

145CSR3

**TITLE 145
PROCEDURAL RULE
WV DEVELOPMENT OFFICE**

**SERIES 3
APPLICATION FOR FINANCIAL ASSISTANCE**

EDITOR'S NOTE: A copy of this series can be obtained from the Secretary of State's Office.

FILED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY

APPLICATION FOR FINANCIAL ASSISTANCE

West Virginia Economic Development Authority
Governor's Office of Community and Industrial Development
Capital Complex
Building 6, Room B-525
Charleston, West Virginia 25305
(304) 348-3650

Unless expressly authorized in writing to the contrary by the Applicant, all material, financial data, or other information contained in or submitted in support of any Application will be treated as confidential and private, and such material will not be released or made available to the general public unless required by law. However, if the Board has given final approval for any financial assistance, the name of the Applicant, the location of the proposed project, the number of new jobs to be generated by the project, the principal amount of the financial assistance, the term of the financial assistance and the rate of interest of the financial assistance (if applicable) will be made available to the general public.

I. GENERAL REQUIREMENTS

Applicants should submit two (2) signed copies of this Application to the attention of the Executive Director of the West Virginia Economic Development Authority (the "Authority" or "WVEDA"). Applications will be considered by the Authority's Board of Directors (the "Board") at any of its regularly scheduled meetings provided, however, that an Application is received by the Authority at the address listed above at least 25 days prior to the meeting at which the Applicant would like for such Application to be considered.

The submission of any false or misleading information in the Application or in any other materials which may be submitted will be grounds for rejection of the Application and denial of further consideration by the Authority.

II. GUIDELINES FOR ELIGIBILITY

In order to be considered by the Authority for financial assistance whether in the form of a direct loan or insurance, a project must meet certain criteria, as set forth below:

- A. Each Application should show that the project for which financial assistance is sought (the "Project") will accomplish the public purposes set forth in the West Virginia Economic Development Authority Act, such as developing and promoting business prosperity and the general welfare of the State of West Virginia (the "State"), increasing employment opportunities in the State, and stimulating and expanding the economy of the State. Each project should have an economic impact on the community with a primary emphasis on the creation of jobs.
- B. If the Application is for a direct loan, the project should be an acquisition, expansion, or construction of facilities consisting of land, buildings and/or equipment.
- C. The Authority may not make direct loans for working capital [or rolling stock], however, the Authority may insure loans for working capital which will be, or have been, made by another lender.
- D. Direct loans made by the Authority will be limited to the total cost or value of the qualified fixed assets to be financed. If the Authority will be providing insurance for other obligations, up to 20% of such other obligations may be insured.
- E. If the Application is for a direct loan, projects should not be commenced prior to approval of the Application by the Board, and contracts executed in connection with a proposed project (other than options) will make the project ineligible for financial assistance.

Please complete the following application. Do not leave any questions blank. If a question does not apply to your specific project or if the needed information is not available, please respond N.A. followed by a brief explanation. Failure to complete the application in its entirety will result in processing delays. Return the application, all attachments and supporting schedules to:

WVEDA
Building 6, Room 525
Capitol Complex
Charleston, West Virginia 25305

A. Borrower:

Name _____

Address _____

County _____ Telephone _____ Contact Person _____

Address of Principal Corporate Offices, if different from above:

Authorized Representative of Applicant:

Name _____

Title _____ Telephone _____

B. Local Development Authority (all applications must be sponsored by a LDA):

Name _____

Address _____

Telephone _____ Contact Person _____

C. Type of Financing Being Requested:

_____ WVEDA Direct Loan

_____ SBA 504

D. Applicant is (or will be if not yet in existence):

- 1) _____ Corporation _____ Joint Venture
_____ Limited Partnership _____ Sole Proprietor
_____ General Partnership _____ Individual

2) Incorporated in or formed in the state of:

E. Applicant's Federal Tax I.D. Number: _____

Worker's Compensation Number: _____

F. Applicant's Legal Counsel:

Name _____

Firm _____

Address _____

G. Applicant's Accountant:

Name _____

Firm _____

Address _____

Telephone _____

H. Estimated Uses of Funds:
(complete as applicable)

Estimated
Cost

1. Acquisition of land, excluding
existing improvements

\$ _____

2. Acquisition of building or
other improvements

3. Site preparation, utilities
roads, etc.

4. Construction

5. Renovation

6. Machinery and/or equipment

TOTAL ELIGIBLE COSTS

\$ _____

I. Other Estimated "Soft" Costs:
(complete as applicable)

1. Bonds and insurance

\$ _____

2. Interest during construction

- 3. Architectural and engineering fees _____
 - 4. Legal fees _____
 - 5. Accounting fees _____
 - 6. Commitment fee or points _____
 - 7. Appraisals _____
 - 8. Miscellaneous _____
- TOTAL OTHERS COSTS \$ _____

J. Subsidiaries or Affiliates of Applicant:

Name _____

Address _____

Name _____

Address _____

K. List all other locations in West Virginia where the Applicant operates:

L. Type of Project:

- _____ New business with creation of new jobs
- _____ Expansion of existing business with creation of new jobs
- _____ Modernization and retention of existing business with intention of preserving jobs
- _____ Other: _____

M. Breakdown of Total Project Financing:

	<u>Dollar Amount</u>
Sources of Debt:	
WVEDA	\$ _____
_____	_____
_____	_____
_____	_____
TOTAL	\$ _____
Sources of Equity:	
<u>Applicant</u>	_____
_____	_____
_____	_____
TOTAL	\$ _____
Other Sources of Financing:	
_____	_____
_____	_____
TOTAL	\$ _____
GRAND TOTAL	\$ _____ (Should agree with total eligible costs from Part H.)

N. Financing:

	<u>Company Equity</u>	<u>Financial Institution Participation</u>	<u>Other</u>	<u>WVEDA Request</u>
Name	_____	_____	_____	_____
Amount	_____	_____	_____	_____
Rate	_____	_____	_____	_____
Term	_____	_____	_____	_____
Collateral	_____	_____	_____	_____
Value	_____	_____	_____	_____

O. Commitments: Please attach copies of commitments (including commitments for interim financing, if applicable) for the Projects which have already been obtained from private sector lenders or investors. Please include contact name, address and telephone number. If no commitment has been attached, please explain.

P. Impact on the Community:

Fiscal Year Date: Current After 1 Yr. After 2 Yrs. After 3 Yrs.

Annual Sales _____

Annual Payroll _____

Number of Employees _____

Salary/Wage Range _____

PRINCIPAL SUPPLIERS

<u>Name</u>	<u>Address</u>	<u>Products Purchased</u>	<u>Annual Amt. Purchased</u>	<u>% of Totals Purchases</u>

PRINCIPAL COMPETITORS

<u>Name</u>	<u>City/State</u>	<u>Product Lines</u>	<u>Estimated Annual Sales</u>

Signature of Authorized Company
Representative Verifying Accuracy
of Information:

Signature

Date

SPONSOR/LOCAL DEVELOPMENT AUTHORITY

Signature

Date

PLEASE PROVIDE THE FOLLOWING ATTACHMENTS:

1. Description of Project: Attach a narrative description of the project including size, type of construction, equipment to be purchased, etc.
2. History of Company: Attach a comprehensive description of company including history, affiliates and subsidiaries, products, distribution, competitors, location of other facilities. Outline background of officers (Complete Supporting Schedule 1).
3. Unionization: Identify unions representing employees and give history or relationship. Describe any strike within the preceding five years. Indicate length, terms and expiration of contract.
4. Agreements: Attach copies of options, leases, deeds and all other appropriate agreements pertaining to project. If agreements have not been prepared, include a general description of the proposed agreements. Include copies of the commitment letters from the primary lender. Include a copy of the Inducement Resolution if financing includes Industrial Revenue Bonds.
5. Personal Financial Statements: Please attach personal financial statements of major stockholders, if a privately held company, with specific notation of contingent liabilities (guarantees or endorsements). Statements must be signed and dated by stockholders.
6. Company Financial Statements: Three (3) years financial statements including all footnotes (audited preferred). Include a Statement of Changes in Financial Position. All statements should conform. If fiscal year end is more than six months from present date, please include interim statements.

If project includes the acquisition of an existing company, also supply all the above financial information for the company to be acquired.

7. Projections: Please attach projections for three (3) years including:

Balance Sheets
Profit & Loss Statements
Monthly cash flow, showing detailed sources of income, disbursements and all debt payments
Amount and sources of additional working capital required for expansion (i.e. revolving line of credit, trade creditors, etc.)

8. Banking Relationship: List present banking relationships. Include name of financial institution and type of relationship (i.e. checking, savings, loans). List current loan, savings or checking account balances. Indicate type of loan (i.e. short term, long term, mortgages, revolving credit agreement, inventory or accounts receivable financing, etc.), monthly payments and whether loan is unsecured or collateralized.

Please identify any outstanding tax-exempt financing issued for the benefit of the applicant, the occupant, or any entity related to the applicant or occupant, in the same political subdivision where the proposed project will be located.

Publicly held companies may submit a copy of their annual report or 10-K in lieu of the above requested information.

9. Additional Information:

- A. Real Estate - If the project involves real estate purchases, construction or renovation please provide the following applicable information (note: real estate construction/renovation loans will be approved on a "permanent take out" basis):

- (1) Legal description of site and engineering survey showing metes and bounds and location of building.
- (2) Engineering specifications and drawings of building.
- (3) Number of acres and square feet of facility at project site.
- (4) Present owner of the site.
- (5) Unusual topographical features (if any).
- (6) Present zoning classification.
- (7) Market appraisal of finished project (selling price on open market when completed).
- (8) Firm bid for construction.
- (9) Name of independent engineer who will certify completed project.

B. Equipment - If project involves the purchase of equipment, please provide the following information (note: equipment purchases will be funded upon once project is completed).

- (1) Complete list and description of equipment to be purchased.
- (2) Written, firm price quotes with expiration date of commitment.
- (3) Commitment for interim financing, if needed.
- (4) Appraisal on real estate to be used as additional collateral, as per statute.

SUPPORTING SCHEDULE 2 - CERTIFICATIONS BY COMPANY

Please answer the following questions by checking the appropriate space. If the answer to any of the questions is "yes", please submit additional information on a separate exhibit or attachment.

Referring to company, principal, officer or stockholders:

1. Yes No Are you presently under indictment, on parole or probation? (If yes, furnish details in a separate exhibit. List name(s) under which held, if applicable.)
2. Yes No Have you ever been charged with or arrested for any criminal offense other than a minor motor vehicle violation? (If yes, furnish details in a separate exhibit. List name(s) under which charged, if applicable.)
3. Yes No Have you ever been convicted of any criminal offense other than a minor motor vehicle violation?
4. Yes No Have you ever been involved in bankruptcy or insolvency proceedings?
5. Yes No Are there any outstanding judgments or is there any litigation pending against the applicant, project occupant, principal, officers or principal shareholder? If yes, describe.

6. Yes ___ No ___ Has an option agreement or a contract to purchase the real estate been executed? (If yes, please submit a copy of the executed agreement or contract).
7. Yes ___ No ___ Is there a relationship, legally or by common control, between the applicant or proposed project occupant and the seller of property? Identify the seller of the property.
8. Yes ___ No ___ Will the proposed project result in the consolidation of other company operations within the State?

Non-Commencement Statement:

The undersigned duly authorized officers hereby certify that the project as outlined in the foregoing application has not commenced and will not commence prior to the approval of the application by the West Virginia Economic Development Authority Board.

Compliance With All Applicable Laws & Regulations:

The undersigned duly authorized officers hereby certify that the company is in compliance with all applicable federal, state and local laws and regulations; and does not appear on EPA's List of Violating Facilities.

Tax Review:

The undersigned duly authorized officers hereby authorize the State Tax Commissioner to review records relating to the tax returns of the undersigned to the State of West Virginia or any of its political subdivisions, together with any particulars found thereon or matters related thereto, and report to the West Virginia Economic Development Authority on his findings to the extent necessary to enable the Authority to consider the financial condition of the undersigned, and in particular, its past and prospective relationship to West Virginia's taxing.

Corporate Resolution:

The undersigned duly authorized officers hereby certify that the filing of this application was duly authorized by its Board of Directors (or governing body), that the statements made in the foregoing application and in all exhibits and documents submitted in connection therewith are true and correct to the best information and belief of the undersigned and are submitted as a basis of the loan.

NAME OF COMPANY _____

By _____, President Date _____

Attest _____, Secretary