

# B-A-29 Tobacco Products Other Than Cigarettes Surety Bond

**BOND NO.** \_\_\_\_\_




\_\_\_\_\_, ("Principal") and \_\_\_\_\_, ("Surety"), authorized to engage in business as a surety in the State of North Carolina, are obligated to the State of North Carolina in the sum of USD \_\_\_\_\_ (US\$ \_\_\_\_\_). We jointly and severally obligate heirs, executors, administrators, successors, and assigns for the payment of this amount.

Principal is engaged or intends to engage in activities where the Secretary of Revenue of the State of North Carolina is requiring a bond in accordance with N.C. Gen. Stat. § 105-113.39C.

The terms for this bond are as follows:

1. Principal shall file reports, pay all taxes, and otherwise comply with all applicable laws, rules, and regulations relating to licensed activities for the sale, use, and distribution of tobacco products other than cigarettes in the State of North Carolina. This includes but is not limited to liability incurred under Article 2A and Article 9 of Chapter 105 of the North Carolina General Statutes.
2. The bond is continuing and effective for acts or omissions occurring on or after the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.
3. Surety may be released from future liability when Principal or Surety provide at least sixty (60) days' written notice by certified mail to the State of North Carolina, through its agent, the Secretary of Revenue at the following address: ATTN: Excise Tax Division, Licensing and Bonding Unit, P.O. Box 25000, Raleigh, NC 27640. If the notice is given by an agent of Surety, the notice must be accompanied by a power of attorney. Surety is not released from any liability which accrues before Surety is released, regardless of when the liability is discovered. Notice, as provided for in this paragraph, is a condition precedent to the release of liability under this bond, and any attempted cancellation inconsistent with this paragraph is void, and this bond remains in effect.
4. This bond extends to any place of business where Principal is required to obtain a license required under N.C. Gen. Stat. § 105-113.39A.
5. If Principal or Surety fail to fulfill the terms of this bond, the State of North Carolina may make a claim on the bond and pursue all available remedies.

Signed, sealed, and delivered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

SURETY NAME		PRINCIPAL NAME	
SURETY REPRESENTATIVE SIGNATURE (SEAL) X		PRINCIPAL REPRESENTATIVE SIGNATURE (SEAL) X	
SURETY REPRESENTATIVE PRINTED NAME As Attorney in Fact		PRINCIPAL REPRESENTATIVE PRINTED NAME	TITLE
SURETY	PRINCIPAL	NOTARY (IF NO SEAL FOR PRINCIPAL)	
<input type="checkbox"/> Surety declares that the surety's seal is affixed to this form.  	<input type="checkbox"/> Principal declares that its seal is affixed to this form.  	<input type="checkbox"/> Principal has not affixed seal; Principal's signature has been notarized below.  State of _____ County of _____  I certify that the following person personally appeared before me this day, acknowledging to me that he or she signed the foregoing document:  _____ (Name of Principal Representative)  _____ (Date)  _____ Signature of Notary Public  _____ Printed Name of Notary Public  _____ My Commission expires  	

**Mail to:** North Carolina Department of Revenue, Attention: Licensing and Bonding Unit  
3301 Terminal Drive, Suite 125, Raleigh, NC 27604

## Instructions

1. **Bond No.:** Enter the bond number issued by the Surety Company.
2. **Principal Name:** Enter the legal name of the individual, partnership, corporation, or limited liability company (“LLC”) who is required to furnish the bond. The name must be entered in accordance with the following:
  - **Individual Principal:** If the Principal is an individual (sole proprietor), and is not incorporated or otherwise registered with the North Carolina Secretary of State or a state’s equivalent, the individual must enter his or her legal name. The legal name of an individual principal is the name as listed on a birth certificate or state issued identity card, such as a driver’s license.
  - **Partnership Principal:** If the Principal is a general partnership, the Principal must enter the legal name of the partnership. The legal name of the partnership is the legal names of all partners followed by the partnership name as indicated in the Partnership Agreement. If the Principal is a limited liability partnership, the legal name of the Principal is the name as shown in the Certificate of Limited Partnership or a state’s equivalent.
  - **Corporation / LLC Principal:** If the Principal is a corporation or an LLC, the Principal must enter the legal name of the corporation or LLC as indicated in the Articles of Incorporation or Articles of Organization.
  - **NOTE:** If the Principal is registered with the North Carolina Secretary of State or a state equivalent, the Principal name must match the registered name EXACTLY. Please include all apostrophes, commas, periods, spaces, ampersands, and other characters included in the legal name of the entity.
3. **Surety Company:** Enter the legal name of the Surety Company underwriting the bond. This name must match the name as registered with the North Carolina Department of Insurance.
4. **Amount of Bond:** Enter the amount of the bond. It must be spelled out in word format and followed by the numeric value.
5. **Date Bond Begins:** Enter the date the bond will go into effect. The effective date of the bond may not precede the date a business incorporates with the North Carolina Secretary of State or a state’s equivalent. The effective date of the bond may be prior to the date the bond was executed.
6. **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 attached Surety’s Power of Attorney.
7. **Surety Name:** Enter the legal name of the Surety Company. The name must match exactly as entered previously on the form. See item #3 above.
8. **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” and print his or her name on the line below. This individual’s name must appear in the attached Power of Attorney.
9. **Surety Corporate Seal:** The Surety Company must indicate that it has affixed its seal to this form. Upon the word “SURETY SEAL” the Surety Company must affix its corporate seal. The seal must be affixed by applying a raised seal (embossed), original ink seal, or foil seal. The name on the seal must be readable.
10. **Principal Name:** Enter the legal name of the Principal. The name must match exactly as entered previously on the form. See item #2 above.
11. **Principal Representative Signature, Printed Name, and Title:**
  - **Individual Principal:** If the Principal is an individual (sole proprietor), and is not incorporated or otherwise registered with the North Carolina Secretary of State or a state’s equivalent, the individual must sign his or her legal name. Below the signature line, the individual must print his or her name, and the individual must print his or her title. An example title for an individual principal is “Owner.”
  - **Partnership Principal:** If the Principal is a general partnership, a general partner must sign his or her legal name. Below the signature line, the general partner must print his or her name, and the general partner must print his or her title. An example title for a partnership principal is “General Partner.”
  - **Corporation / LLC Principal:** If the Principal is a corporation or LLC, the Principal must enter the signature, printed name, and title as follows:
  - **Corporation:** Only a corporate officer who is authorized to legally bind the corporation may sign. This includes a president, vice-president, or treasurer. Below the signature line, the signing corporate officer must print his or her name and title held at the corporation. 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.

- **LLC:** Any member of an LLC may sign the bond. Below the signature line, the signing member must print the member's name and print the member's title. An example title for an LLC is "Member."
- **Foreign Corporation or LLC:** If the Corporation or LLC is organized in a state other than North Carolina, the entity must be authorized to transact business in North Carolina. This does not apply to a Principal who holds a nonresident malt beverage vendor or nonresident wine vendor permit.
- **NOTE:** If the North Carolina Secretary of State or a state equivalent does not reflect that the person signing the bond has the authority to sign the bond, a copy of the bylaws, board resolution, member resolution, or other similar document must accompany the bond.

12. **Affix Principal's Corporate Seal or Notarize Principal Representative Signature.** The Principal must either: (1) affix the Principal's corporate seal; or (2) sign the bond and have his or her signature acknowledged by a notary in accordance with the following:

- **Affix Principal Seal:** If a corporation or LLC affixes its corporate seal, the seal must be affixed upon the word "PRINCIPAL SEAL." The name on the seal must be readable. The seal must be affixed by applying a raised seal (embossed), original ink seal, or foil seal.

**OR**

- **Notarize Principal Representative Signature:** If the Principal does not affix its seal, the Principal must have its Principal's Representative Signature notarized. The notary must acknowledge the signature and complete the notarial certificate as indicated. This includes entering: the Principal Representative's name; the date of acknowledgement; the notary public's signature; the notary public's printed name; and date the notary's commission expires. The notary must affix his or his or her seal upon the word "NOTARY SEAL." The notary seal must be affixed by applying a raised seal (embossed) or original ink seal. The name on the seal must be readable.

**IMPORTANT: THE BOND MUST BE ACCOMPANIED BY A VERIFIED COPY OF THE AUTHORITY OF THE PERSON EXECUTING THE BOND ON BEHALF OF THE SURETY COMPANY (POWER OF ATTORNEY). THIS DOCUMENT CANNOT BE A PHOTOCOPY AND MUST BE VERIFIED BY AFFIXING A RAISED SEAL (EMBOSSSED), ORIGINAL INK SEAL, OR FOIL SEAL.**

### **Additional Notes for Bonds**

1. **Corrections:** Any use of whiteout or correction tape will void the bond, and the bond cannot be accepted by the Department. All changes must be initialed by the Principal and the Surety.
2. **Legal Entity Managed Principals:** If the Principal is managed or owned by a legal entity, it is recommended that the Surety Company or Principal contact the Department before submitting the bond. For example, if the Principal is owned or managed by a corporation, additional documentation may be required.
3. **Originals.** Do not send the Department non-original documents or photocopies of the bond. The Department can only approve bonds with original signatures and seals. The Department may accept a copy of a Power of Attorney if a seal has been affixed. Seals must be affixed using a raised seal (embossed), original ink seal, or foil seal.
4. **Surety's Power of Attorney Date:** The "Signed, Sealed and Delivered Date" under item #6 must match the execution date of the Power of Attorney.
5. **Principal Representative Name:** A principal representative's name entered in this document must be the legal name. The legal name of a principal representative's name is the name as listed on a birth certificate or state issued identity card, such as a driver's license. This name must match exactly as provided in the North Carolina Secretary of State or its equivalent, bylaw, board resolution, or member resolution.
6. **Changes or Addendums:** Neither a Principal nor a Surety may modify the bond without the prior written consent of the Department. Changes, amendments, or addendums to the bond will be rejected and may impair the Principal's ability to become licensed or become registered with the Department.
7. **Non-Compliance with Instructions.** If the bond does not conform to the requirements prescribed by these instructions, the bond will be returned for corrections.

### **Sample Surety Bond**

A sample surety bond is included on page 5. The bond has been annotated by inserting numbers with a red border. These numbers correspond with the numbered instructions provided on pages 2 and 3.

This is provided for illustrative purposes only, and the names of persons used in the bond are fictitious. The seals affixed to the surety bond must be raised (embossed), original ink, or foil. The signatures on the surety bond must be original ink. Electronic reproductions are not acceptable.



# B-A-29 | B-A-30 | B-C-790 | GAS-1212 Sample Surety Bond

**1** BOND NO. 123456




**2** \_\_\_\_\_, (Principal) and  
**3** \_\_\_\_\_, (Surety),  
**4** authorized to engage in business as a surety in the State of North Carolina, are obligated to the State of North Carolina in the sum of USD  
ONE-HUNDRED THOUSAND 00/100 (US\$ 100,000.00). We jointly and  
severally obligate heirs, executors, administrators, successors, and assigns for the payment of this amount.

Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat.

The terms for this bond are as follows:

1. Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat. Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur.
- 5** 2. The bond is continuing and effective for acts or omissions occurring on or after the 1st day of JANUARY, 2022.
3. Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat. Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur. Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum. Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat.
4. Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur. Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum.
5. Lorem ipsum dolor sit amet, consectetur adipiscing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat.

**6** Signed, sealed, and delivered this 1st day of JANUARY, 2022.

<b>7</b>	SURETY NAME SURETY INSURANCE COMPANY	PRINCIPAL NAME PRINCIPAL LICENSEE, LLC	<b>10</b>
<b>8</b>	SURETY REPRESENTATIVE SIGNATURE (SEAL) x <i>Stanley Cupp Jr.</i>	PRINCIPAL REPRESENTATIVE SIGNATURE (SEAL) x <i>Justin Case</i>	<b>11</b>
<b>8</b>	SURETY REPRESENTATIVE PRINTED NAME STANLEY CUPP JR. <span style="float: right;">As Attorney in Fact</span>	PRINCIPAL REPRESENTATIVE PRINTED NAME JUSTIN CASE	<b>11</b>
	TITLE MEMBER		
	SURETY	PRINCIPAL	NOTARY (IF NO SEAL FOR PRINCIPAL)
<b>9</b>	<input checked="" type="checkbox"/> Surety declares that the surety's seal is affixed to this form.	<input type="checkbox"/> Principal declares that its seal is affixed to this form.	<b>12</b>
			<input checked="" type="checkbox"/> Principal has not affixed seal; Principal's signature has been notarized below. State of <u>North Carolina</u> County of <u>WAKE</u> I certify that the following person personally appeared before me this day, acknowledging to me that he or she signed the foregoing document: <u>JUSTIN CASE</u> (Name of Principal Representative) <u>01-01-22</u> (Date) <u>Lorry R. Driver</u> Signature of Notary Public <u>Lorry R. Driver</u> Printed Name of Notary Public <u>06-01-2025</u> My Commission expires 

Mail to: North Carolina Department of Revenue, Attention: Licensing and Bonding Unit  
3301 Terminal Drive, Suite 125, Raleigh, NC 27604