



**ELIGIBILITY INFORMATION REQUIRED FOR
GULF OPPORTUNITY PILOT LOAN PROGRAM SUBMISSIONS**

This entire form is to be completed by the Lender and retained in the loan file.

Small Business Borrower Name _____
Lender Name _____
Purpose of Loan _____
Describe Type of Business _____

If the answer to either of the following two statements is “No,” the loan is not eligible.

Applicant is an operating business organized for profit, is located in United States, has demonstrated a need for the desired credit, and the desired credit is not otherwise available on reasonable terms from non-Federal sources. YES___NO___

The products and/or services of the Applicant business are available to the general public. YES___NO___

A. Size and Affiliation

Primary industry of Applicant _____ NAICS Code of Applicant _____
Average annual receipts of Applicant Business (excluding affiliates) over last 3 completed fiscal years _____
No. of employees of Applicant Business _____ SBA size standard for Applicant _____
(SBA size standards by NAICS industry are found at 13 CFR 121.201.)

OR (alternative size standard) tangible net worth is _____ (not in excess of \$15 million) and average net income after Federal income taxes (excluding any carry-over losses) for the preceding two completed fiscal years is _____ (not in excess of \$5.0 million). (The alternative size standard is found at §3(a) of the Small Business Act.)

The combined size calculation of applicant and its affiliates meets the size standard for the applicant’s primary industry or the size standard for the primary industry of the applicant and its affiliates, whichever is higher. YES___NO___

OR
The combined size calculation of applicant and its affiliates meets the alternative size standard. YES___NO___

If size standard is exceeded by no more than 25%, Applicant agrees to use the assistance within a labor surplus area. YES___NO___

Check if applicable regarding any affiliates:

___ Applicant has possible affiliates. *If checked, provide the following information in attachment to this form:*

List possible affiliates, discuss possible bases of affiliation and determine if affiliation exists. If affiliation exists, list the primary industry of applicant and affiliates and the NAICS code. Also, state 1) combined average annual receipts over last 3 completed fiscal years or number of employees for applicant and all affiliates OR 2) combined tangible net worth and combined average net income after Federal income taxes (excluding any carry-over losses) for the preceding two fiscal years for applicant and all affiliates.

Check if applicable regarding any franchise/license/dealer/jobber agreement:

___ Applicant business has a franchise/license/dealer/jobber or similar agreement. *If checked, answer the following:*

The Franchise Registry lists the agreement as an approved agreement. YES___NO___

If “No,” answer the following statement:

You have made the determination that the applicant business has the right to profit and risk of loss commensurate with ownership and there are no excessive restraints on the sale of the franchise/license/dealer/jobber or similar interest. YES___NO___

If “No,” loan is not eligible.

B. Associates of the Applicant

Question 1 on any required SBA Form 2281, Gulf Opportunity Pilot Loan Program Borrower Information Form is answered “No.” YES___NO___

If the answer to this statement is “No,” loan is not eligible.

Question 2 or 3 on any required SBA Form 2281, Gulf Opportunity Pilot Loan Program Borrower Information Form, for this application is answered "No." YES___NO___

If the answer to this statement is "No," answer the following:

The application meets one of the following criteria below (which is checked): YES___NO___

If the answer to this statement is "No," the loan is not eligible.

___The charge resulting in a "yes" answer was a single misdemeanor that was subsequently dropped without prosecution and Lender has documentation from the appropriate court or prosecutor's office showing that the charge was dropped.
___Lender has submitted the required 912 and any additional documentation required to the district or branch SBA office serving the territory where the business applicant is located and has subsequently received written clearance of the character issue(s) from SBA Headquarters through the district or branch SBA office.

Lender has assessed the liquid assets of the immediate family (including spouse and dependent children) of each owner of 20% or more of the equity of the Applicant (and of the Operating Company, if the Applicant is an Eligible Passive Company) and determined that they do not exceed two times the total financing package or \$100,000, whichever is greater. YES___NO___

All owners of 20 percent or more of the Applicant (including a spouse owning 5 percent or more when the combined ownership of both spouses is 20 percent or more) will guaranty the loan (except for ESOPs or eligible 401(k)Trusts). YES___NO___

All Associates of the business are either U.S. citizens or non-U.S. citizens whose status is being verified with USCIS or SBA. For non-U.S. citizens, the lender has obtained a copy of the individual's USCIS documentation and submitted a USCIS Form G-845, "Document Verification Request" with supporting information to USCIS or SBA. In addition, the lender will not close and disburse the loan prior to receiving confirmation from USCIS or SBA that the alien status of all Associates meets SBA's policies. YES___NO___

If "Yes," CHOOSE the ONE that applies (If neither applies, the loan is not eligible):

___The business is at least 51 percent owned by individuals who are U.S. citizens and/or who have Lawful Permanent Resident (LPR) status, which lender will verify with the USCIS or SBA prior to first disbursement, and control the management and daily operations of the business; OR

___The business is at least 51 percent owned by aliens with an alien status other than LPR, which lender will verify with the USCIS or SBA prior to first disbursement, the lender has determined that continual and consistent management of the business has been provided by a U.S. citizen or by an LPR (which lender will verify with the USCIS or SBA prior to first disbursement) for at least one year and will continue indefinitely AND U.S. collateral is pledged sufficient to pay the loan in full at any time. (Businesses less than one year old do not meet these requirements.)

C. Terms of the Loan

The maturity of the loan does not exceed the maximum allowable by SBA and is the shortest appropriate term commensurate with repayment ability of the Applicant. If the loan is revolving, the maturity does not exceed seven years including the term-out period. YES___NO___

SBA guaranty percentage does not exceed 85%. YES___NO___

The aggregate amount of the SBA guaranteed portions for this application and all outstanding 7(a) and 504 loans to Applicant and its affiliates does not exceed \$5,000,000. YES___NO___

The interest rate of the loan does not exceed 6.5% over prime rate for loans of \$50,000 and less, or 4.5% over prime rate for loans over \$50,000. YES___NO___

Applicant does not have a non-SBA-guaranteed loan made by any lender at or about the same time for the same or similar purpose as this loan, with a lien position senior to this loan ("Piggyback Loan"). YES___NO___

D. Type of Business

___Applicant is or does one of the following. If checked, loan is not eligible.

- primarily engaged in the business of lending
- a passive business owned by developers or landlords that do not actively use or occupy the assets acquired or improved with the loan proceeds that is not an Eligible Passive Company (discussed below)
- bail bond company

- life insurance company
- located in a foreign country or owned by undocumented (illegal) aliens
- pyramid sale distribution plan
- any illegal activity
- principally engaged in teaching, instructing, counseling or indoctrinating religion or religious beliefs, whether in a religious or secular setting.
- consumer or marketing cooperative
- earns 1/3 or more of its gross annual revenue from packaging SBA loans
- derives directly or indirectly more than 5% of its gross revenue through the sale of products or services, or the presentation of any depiction or displays, of a prurient sexual nature or that presents any live performances of a prurient nature
- primarily engaged in political or lobbying activities
- a speculative business (such as oil wildcatting, mining and research & development)

___ Applicant is a pawn shop. If checked, answer the following question. If "No" loan is not eligible.
 More than 50% of Applicant's income for the previous year was from the sale of merchandise rather than from interest on loans. YES ___ NO ___

___ Applicant is a mortgage service company. If checked, answer the following question. If "No" loan is not eligible.
 Any mortgage loans funded are sold within 14 days of loan closing. YES ___ NO ___

___ Applicant is a business that is primarily engaged in subdividing real property into lots and developing it for resale on its own account or in owning or purchasing real estate and leasing it for any purpose. If checked, loan is not eligible.

___ Applicant is a motel, recreational vehicle park, campground, marina or similar type of business. If checked, answer the following question.
If "No" loan is not eligible.
 Applicant derives more than 50 percent of its gross annual income from transients who stay for periods of time not exceeding 30 days. YES ___ NO ___

___ Any of gross annual revenue of Applicant business is derived from gambling. If checked, answer the following question. If "No," loan is not eligible.
 The revenue is from legal gambling activities and comprises 1/3 or less of gross annual revenue of Applicant business and the business is not a racetrack, casino or otherwise have gambling as its reason for being. YES ___ NO ___

___ Applicant is a private club or business. If checked, answer the following question. If "No" loan is not eligible.
 Business does not limit the number of memberships for reasons other than capacity. YES ___ NO ___

___ Applicant is a government-owned entity. If checked, answer the following question. If "No" loan is not eligible.
 Applicant is business owned or controlled by a Native American tribe, but is a separate legal entity from the tribe. YES ___ NO ___

___ Applicant is an Eligible Passive Company (EPC). If checked, fill in the blanks and answer the following questions. If "No" loan is not eligible.
 (Attach additional sheet with Names and Legal Forms if more than one OC. References below to OC mean each OC.)

Name of Operating Company (OC) _____

Legal Form of Entity of OC _____

- The EPC will use the loan proceeds to acquire or lease, and /or improve or renovate real or personal property (including eligible refinancing) that it leases 100% to one or more OCs. YES ___ NO ___
- The OC is an eligible small business and the proposed use of proceeds would be an eligible use if the OC were obtaining the financing directly. YES ___ NO ___
- The EPC (with the exception of a trust) and the OC each are small under SBA's size standards. YES ___ NO ___
- The EPC is eligible as to type of business, other than being passive. YES ___ NO ___
- The lease between the Eligible Passive Company and the Operating Company will be in writing, will have a remaining term at least equal to the term of the loan (including options to renew exercisable solely by the Operating Company), will be subordinated to SBA's lien on the property and the rents will be assigned as collateral for the loan. YES ___ NO ___
- The OC will be a guarantor or co-borrower. If loan proceeds include working capital or assets to be owned by the OC, it will be a co-borrower. YES ___ NO ___
- Each 20% or more owner of the EPC and each 20% or more owner of the OC will guarantee the loan. YES ___ NO ___

- The aggregate amount of the SBA portions for this application and for all outstanding loans to the EPC, the OC, and their affiliates does not exceed \$3,750,000.
- Neither the EPC nor the OC is a trust, or SBA requirements regarding trusts are met.

YES ___ NO ___
 YES ___ NO ___

E. Use of Proceeds

___ To provide or refinance funds used for payments, distributions, or loans to Associates of the Applicant.
If checked, loan is not eligible.

___ For a purpose that will not benefit the small business. *If checked, loan is not eligible.*

___ To provide funds for floor plan financing. *If checked, loan is not eligible.*

___ To finance the sale of the participating lender's Other Real Estate Owned (OREO). *If checked, loan is not eligible for delegated processing.*

___ For debt refinancing. *If checked, ATTACH A DEBT SCHEDULE SHOWING THE TERMS OF THE DEBT TO BE REFINANCED AND THE JUSTIFICATION FOR THE REFINANCING. Also, answer the following questions. If "No," loan is not eligible.*

- Refinancing will provide a substantial benefit to Applicant of at least 10% needed improvement to cash flow. If more than one debt is refinanced, the new debt will have at least a 10% cash flow improvement over the combined cash flow of the debt being refinanced. (This does not apply if the refinanced debt is a demand note, involves a balloon payment, credit card obligation used for business related purposes, or revolving line of credit (short term or long-term).) YES ___ NO ___
- Existing debt no longer meets the needs of the Applicant. YES ___ NO ___
- If existing debt is between the Applicant and the requesting SBA lender, in addition to the previous two bullets, the debt has been current for at least the last 36 months (no late charges) AND the new loan will not reduce the lender's existing credit exposure to the borrower. YES ___ NO ___
- Proceeds will not pay a creditor in a position to sustain a loss causing a shift to SBA of all or part of a potential loss from an existing debt. YES ___ NO ___
- Debt to be refinanced is NOT an SBA-guaranteed loan unless it meets the following exception: the transaction is the purchase of an existing business that has an existing SBA loan that is not with the requesting SBA Express lender. YES ___ NO ___
- Loan will not refund debt to an SBIC. YES ___ NO ___
- Loan will not repay third party financing for any existing 504 project. YES ___ NO ___
- Loan will not repay delinquent IRS withholding taxes, sales taxes or similar funds held in trust. YES ___ NO ___
- Loan will not refinance any seller take-back financing of less than 24 months following the change of ownership. The debt must be and have been current for the past 24 months. YES ___ NO ___
- If refinancing seller take-back financing greater than 24 months, a new business valuation that meets the requirements of SOP 50 10 5, Subpart B, Chapter 4 has been obtained. YES ___ NO ___

___ To fund or refinance a change in ownership. *If checked, answer the following questions. If "No," loan is not eligible.*

- The change will promote the sound development or preserve the existence of the Applicant business. YES ___ NO ___
- Change is 100% of ownership or a business repurchasing 100% of one or more of its owners' interests. YES ___ NO ___
- The loan proceeds will not pay off an SBA-guaranteed loan of the seller with the **same** lender YES ___ NO ___
- The loan proceeds will not finance any amount in excess of the business valuation. YES ___ NO ___

CHOOSE ONE – Business Valuation Requirements

___ The amount being financed (including any 7(a), 504, seller, or other financing) minus the separately appraised value of real estate and/or equipment being financed is \$250,000 or less. The valuation of the business is supported by at least a lender's valuation. If the valuation analysis is performed by the lender's loan officer, a synopsis is attached.

___ The amount being financed (including any 7(a), 504, seller or other financing) minus the separately appraised value of real estate and/or equipment is more than \$250,000 OR there is a close relationship between the buyer and the seller. The lender has obtained an independent business valuation from a qualified source.

CHOOSE ONE – Financing intangible assets:

- The purchase price of the business does not include intangible assets (including, but not limited to, goodwill, client/customer lists, patents, copyrights, trademarks and agreements not to compete) in excess of \$500,000. YES ___ NO ___
- The purchase price of the business includes intangible assets (including, but not limited to, goodwill, client/customer lists, patents, copyrights, trademarks and agreements not to compete) in excess of \$500,000 and the borrower and/or seller are contributing at least 25% equity. *(If "no", loan is not eligible to be submitted under this process.)* YES ___ NO ___

___ For construction of (or the refinancing of the construction for) a new building.

If checked, answer the following questions. If "No" loan is not eligible.

- If building will contain rental space, Applicant (or Operating Companies) will continue to occupy at least 60% of the rentable property for the term of the loan; lease long term no more than 20% of the rentable property to one or more tenants; plans to occupy within three years some of the remaining rentable property not immediately occupied or leased long term; and plans to occupy within ten years all of the rentable property not leased long term.
- Community improvements do not exceed 5 percent of the loan amount.
- If refinancing a construction loan, the construction loan is not with the same lender.

YES ___ NO ___

YES ___ NO ___

YES ___ NO ___

___ To provide funds for the acquisition of land or existing building or for renovation or reconstruction of an existing building.

If checked, answer the following questions. If "No" loan is not eligible.

- Applicant (or Operating Companies) will occupy at least 51% of the rentable property.
- Loan proceeds will not be used to remodel or convert any rental space in the property.

YES ___ NO ___

YES ___ NO ___

___ To provide funds for or refinance leasehold improvements. *If checked, answer the following question.*

If "No" loan is not eligible.

Loan proceeds will be used to improve space occupied 100% by Applicant.

YES ___ NO ___

F. Special Program Requirements

___ Business applicant is located in, locating to, or relocating in the counties/parishes that have been Presidentially-declared disaster areas resulting from Hurricanes Katrina or Rita, plus any parishes/counties contiguous to those parishes/counties. Additionally, the loan proceeds will be used to support the business's operations within the eligible parish/county. Business address where the business is located or will be located:

(street number and name) _____ (county/parish) _____ (state) _____

If "No" loan is not eligible for this program.

YES ___ NO ___

___ Lender is aware that the application was previously submitted to SBA under any SBA program, including SBA Express, Export Express, Community Express, PLP, CLP, Patriot Express or regular 7(a). (*Loan is not eligible to be submitted under this process unless the SLPC Director has waived this prohibition because the application was preliminary or incomplete when previously submitted or it has changed materially since the previous submission.*)

___ Lender has made a personal loan to an individual for the purpose of providing an equity injection into the business. (*Loan is not eligible to be submitted under this process.*)

___ Loan will be collateralized by commercial property that will not meet SBA's environmental requirements or that will require use of a non-standard indemnification agreement. (*Loan is not eligible to be submitted under this process.*)

___ Applicant business previously defaulted on a Federal loan or Federally assisted financing that resulted in the Federal government or any of its departments or agencies sustaining a loss; or another business owned or controlled by any Associate of the applicant business defaulted on a Federal loan (or guaranteed a loan which was defaulted) and caused the Federal Government or any of its agencies or departments to sustain a loss in any of its programs, including any compromise agreement with any such agency/department; or an Associate of the applicant business was the recipient of a student loan that is in delinquent status. (*Loan is not eligible to be submitted under this process.*)

___ Loan is one of the following special purpose loans (*Loan is not eligible to be submitted under this process.*)

- International Trade Loans, except for Export Express loans
- Qualified Employee Trusts (ESOP)
- CAPLines Program (including Builders Loan Program)
- Community Adjustment and Investment Program (CAIP)
- Disabled Assistance Loan Program (DAL)
- Pollution Control Program

___ Applicant or Affiliates(s) has/have existing SBA loan(s). *If checked, answer the following question. If "No" loan is not eligible.*
The existing SBA loan(s) is/are current.

YES ___ NO ___

___ Applicant has paid or has committed to pay a fee to a third party to assist in the preparation of the loan application or application materials, or the Applicant or Lender has paid or has committed to pay a referral agent or broker a fee.

If checked, answer the following question. If "No" loan is not eligible.

A Form 159(7a) has been or will be completed, signed by all parties as required, and submitted to SBA along with SBA Form 1502 at time of first disbursement. YES ___ NO ___

___ Application is being submitted under section 502 of the Recovery Act (which has been extended to December 31, 2010).

If checked, answer the following questions. If "No" loan is not eligible to be submitted under the Recovery Act.

- No individual who is an alien unlawfully present in the United States has an ownership interest in another concern that has an ownership interest in the applicant. YES___NO___

SBA will not provide financial assistance under delegated processing authority to an applicant when granting such financial assistance could result in the appearance of a conflict of interest between the Federal Government and the Applicant.

Please answer the following question. If the answer is "No," then the application may not be submitted under delegated processing programs.

- No SBA employee, or the household member (see definition at * below) of an SBA employee, is a sole proprietor, partner, officer, director, or stockholder with a 10 percent or more interest, of the Applicant. [13 CFR 105.204] True___ False___
- No former SBA employee, who has been separated from SBA for less than one year prior to the request for financial assistance, is an employee, owner, partner, attorney, agent, owner of stock, officer, director, creditor or debtor of the Applicant. [13 CFR 105.203] True___ False___
- No member of Congress, or an appointed official or employee of the legislative or judicial branch of the Federal Government, is a sole proprietor, general partner, officer, director, or stockholder with a 10 percent or more interest, or household member of such individual, of the Applicant. True___ False___
- [13 CFR 105.301(c)] True___ False___
- No Government employee having a grade of at least GS-13 or higher is a sole proprietor, general partner, officer, director, or stockholder with a 10 percent or more interest, or a household member of such individual, of the Applicant. [13 CFR 105.301(a)] True___ False___
- No member or employee of a Small Business Advisory Council or a SCORE volunteer is a sole proprietor, general partner, officer, director, or stockholder with a 10 percent or more interest, or a household member of such individual, of the Applicant. [13 CFR 105.302(a)] True___ False___

* A "household member" of an SBA employee includes: a) the spouse of the SBA employee; b) the minor children of said individual; and c) the blood relatives of the employee, and the blood relatives of the employee's spouse who reside in the same place of abode as the employee.[13 CFR 105.201(d)]

G. Ethical Requirements of Lenders (13 CFR 120.140)

- No Lender or Associate** of Lender has a real or apparent conflict of interest with Applicant, any of Applicant's Associates, or any of the close relatives of Applicant's Associates. True___
- No Lender or Associate or close relative of an Associate of the lender has a significant direct or indirect financial or other interest in the applicant, or has had such an interest within 6 months prior to the date of the application. True___
- No Associate of a Lender is incarcerated, on parole, or on probation or is a convicted felon or has an adverse final civil judgment (in a case involving fraud, breach of trust, or other conduct) that would cause the public to question the Lender's business integrity. True___
- No Lender or any Associate of Lender has accepted funding from a source that restricts, prioritizes, or conditions the types of small businesses that Lender may assist under an SBA program or that imposes any conditions or requirements upon recipients of SBA assistance inconsistent with SBA's loan programs or regulations. True___
- None of the Loan proceeds will directly or indirectly finance purchase of real estate, personal property or services from Lender or an Associate of Lender. True___
- Neither the Applicant, an Associate of Applicant, close relative nor household member of an Associate of Applicant is required to invest in Lender. True___
- None of the proceeds of the loan will be used to acquire space in project for which lender has issued a real estate forward commitment. True___

(**Associate of a Lender is an officer, director, key employee, or holder of 20 percent or more of the value of the Lender's stock or debt instruments.)

NOTE: When there have been revisions to SBA policy regarding SBA loans that may be submitted under delegated authority, there may be a short period of time between the issuance of the policy, regulation or statutory change (including revisions to SOP 50 10) and a change to the form.

If that is the case for this loan application:

1. write “see below” next to the particular statement on this form where the policy has changed; and
2. attach an explanation for each notation that identifies the current specific SBA policy since the issuance of this edition of the form that now permits the submission of the loan under delegated authority. This must include the specific SOP citation, SBA notice, regulation change or change in the statute.

Do not complete the statement on the form itself if the statement indicates that the loan is not eligible to be submitted under delegated authority but the revised policy as identified by the attachment provided does.

Lender’s Certification:

I certify that I have accurately and correctly completed the Eligibility Checklist on behalf of the Lender, that the above information is true and correct, to the best of my knowledge, and that I have exercised due diligence to obtain the true and correct information. I am aware and acknowledge that any SBA review of this form is a quick look at eligibility intended to provide limited protection to SBA and the lender from making an ineligible loan on which SBA could not honor its guarantee and that if an SBA loan number is assigned and SBA later learns that the loan is not eligible, SBA still may deny liability on its guarantee.

Lender Signature: _____

Date: _____

Name and Title: _____

NOTE: According to the Paperwork Reduction Act, you are not required to respond to this collection of information unless it displays a currently valid OMB Control Number. The estimated burden for completing this form, including time for reviewing instructions, gathering data needed, and completing and reviewing the form is 10 minutes per response. Comments or questions on the burden estimates should be sent to U.S. Small Business Administration, Chief, AIB, 409 3rd St., SW, Washington DC 20416. **PLEASE DO NOT SEND FORMS TO THIS ADDRESS.**