



# FORM OF CREDIT BOND FOR AGENT TO AFFIX CIGARETTE STAMPS

Bond No. \_\_\_\_\_

**KNOW ALL PERSONS BY THESE PRESENTS**, that we \_\_\_\_\_ (Name of Corporation)

\_\_\_\_\_ of \_\_\_\_\_ (Partnership or Individual) \_\_\_\_\_ Address (Street, City, State, Zip Code)

having its principal office at \_\_\_\_\_ Address (Street, City, State, Zip Code) as Principal, and

\_\_\_\_\_ a corporation organized under the laws of the (Name of Surety)

State of \_\_\_\_\_ having its principal office at \_\_\_\_\_ Address (Street, City, State, 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 City of New York and/or the Commissioner of Finance of the City 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 City of New York and/or the Commissioner of Finance of the City of New York, their attorney or assigns, for which payment will 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 Chapter 13 of Title 11 of the Administrative Code of the City of New York, having a place of business at \_\_\_\_\_ Address (Street) \_\_\_\_\_, and said Chapter 13 of Title 11 of the Administrative Code of the City of New York providing Address (City, State, Zip Code)

that the Commissioner of Finance of the City of New York may appoint manufacturers or dealers as agents to affix adhesive or meter stamps provided for in said Chapter 13 of Title 11 of the Administrative Code of the City of New York, and may in his discretion, permit such agents 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 such stamps shall be filed as provided in said Chapter 13 of Title 11 of the Administrative Code of the City of New York.

**NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION** is such that if the Principal shall pay to the Commissioner of Finance of the City of New York, its fiscal agent, or any fiscal sub-agents all sums due for all such stamps purchased by said Principal, including penalties and interest, 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 payments 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 cancelled upon the written consent of the Commissioner of Finance of the City of New York, or by the service of written notice by certified mail by the Surety upon the Commissioner of Finance of the City of New York, 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 \_\_\_\_\_, 200\_\_\_\_\_.

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

By: \_\_\_\_\_ Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Title \_\_\_\_\_

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

By: \_\_\_\_\_ Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Attorney in Fact \_\_\_\_\_ Title \_\_\_\_\_

**The signature of the officer of Surety**, certifying the correctness of a copy of power of attorney or certifying the correctness of the excerpt from the Surety's By-Laws showing the authority of the officer or Attorney-in-Fact to execute the bond, **must also be acknowledged** before a notary public.

**NOTE:** Attach acknowledgements by both Principal and Surety, financial statement of Surety, etc.



## INSTRUCTIONS FOR PREPARATION AND EXECUTION OF CIGARETTE TAX BONDS AND RIDERS THERETO

The following are requirements of the Cigarette Tax Unit regarding the preparation and execution of the Cigarette Licensing forms.

1. Name of principal shown on bond must conform exactly with the name shown on the dealer's application for a license to sell cigarettes.
2. The bond must be signed by both principal and surety, with the official capacity of each signatory clearly set forth next to his signature.
3. Where corporations are concerned, the corporate impression seal must be affixed near the signature of the officer who has executed the bond on behalf of such corporations.
4. The signatures of both principal and surety must be acknowledged before a notary public. Notarization of the signatures alone or the incorrect form of acknowledgement (individual, co-partnership or corporation) will be cause for rejection of the bond.
5. The acknowledgement before a notary public must show the following:
  - a. Date
  - b. Venue
  - c. County in which notary is qualified
  - d. Expiration date of notary's commission
6. Acknowledgements of the signatures must not be taken prior to execution of the bond.
7. Copies of corporate resolutions and by-laws of the surety company should be attached to show proper designation of the officer or attorney-in-fact who executes the bond on behalf of the surety company and that the surety company is duly authorized to transact business in New York State.
8. A recent financial statement of the surety company must be submitted.
9. The documents mentioned in item 7 above must be accompanied by a statement of an official of the surety company certifying the correctness of the extract of the corporate resolutions and by-laws, and that the power of attorney has not been revoked and is still in force and effect as of the date of execution of the bond.
10. The condition of a bond shall be stated in the exact language of the local law.
11. The condition of a credit bond must obligate the surety for interest and penalties which the City of New York may include in any unpaid claim against the principal.
12. All cigarette tax credit bonds must be prepared and submitted as two originals.
13. All copies of bonds must be conformed copies correctly prepared, executed, with signatures acknowledged and supporting attachments affixed to each copy in the same manner as the original bond.
14. When riders are submitted to modify or amend a bond previously filed and approved by this Department, such riders must conform to the same rules of execution, supporting attachments and number of copies as are applicable to bonds.

Your cooperation in following the above instructions will enable this Department to expedite approval of the bonds and to minimize inconvenience and delay resulting when improperly prepared or executed bonds must be returned for correction.

**Corporate Acknowledgment**

State of \_\_\_\_\_

County of \_\_\_\_\_

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me \_\_\_\_\_, the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged himself/herself to be the \_\_\_\_\_ of \_\_\_\_\_, a corporation, and that s/he as such \_\_\_\_\_, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as \_\_\_\_\_.

In witness whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

**Individual Acknowledgment**

State of \_\_\_\_\_

County of \_\_\_\_\_

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me \_\_\_\_\_, the undersigned officer, personally appeared \_\_\_\_\_, known to me (or satisfactorily proven) to be the person(s) whose name(s) \_\_\_\_\_ subscribed to the within instrument, and acknowledged that she/he/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

**Limited Liability Company Acknowledgment**

State of \_\_\_\_\_

County of \_\_\_\_\_

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me \_\_\_\_\_, the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged himself/herself to be (the manager) (a member) of \_\_\_\_\_, a Limited Liability Company, and in that capacity, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Limited Liability Company by himself/herself as (the manager) (a member).

In witness whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

**Surety Acknowledgment**

State of \_\_\_\_\_

County of \_\_\_\_\_

On this, the \_\_\_\_\_ day of \_\_\_\_\_, before me \_\_\_\_\_, the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged himself/herself to be the Attorney-in-Fact of \_\_\_\_\_, a corporation, and that s/he as such Attorney-in-Fact, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as Attorney-in-Fact.

In witness whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires: