

## Broker Agreement

By virtue of its signature below, and, as of the date indicated below

\_\_\_\_\_ willfully represents and warrants to  
(Company Name)

FK Capital Fund, Inc. (FK) the following:

- Broker is licensed and/or legally permitted to participate in the business of brokering real estate loans and shall provide FK with all required/requested documentation supporting said assertion.
- Broker has and will comply with all local, state and federal laws and regulations as it relates to the conducting of its business.
- All documentation submitted to FK by Broker is, to the best of Brokers knowledge, true, complete and accurate.
- Broker hereby authorizes FK to forward to Broker any and all documentation via its facsimile number or e-mail address whether said documentation is or is not specific transaction related, including but not limited to any marketing material FK may choose to forward to Broker.
- Unless otherwise agreed upon by FK, FK is not responsible or liable for fees or commissions due to Broker from borrower.
- In the event any litigation is to materialize between FK and Broker both parties agree that said litigation shall be decided in a/the State of California system of jurisdiction and the prevailing party shall be entitled to receive all costs and fees due or incurred as a result of said litigation including but not limited to reasonable attorney fees.
- This agreement shall be governed by the laws of the State of California and all parties agree, by virtue of this agreement and execution thereof, to waive the right to a trial by jury should litigation result in the need for and of a trial.

### Please print the following clearly:

Legal Company Name: \_\_\_\_\_

DBA (if different from above): \_\_\_\_\_

License #: \_\_\_\_\_ License Agency: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **“LOAN FRAUD” ZERO TOLERANCE ACKNOWLEDGEMENT**

All approved Brokers and Clients must be aware that the licensed real estate broker bears the responsibility for all actions of his or her employees or licensees. The broker is responsible for the content and quality of each application taken and each loan submitted to FK Capital Fund, Inc. The submission of a loan application containing false information is a crime.

### **TYPES OF LOAN FRAUD (including but not limited to):**

1. Submission of inaccurate information, including false statements on loan application(s) and falsification of documents purporting to substantiate credit, employment, deposit and asset information including identity, rent roll, ownership/non-ownership of real property, etc.
2. Forgery of any documents.
3. Lack of due diligence by broker/loan office/processor, including failure to obtain all information required by the application and failure to request further information as dictated by Borrower's response to other questions.
4. Unquestioned acceptance of information or documentation, which is known, should be known, or should be suspected to be inaccurate.
5. Broker's non-disclosure of relevant information.

### **CONSEQUENCES OF LOAN FRAUD**

“Loan Fraud” is costly to all parties involved. FK Capital Fund, Inc. stands behind the quality of its loan production. Fraudulent loans damage our reputation with our investors and customers. The price paid by those who participate in “Loan Fraud” is even more costly. Following is a list of a few of the potential consequences that may be incurred:

### **CONSEQUENCES TO BROKER**

1. Criminal prosecution.
2. Loss of Real Estate Broker's License, NMLS or other professional license.
3. Loss of lender access due to exchange of information between lenders, mortgage insurance companies, including submission of information to investors (FHLMC/FNMA/GNMA), Police Agencies, and the Bureau of Real Estate.
4. Civil action by FK.
5. Civil action by applicant/Borrower.
6. Loss of approval status with FK.

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Initial

# Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

► Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only <b>one</b> of the following seven boxes.  <input type="checkbox"/> Individual/sole proprietor or single-member LLC  <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ <b>Note:</b> Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is <b>not</b> disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.  <input type="checkbox"/> Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  Exempt payee code (if any) _____  Exemption from FATCA reporting code (if any) _____  <i>(Applies to accounts maintained outside the U.S.)</i>
	5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
	6 City, state, and ZIP code	
7 List account number(s) here (optional)		

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
				-				-	
or									
Employer identification number									
				-					

## Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ►	Date ►
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## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.*