

## **Application Certification**

### **For Finance New Mexico, LLC.**

### **New Markets Tax Credit Program**

I \_\_\_\_\_, hereby certify that I am the responsible company officer designated by the Company to request financing from an allocation of New Markets Tax Credits from Finance New Mexico, LLC (“Finance New Mexico”). Further, in representing the Company, I certify that the information and documentation provided to the New Mexico Finance Authority (“NMFA”) on behalf of Finance New Mexico, by the Company for purposes of the application are true and accurate, and contain no misrepresentations, falsifications, omissions or concealment of material facts. I further agree to timely advise the NMFA of any changes in such information and documentation and will answer any such further questions regarding the same.

I further acknowledge that the foregoing information and attached documentation will be relied upon and may constitute inducement for the Company receiving financing from an allocation of New Markets Tax Credits for the project and that such information and documentation will be relied upon by Finance New Mexico, the NMFA as its LLC Manager, and their affiliates and counsel. Also, I acknowledge and understand that the Company will be required to complete and deliver additional documentation and certifications, as reasonably required, to the NMFA, together with an opinion or opinions of counsel to the Company addressed to Finance New Mexico, the NMFA and any of their applicable affiliates, at or prior to the closing of any approved NMTC transaction.

I further acknowledge and understand that portions of the foregoing information and attached documentation (and portions of any additional information and documentation submitted after the date of this Application Certification) may be considered protected information under Section 6-25-27 NMSA 1978, as amended, if the Company has been or is determined by the New Mexico Economic Development Department to be an “eligible entity” as defined by Section 6-25-3 NMSA 1978, as amended. On behalf of the Company, I waive the protection of Section 6-25-27 NMSA 1978, as amended, and authorize disclosure to public, including to the members of the NMFA Legislative Oversight Committee of the New Mexico Legislature. The following information even if such information would otherwise be protected information: (i) the name and contact information for the Company, (ii) the name or names and contact information for the officers, directors, managers, partners, members, shareholders, owners and other principals of the Company, (iii) a summary description of the Company’s project, (iv) the amount of NMTC financing sought by the Company, (v) the location of the Company and the project and (vi) a summary description of the economic impact of the Company’s project. I further acknowledge and understand that it is likely that disclosure of additional protected information beyond the protected scope of Section 6-25-27 NMSA 1978, as amended, may be necessary in order to proceed with the application process and the project and, on behalf of the Company, agree to authorize additional disclosures of otherwise protected information in such circumstances.

I further acknowledge and understand that Finance New Mexico and its subsidiaries are prohibited under the Allocation Agreement with the Community Development Financial Institutions Fund of the United States Treasury from providing financial assistance to businesses in which persons related to Finance New Mexico (or to its subsidiary providing the financial assistance) hold the majority equity interest, with the related party rules of Code Sections 267 and 707 of the Internal Revenue Code of 1986, as amended, used to determine related party status. I further acknowledge and understand that this prohibition may restrict the structure of investments made through the New Markets Tax Credit program in any project of the Company and that even if a proposed investment structure would not violate such prohibition, the NMFA Board of Directors has final authority to approve or reject the structure of investments made through the New Markets Tax Credits program in any project.

In addition, I certify that in the event the transaction is not closed for any reason whatsoever, that the Company will indemnify and hold harmless Finance New Mexico, the NMFA, the State of New Mexico and their respective

members, directors, officers, managers, officials, employees, agents and affiliates (together with the members, directors, officers, managers, officials, employees and agents of an affiliate) against any liabilities, allegations or claims of loss or damage (including attorney's fees and expenses) arising out of or relating to the transaction, the proposed project to be financed or any transaction relating thereto, except with respect to liabilities, allegations or claims caused by or arising out of the intentionally wrongful acts or grossly negligent acts of a party otherwise released and held harmless as provided above, in which case the intentionally wrongful or gross negligent party shall not be so indemnified and held harmless; provided, however, that to the extent Sections 56-7-1, 56-7-2 or 56-7-3 NMSA 1978, as amended, are applicable, this indemnification will not apply to liabilities, allegations or claims caused by or arising out of the negligence, acts or omissions of a party otherwise released and held harmless as provided above (or the negligence, acts or omissions of an officer, employee or agent of such a party).

Name of the Company: \_\_\_\_\_

Name of the Responsible Company Officer: \_\_\_\_\_

Signature of Responsible Company Officer: \_\_\_\_\_

**ACKNOWLEDGMENT OF THE COMPANY**

**STATE OF** \_\_\_\_\_ )  
 ) **SS:**  
**COUNTY OF** \_\_\_\_\_ )

The foregoing was acknowledged before me on \_\_\_\_\_, 200\_ by \_\_\_\_\_,  
the \_\_\_\_\_ of \_\_\_\_\_, on behalf of the company.

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

**My Commission Expires:**