

# B-A-35 Tax Liability Bond Increase or Decrease Rider Tobacco Products Other Than Cigarettes

To be attached to and form part of Bond No. \_\_\_\_\_ dated \_\_\_\_\_, (Date of Original Bond)  
the SURETY being \_\_\_\_\_, (SURETY Company)  
being made on behalf of \_\_\_\_\_, (PRINCIPAL Name)  
the PRINCIPAL therein, in favor of the **STATE OF NORTH CAROLINA**.

It is understood and agreed that the sum of the attached bond is hereby  **increased** /  **decreased** from  
\_\_\_\_\_ dollars (\$ \_\_\_\_\_), to  
(Current Amount of Bond)  
\_\_\_\_\_ dollars (\$ \_\_\_\_\_),  
(Revised Amount of Bond)  
said increase/decrease being applicable only as to acts or omissions on or after the \_\_\_\_\_ day  
of \_\_\_\_\_, \_\_\_\_\_.  
(Month) (Year)

Nothing herein contained shall serve to waive, alter, modify or terminate any of the terms and conditions of the subject bond other than as herein expressly set forth.

Signed, sealed and delivered this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(Month) (Year)

INDIVIDUAL PRINCIPAL: \_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Print Name)

PARTNERSHIP PRINCIPAL: \_\_\_\_\_  
(Print Name of Partnership)

BY: \_\_\_\_\_  
(Signature) (Title)  
\_\_\_\_\_  
(Print Name of Signer)

CORPORATION/LLC PRINCIPAL: \_\_\_\_\_  
(Print Name of Corporation/LLC)

BY: \_\_\_\_\_  
(Signature) (Title)  
\_\_\_\_\_  
(Print Name of Signer)

SURETY: \_\_\_\_\_  
(Print Name of Surety Company)

BY: \_\_\_\_\_ as Attorney in Fact for SURETY  
(Signature)  
\_\_\_\_\_  
(Print Name)

AFFIX SEAL OF  
CORPORATION/LLC

CORPORATE ATTEST:

\_\_\_\_\_  
(Signature) (Title)  
\_\_\_\_\_  
(Print Name)

AFFIX SEAL OF  
SURETY HERE

**INSTRUCTIONS**

1. Enter the bond number of the original bond provided by your Surety or Insurance Company.
2. Enter the effective date of the original bond.
3. Enter the LEGAL name of the Surety or Insurance Company underwriting the bond and rider. This name **MUST** match the name indicated on the Surety or Insurance Company's corporate seal.
4. Enter the Principal name which is the LEGAL name of the individual, partnership, corporation, or limited liability company (LLC) who is required to post the bond and rider as it appeared on the original bond.
  - Sole proprietorship: the legal name is the individual owner followed by any trade name used.
  - Partnership: the legal name is the actual names of the partners followed by the partnership name.
  - Corporation: the legal name is as shown on its Articles of Incorporation including all punctuation and with the only allowable abbreviations being those actually part of the legal name.
  - Limited Liability Company: the legal name is as shown on its Articles of Organization including all punctuation with the only allowable abbreviations being those actually part of the legal name.

NOTE: If the Principal is registered with the North Carolina Secretary of State to conduct business in North Carolina, the name entered on this line **MUST** match the registered name **EXACTLY**. Please include ALL necessary apostrophes, commas, periods, etc. included in the LEGAL name of your business.
5. Check the appropriate box indicating if the rider acts to increase or decrease the original bond amount.
6. Enter the original bond amount which **MUST be written in word format** and followed by the numeric value.
7. Enter the revised (increased or decreased) bond amount which **MUST** be written in word format and followed by the numeric value.
8. Enter the day, month, and year the rider increasing or decreasing the bond amount will go into effect.
9. **Signed, Sealed and Delivered Date:** Enter the date the bond is executed (signed by all parties). This date **MUST** match the execution date indicated on the Surety's Power of Attorney.
10. **INDIVIDUAL Principal:** If the principal is an individual (sole proprietor), and is not incorporated or otherwise registered with the North Carolina Secretary of State, the individual **MUST** sign his/her name. Below the signature line, the individual **MUST** print their name and in parenthesis beside their name, print any trade name used by the individual principal. No seal is required for an individual principal.
11. **PARTNERSHIP Principal:** If the principal is a partnership, print the LEGAL name of the partnership as indicated in the Partnership Agreement or Certificate of Limited Partnership (this **MUST** match the name entered at the top of the form for the Principal Name). **ONLY** a General Partner may sign for partnership principals. A General Partner **MUST** sign and print their title as "General Partner". Below the signature line, the signing General Partner **MUST** print their name. No seal is required for a partnership principal.
12. **CORPORATION / LLC Principal:** If the principal is a corporation or limited liability company (LLC), print the LEGAL name of the corporation or LLC as indicated in the Articles of Incorporation or Articles of Organization (this **MUST** match the name entered at the top of the form for the Principal Name).
  - Corporation: **ONLY** a corporate officer who is authorized to legally bind the corporation may sign – this includes the President, Vice-President, or Treasurer. Below the signature line, the signing corporate officer **MUST** print their name and official title. If a corporation's Bylaws or Board of Directors have appointed specific corporate officials the ability to act on behalf of the corporation, a copy of the Bylaw, Board resolution, or other corporate document **MUST** accompany the bond.  
NOTE: The bonding requirements for a Corporate Principal include additional requirements. See items #12 and #13 below.
    - Non-Resident Corporations: If incorporated in a State other than North Carolina, the corporation **MUST** have a valid Certificate of Authority to transact business in North Carolina on file with the North Carolina Secretary of State.
  - LLC: Any Member of an LLC may sign the bond. Below the signature line, the signing Member **MUST** print their name and identify their official title as a member.
    - Non-Resident LLC's: If an LLC is organized in a State other than North Carolina, the company **MUST** have a valid Certificate of Authority to transact business in North Carolina on file with the North Carolina Secretary of State.
13. **Attest:** For Corporation Principals, **ONLY** the Corporate Secretary or Assistant Secretary (as designated by the corporate Articles of Incorporation, Bylaws, or the Board of Directors) can attest to the signature of the President, Vice President, or Treasurer. The Corporate Secretary or Assistant Secretary **MUST** sign the attestation line and enter their official title. The Secretary or Assistant Secretary should print their name on the line below their signature.
  - If there is only one officer of the corporation, a statement on corporate letterhead **MUST** accompany the bond to this effect.
  - If a corporation's Articles of Incorporation, Bylaws, or Board of Directors have appointed other corporate officials the ability to attest, or if other corporate officials have been designated authority to act on behalf of the corporation, a copy of the Articles of Incorporation, Bylaws, Board Resolution, or other corporate document **MUST** accompany the bond.
14. **Affix Seal of Corporate/LLC:** For Corporation Principals, upon the word "Seal" must be placed or affixed the corporate seal of the company. If the Corporation does not have a corporate seal, or if an embossed corporate seal is unreadable, or if the business name upon the seal differs from the Legal business name, the Corporation principal **MUST** include a letter on corporate letterhead, indicating the same and signed by the corporate President.  
If an LLC has a company seal, it should be affixed upon the word "Seal" however, a seal is not required for an LLC.
15. **Surety Name:** Print the LEGAL name of the Surety or Insurance Company. This **MUST** match the name previously entered for the Surety or Insurance Company at the top of the form.
16. **Signature and Printed Name of Attorney-in-Fact for Surety:** The Surety's Attorney-In-Fact **MUST** sign to the left of the words "as Attorney in Fact for the Surety" and print their name on the line below. This individual's name **MUST** appear in the attached Power of Attorney.
17. **Surety Corporate Seal:** Upon the word "Seal" the Surety or Insurance Company **MUST** place or affix their corporate seal. The name on the corporate seal **MUST** be readable and **MUST** match the name of the Surety or Insurance Company underwriting the bond.

**THE BOND RIDER MUST BE ACCOMPANIED BY A VERIFIED COPY OF THE AUTHORITY OF THE PERSON EXECUTING THE SAME TO DO SO ON BEHALF OF THE CORPORATE SURETY.**