

**OFFICE OF THE ATTORNEY GENERAL
SDCL 37-34-3 DEBT ADJUSTING
BOND INSTRUCTIONS**

No bond form other than the one provided by the Office of Attorney General (hereinafter ATG) will be approved by the Attorney General's Office without prior approval. Electronic versions of the enclosed bond form may be obtained from the web page of the Office of Attorney General, providing the exact wording is retained:
<http://consumer.sd.gov>.

GENERAL NOTES

The most common errors include lack of titles, lack of acknowledgements, and incorrectly dated acknowledgements. The Office of Attorney General requires that:

1. All bonds must be acknowledged and signed by both the Principal and Surety or Attorney-In-Fact. Signatures on the bond form must be original. In order to easily distinguish an original signature from a photocopied one, it is strongly recommended that signatories use ink colored other than black (such as blue) for writing signatures.
2. The Power of Attorney must be dated the same day as the bond.
3. "Strike-outs" and "white-outs" are unacceptable. Such bonds will be returned for re-execution.
4. The bond must be an original document. Photocopies, including color photocopies, will be returned for re-execution.
5. Ignoring or skipping any of the bond instructions will likely lead to an error or omission that will be cause for the bond to be returned for re-execution.

PAGE 1

1. Fill in the name and business address of the Principal.
2. Fill in the name and business address of the Surety. The Surety's address must be consistent with the address on the Power of Attorney. Be sure to use the Surety's main corporate office address, not a branch office address.
3. Fill in the signed and sealed date of the bond. This date must be the same date that is used on the Power of Attorney.
4. The bond must be executed by the Principal. The individual who signs this section must have his or her signature acknowledged in the Acknowledgement of Principal section.

5. The bond may be executed by an Attorney-In-Fact for the Surety Company or an officer of the Surety Company. The individual who signs this section must have his or her signature acknowledged in the Acknowledgement of Surety section. A Power of Attorney verifying this individual's authority must be attached to the bond.

6. The bond must be executed by the South Dakota Registered Agent for the Surety.

ACKNOWLEDGEMENTS

1. Complete the Acknowledgement section pertinent to the Principal (Individual, Partnership, Corporation, or LLC):

- If for an Individual: provide the signature and typed name.
- If for a Partnership: attach to the bond a statement of partnership authority which includes:
 - i. The name of the partnership;
 - ii. The street address of its chief executive office and of one office in South Dakota, if there is one;
 - iii. The names and mailing addresses of all of the partners or of an agent appointed and maintained by the partnership.
 - iv. The names of the partners authorized to execute an instrument transferring real property held in the name of the partnership.
- If for a Corporation: provide the signature, title, typed name, and business address. The principal must be the president, vice president, secretary, or treasurer. The name and title of the Principal must be identical in all sections of the bond.

No other title will be accepted without a certificate of authority to bind the corporation. If the Principal executing the bond is NOT the president, vice president, secretary, or treasurer of the firm, a corporate officer must verify that such individual has the authority to execute bonds on behalf of the corporation by attaching a certificate of authority to bind the corporation. The certificate of authority must be signed by the president, vice president, secretary, or treasurer of the corporation and dated the same day as the bond.

- If for an LLC: provide the signature, title, typed name, and business address. The Principal must be the Managing Member of the LLC. The name and title of the Principal must be identical in all sections of the bond.

2. Complete the Acknowledgement section pertinent to the Surety. (Corporate Officer or Attorney-In- Fact). The name and title of the acknowledged party must be identical to those provided on Page 1. The acknowledgment of the Surety must be completed and dated the same date as the signed and sealed date of the bond.

3. Check to be sure that each section is correctly completed by the notary, including the notary's signature and date of commission expiration. If a rubber seal is used, take care that the seal does not obscure any of the information provided in the acknowledgment section. The Principal and the Surety, must be notarized separately.

POWER OF ATTORNEY

1. The Power of Attorney must be attached to the bond and be dated the same date as the signed and sealed date of the bond. The Attorney-In-Fact acknowledging the bond must be identified in the Power of Attorney as having the power to bind the surety. Do not have two different attorneys-in-fact acknowledge your bond and Power of Attorney.

2. The Power of Attorney must be an original document, not a copy. A raised seal or watermark should be present to identify it as an original. If the Power of Attorney attached to the bond is a copy and not an original, we need one of the following:

- a) A letter certifying a copy of the Power of Attorney is recognized by the company.
- b) A Certificate stating a copy of the Power of Attorney is recognized by the company.

The letter or certificate stating that a copy of the Power of Attorney is acceptable should be executed by a president, vice president, secretary, treasurer or attorney in fact of the bonding company.

STATE OF SOUTH DAKOTA
SURETY BOND
(SDCL 37-34-3 DEBT ADJUSTING)

ATTORNEY GENERAL
OF SOUTH DAKOTA

KNOW ALL MEN BY THESE PRESENTS:

That we _____

hereinafter called the Principal, and _____

hereinafter called the Surety, or Sureties, are held and firmly bound unto the State of South Dakota and all persons with whom the Principal engages in business, in the penal sum of Fifty Thousand Dollars (\$50,000) for the payment of which sum, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of the above obligation is such that:

WHEREAS, the Legislature of the State of South Dakota passed and approved an Act, to require certain persons engaged in the debt adjusting business to file a bond with the Attorney General to legally conduct business within the State as provided under the provisions of SDCL 37-34.

NOW, THEREFORE, if the said Principal shall faithfully perform and pay the obligations of such Principal as a debt adjuster arising in connection with his business, as such, and if said Principal shall pay all claims for damages for which he may become liable in the course of his business as such debt adjuster, then this obligation to be void; otherwise to remain in full force and effect.

Dated this _____ day _____ of 20 _____.

Countersigned by: _____
Principal*

South Dakota Resident Agent Surety*

Attorney-in-Fact
(Attach Power of Attorney)

Please complete attached Acknowledgement forms

Approved this _____ day of _____, A.D. 20_____.

Attorney General's Office

ACKNOWLEDGEMENT OF PRINCIPAL

STATE OF _____) (INDIVIDUAL)
: SS
COUNTY OF _____)

On this ____ day of _____, 20____ before me, a Notary Public, personally appeared _____, known to me to be the person who is described in and who executed the above and foregoing instrument, and acknowledged to me that he executed the same.

Notary Public

STATE OF _____) (FIRM)
: SS
COUNTY OF _____)

On this ____ day of _____, 20____ before me, a Notary Public, personally appeared _____, who acknowledged himself to be one of the members of the firm of _____, and that he, as such member, being authorized so to do, executed the foregoing instrument, for the purposes therein contained, by signing the name of the firm by himself as a member.

Notary Public

STATE OF _____) (CORPORATION)
: SS
COUNTY OF _____)

On this ____ day of _____, 20____ before me, a Notary Public, personally appeared _____, who acknowledged himself to be the _____ of _____, a corporation, and that he as such _____, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as _____.

Notary Public

ACKNOWLEDGEMENT OF SURETY

STATE OF _____) (CORPORATION)
: SS
COUNTY OF _____)

On this ____ day of _____, 20____ before me, and Notary Public, personally appeared _____, who acknowledged himself to be the _____ of _____, a corporation, and that he as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as _____.

Notary Public