

## Form of Credit Bond for Agent to Affix Cigarette Stamps Evidencing Payment and Prepayment of Tax Under Articles 20 and 28 of the Tax Law

KNOW ALL MEN BY THESE PRESENTS, that we \_\_\_\_\_  
(Name of corp.)

\_\_\_\_\_ of \_\_\_\_\_  
(Partnership or individual) Address (street, city, state and ZIP code)

having its principal office at \_\_\_\_\_  
Address (street, city, state and ZIP code)

as Principal, and \_\_\_\_\_  
(Name of surety)

a corporation organized under the laws of \_\_\_\_\_

having its principal office at \_\_\_\_\_  
Address (street, city, state and ZIP code)

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 \_\_\_\_\_  
( \_\_\_\_\_ ) dollars, 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 manufacturer of or dealer in cigarettes within the meaning of Article 20 and is required to register with the Commissioner of Taxation and Finance under Article 28 of the Tax Law of the State of New York having a place of business at \_\_\_\_\_  
Address (street, city, state and ZIP)

and said Article 20 providing that the Commissioner of Taxation and Finance may appoint manufacturers or dealers as agents to affix adhesive or meter stamps, permit such agent to pay for said stamps within thirty (30) days after the date of the purchase thereof provided a bond conditioned upon the payment of any and all sums due from such agents pursuant to Article 20 of the Tax Law shall be filed as provided in said Article and such Article 28 providing that such Commissioner may permit an agent to pay the prepaid tax on cigarettes due under Section 1103 of Article 28 at the same time and in the same manner that tax due under Article 20 is paid and may require such agent to file a bond to secure the payment of such prepaid tax under Section 1103 of Article 28.

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 all such stamps evidencing payment of tax due under Article 20 and prepaid tax due under Section 1103 of Article 28 of the Tax Law purchased by said Principal, including penalties and interest under either or both such Article 20 or 28 within thirty (30) days after the date of the purchase thereof, 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 on account of all defaults in payment of any or all sums due for stamps purchased by said Principal, including penalties and interest, during the entire effective period of this bond, shall not exceed the penalty 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 thirty (30) days after the service of such notice as to any subsequent purchases of stamps by said Principal.

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

\_\_\_\_\_  
(Seal)  
Principal

By \_\_\_\_\_

\_\_\_\_\_  
(Seal)  
Surety

By \_\_\_\_\_

# SURETY ACKNOWLEDGMENT

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS.:  
\_\_\_\_\_ )

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

<b>INDIVIDUAL ACKNOWLEDGMENT</b> State of _____ County of _____ ss.: 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. _____ (notary public)	<b>PARTNERSHIP/LIMITED LIABILITY PARTNERSHIP ACKNOWLEDGMENT</b> State of _____ County of _____ ss.: 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. _____ (notary public)
<b>CORPORATE ACKNOWLEDGMENT (AS PRINCIPAL)</b> State of _____ County of _____ ss.: On this _____ day of _____ in the year _____ before me personally came _____ to me known, who being 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. _____ (notary public)	<b>LIMITED LIABILITY COMPANY ACKNOWLEDGMENT</b> State of _____ County of _____ ss.: On this _____ day of _____ in the year _____ before me personally came _____ to me known, who being 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 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. _____ (notary public)