

<b>WA-91</b> (09-01-03)  <b>U.S. Department of Agriculture</b> Farm Service Agency United States Warehouse Act  <b>AGREEMENT TO INDEMNIFY</b>  <i>(See Page 2 for the Privacy Act and Public Burden Statements.)</i>	<b>1. FOR FSA USE ONLY</b>	
	A. License Number	B. Initials

C. Guaranty Agreement By: \_\_\_\_\_  
*(Name of Surety or Parent Corporation)*

D. On Behalf Of: \_\_\_\_\_  
*(Name of Subsidiary Corporation or Licensed Warehouse Operator)*

2. \_\_\_\_\_  
*(Name of Subsidiary Corporation or Licensed Warehouse Operator)*

hereinafter referred to as the warehouse operator, has applied to the Secretary of Agriculture of the United States of America, hereinafter referred to as the Secretary, for license(s) or a continuation of license(s) for the conduct of warehouse(s) under the United States Warehouse Act (7 USC 241-256) (the Act) and the regulations promulgated thereunder and the licensing agreements; and

The regulations require a warehouse operator conducting a licensed warehouse to furnish to the Secretary annually, or more frequently if required, a financial statement reflecting the financial condition of the warehouse operator as of the date named; and further such statement shall reflect allowable net assets to the extent specified in the various licensing agreements and regulations; and be audited by an independent certified public accountant or audited or reviewed by an independent public accountant and containing the scope and all the accountant's opinions and exceptions; and

The warehouse operator can furnish the financial statement(s) but can not meet the requirement that such statements reflect the required allowable net assets and or be reviewed or audited by an independent public accountant; and

3. The warehouse operator is a wholly-owned subsidiary of \_\_\_\_\_  
*(Name of Surety or Parent Corporation)*

hereinafter referred to as surety and the surety has an interest in the warehouse operator being licensed or continuing under license and can furnish its financial statement which will meet all requirements of the regulations and the licensing agreement.

**Therefore it is agreed that:**

- (1) The surety will furnish to the Secretary an annual financial statement prepared by a certified public accountant and which includes the assets and liabilities of the warehouse operator and which at a minimum will meet total net asset requirements of the licensing agreement as they concern the warehouse operator; and
- (2) The surety and the warehouse operator respectively certify that this Agreement is within their respective corporate powers and has or will be spread on their respective corporate minutes; the Secretary to be notified when this is accomplished.
- (3) The Secretary will accept such statements furnished by the surety as meeting the warehouse operator's requirements for licensing or continuation of license; provided the surety guarantees and assumes, as if they were its own, the faithful performance by the warehouse operator of any and all obligations the warehouse operator may have as a warehouse operator under the terms of the Act and the regulations and the licensing agreements prescribed thereunder and of such additional obligations as may be assumed by the warehouse operator under contracts with the respective depositors of the agricultural product in each such licensed warehouse(s). Such obligations shall include those existing as of the date of this agreement, or assumed after such date; until written notice to the contrary is given to and acknowledged by the Secretary.

4. The license issued to the warehouse operator will be marked to indicate that: "The warehouse operator to whom this license is issued is a wholly-owned subsidiary of \_\_\_\_\_."  
*(Name of Surety or Parent Corporation)*

5. In witness whereof, the parties hereto have executed this guaranty under their seals this

(a) \_\_\_\_\_ day of (b) \_\_\_\_\_  
*(Day) (Month and Year)*

**6. Warehouse Operator, Subsidiary**

(a) \_\_\_\_\_  
*(Name of Subsidiary Corporation or Licensed Warehouse Operator)*

By: (b) \_\_\_\_\_  
*(Individual, Partners, General Partner, Corporate Officer)*

Title: (c) \_\_\_\_\_

**7. Surety or Name of Parent Corporation**

Name of Guarantor: (a) \_\_\_\_\_  
*(Name of Surety or Parent Corporation)*

By: (b) \_\_\_\_\_

Title: (c) \_\_\_\_\_

Witness: (d) \_\_\_\_\_

Witness: (f) \_\_\_\_\_

City and State: (e) \_\_\_\_\_

City and State: (g) \_\_\_\_\_

**NOTE:** *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the regulations at 7 CFR Part 735. The information will be used to complete the terms of a license and licensing agreement between the warehouse operator and the Deputy Administrator for Commodity Operations. Furnishing the requested information is voluntary, however, without it, eligibility to be licensed under the United States Warehouse Act cannot be determined. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 1014, and 31 USC 3729, may be applicable to the information provided.*

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0120. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. **RETURN THIS COMPLETED FORM TO THE KANSAS CITY COMMODITY OFFICE (KCCO), WAREHOUSE LICENSE AND EXAMINATION DIVISION, STOP 9148, P.O. BOX 419205, KANSAS CITY, MO 64141-6205.***

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