

**TRANSIENT MERCHANT CASH BOND**

I, \_\_\_\_\_, of \_\_\_\_\_, as obligor do hereby deposit with the Attorney General of the state of North Dakota the cash sum of \_\_\_\_\_ (\$ \_\_\_\_\_) as a cash deposit bond in lieu of a surety bond, pursuant to N.D.C.C. § 51-04-03, for the performance of all obligations as a transient merchant under N.D.C.C. ch. 51-04, and as set forth herein below. The condition of the within obligation is such that the obligor has applied for a license as a transient merchant under the provisions of N.D.C.C. ch. 51-04.

NOW, THEREFORE, if the obligor, his/her or its agents, representatives, and employees shall faithfully and honestly conduct the business of the applicant under North Dakota law, and all rules and regulations promulgated in pursuance thereof, and the obligor shall comply with all material oral or written statements and representations made by the applicant, his/her or its agents, employees, or representatives, with reference to merchandise sold, or offered for sale and on faithful performance under all warranties made with reference thereto, then this obligation will be void; otherwise the obligation will remain in full force and effect.

Any person injured by the breach of conditions of such cash bond may make application to the Attorney General to recover legal damages suffered by reason of such breach; provided that the aggregate recovery from such cash deposit bond for all such damages shall, in no event, exceed the sum of said cash deposit. Where the legal damage suffered by an injured person exceeds the amount recovered from the cash deposit, such partial recovery shall in no way prejudice the right of the injured person to proceed directly against the obligor/licensee for such excess damages.

This cash deposit bond is a continuing obligation and shall cover the full period of licensing of the obligor. Claims against the cash deposit bond may be made during the licensing period and for two years thereafter.

This cash deposit bond shall not be refundable nor terminate prior to two years after the expiration of the last license issued pursuant thereto. This cash deposit bond may be refunded, upon written request sent by certified mail to the Attorney General, two years after the termination of the license issued pursuant thereto. The cash deposit bond may be refunded two years after the filing of a commercial surety bond as a replacement to the cash deposit.

All liability hereunder shall terminate two years after the expiration of the last license issued, except that the liability of the obligor shall apply as provided to any acts of omissions which may have occurred during the licensing period for which claims were made on or before two years after the last license issued and remain pending.

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

\_\_\_\_\_

Obligor

By: \_\_\_\_\_

Name & Title

.....  
If obligor is a corporation, officer signing must attach resolution authorizing execution.  
.....

FORM A

STATE OF \_\_\_\_\_ )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a notary public for said county and state,

IF BY INDIVIDUAL USE THIS FORM personally appeared \_\_\_\_\_, known to me to be the person who is described in and who executed the within instrument as obligor, and he acknowledged to me that he executed same.

-or-

IF BY CO-PARTNERSHIP USE THIS FORM personally appeared \_\_\_\_\_, known to me to be one of the members of the co-partnership of \_\_\_\_\_ and \_\_\_\_\_ the person who is described in and who executed the within instrument for and on behalf of said co-partnership as obligor, and he acknowledged to me that he executed the same for said co-partnership.

-or-

IF BY CORPORATION USE THIS FORM personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of the corporation that is described in and that executed the within instrument as obligor, and he acknowledged to me that such corporation executed the same.

(SEAL)

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

My commission expires: \_\_\_\_\_

Receipt of \_\_\_\_\_  
(\$ \_\_\_\_\_) from the obligor as a transient merchant cash  
deposit bond under the terms set forth above is hereby acknowledged this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

State of North Dakota  
Wayne Stenehjem  
Attorney General

By: \_\_\_\_\_  
Director, Licensing Section

APPROVAL

Approved as to form this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

State of North Dakota  
Wayne Stenehjem  
Attorney General

By: \_\_\_\_\_  
Assistant Attorney General

RESOLUTION

RESOLVED, that \_\_\_\_\_, the  
\_\_\_\_\_ of the  
corporation is hereby authorized and directed to deliver to the  
State of North Dakota for and on behalf of the corporation a  
Transient Merchant Bond in the amount of \$\_\_\_\_\_.

I, \_\_\_\_\_, secretary of \_\_\_\_\_,  
a corporation incorporated under the laws of the state of \_\_\_\_\_,  
hereby certify that the foregoing is a full, true and correct copy of a resolution of the board of  
directors of the corporation duly and regularly adopted by the corporation as required by law  
and the bylaws of the corporation.

IN WITNESS WHEREOF, I have set my hand as such secretary, and affixed the seal of the  
corporation (if any), on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Secretary