or replacement parts purchased have an economic life of three years or more and are for use in a Utah manufacturing facility described within the SIC Codes of 2000-3999, in a qualifying scrap recycling operation, or in a cogeneration facility placed in service on or after May 1, 2006, or in an establishment described in NAICS 212, Mining (except Oil and Gas), or NAICS 213113, Support Activities for Coal Mining, NAICS 213114, Support Activities for Metal Mining, or NAICS 213115, Support Activities for Nonmetallic Minerals (except Fuels) Mining. **The mining exemption also includes equipment used in research and development.** Failure to report these purchases on the information line of the sales and use tax return may subject the filer to a penalty equal to the lesser of \$1,000 or 10 percent of the sales and use tax that would have been imposed if the exemption had not applied.

SEMICONDUCTOR FABRICATING, PROCESSING, OR RESEARCH AND DEVELOPMENT MATERIAL
Sales Tax License No. _____

I certify the fabricating, processing, or research and development materials purchased are for use in research or development, manufacturing, or fabricating of semiconductors. Failure to report these purchases on the information line of the semiconductor manufacturer's sales and use tax return may subject the semiconductor manufacturer to a penalty equal to the lesser of \$1,000 or 10 percent of the sales and use tax that would have been imposed if the exemption had not applied.

RELIGIOUS OR CHARITABLE INSTITUTION
Sales Tax Exemption No. **N** _____

I certify the tangible personal property or services purchased will be used or consumed for essential religious or charitable purposes. **This exemption can only be used on purchases totaling \$1,000 or more, unless the sale is pursuant to a contract between the seller and purchaser.**

SKI RESORT
Sales Tax License No. _____

I certify the snowmaking equipment, ski slope grooming equipment or passenger ropeways purchased are to be paid directly with funds from the ski resort noted on the front of this form.

TOURISM/MOTOR VEHICLE RENTAL

I certify the motor vehicle being leased or rented will be temporarily used to replace a motor vehicle that is being repaired pursuant to a repair or an insurance agreement; the lease will exceed 30 days; the motor vehicle being leased or rented is registered for a gross laden weight of 12,001 pounds or more; or, the motor vehicle is being rented or leased as a personal household goods moving van. This exemption applies only to the tourism tax (up to 7 percent) and the short-term motor vehicle rental tax (Transportation Corridor Funding – 2.5 percent) – not to the state, local, transit, zoo, hospital, highways, county option or resort sales tax.

TELECOMMUNICATIONS EQUIPMENT, MACHINERY OR SOFTWARE
Sales Tax License No. _____

I certify these purchases or leases of equipment, machinery, or software, by or on behalf of a telephone service provider, have a useful economic life of one or more years and will be used to enable or facilitate telecommunications; to provide 911 service; to maintain or repair telecommunications equipment; to switch or route telecommunications service; or for sending, receiving, or transporting telecommunications service.

To be valid this certificate must be filled in completely, including a check mark in the proper box.

A sales tax license number is required only where indicated.

Please sign, date and, if applicable, include your license or exemption number.

NOTE TO SELLER: Keep this certificate on file since it must be available for audit review.

NOTE TO PURCHASER: Keep a copy of this certificate for your records. You must notify the seller of cancellation, modification, or limitation of the exemption you have claimed.

If you need an accommodation under the Americans with Disabilities Act, contact the Tax Commission at (801) 297-3811 or TDD (801) 297-2020. Please allow three working days for a response.

DO NOT SEND THIS CERTIFICATE TO THE TAX COMMISSION
Keep it with your records in case of an audit.