**Customer Questionnaire**

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| Name: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Address: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Swaps LEI: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Principal Business: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Financial Entity:[[1]](#footnote-1) | Yes  No |
| Financial Company:[[2]](#footnote-2) | Yes  No |
| CFTC Swap Entity:[[3]](#footnote-3) | Yes  No |
| Special Entity:[[4]](#footnote-4) | Yes  No |
| Local Business Day: | Chicago |
| Telephone: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| E-mail: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Annual Revenue/Income: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Net Worth: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Liquid Assets: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Total Assets: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Guarantor / Credit Support Provider: | Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Contact: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

Customer acknowledges that we will be relying on Customer’s completed Questionnaire to determine if we may legally transact with Customer in swaps and agrees promptly to notify us in writing of any changes regarding the information and responses provided herein (and, in any case, before entering into any swap following such change). Customer represents to Straits Financial that the information and responses provided in this Questionnaire are true and accurate.

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| **Important Information and Disclaimer**  Nothing in this Questionnaire or any attachment is intended to constitute legal advice. Customers with questions regarding their status, eligibility or whether they satisfy definitional, eligibility or other legal requirements should consult with their attorneys. We reserve the right not to offer customers swaps if we have any reservations regarding any of these matters. Also, our entry into a swap should not be construed as expressing our opinion or view as to whether a customer or its activities satisfy definitional, eligibility or other legal requirements. |

**Eligible Contract Participant Certification**

Please review each category and check the appropriate box in Table 1 if you act for your own account (i.e., you are the principal and you are not acting as a broker for other entities or persons), or complete Table 2 if you are acting as a broker for others. Please note that this table is provided to you only a guide, and you need to consult your own legal advisor to verify if you qualify in any of these categories and whether you may or may not qualify as an ECP.

**Table 1 – Acting for Participant’s Own Account**

(If you can check at least one of the categories below, you qualify as an ECP)

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| --- | --- | --- | --- |
| 1 |  | a corporation operating under the fifth undesignated paragraph of section 25 of the Federal Reserve Act ( 12 U.S.C. 603 ), commonly known as “an agreement corporation” | Financial Institution |
| 2 |  | a corporation organized under section 25A of the Federal Reserve Act ( 12 U.S.C. 611 et seq.), commonly known as an “Edge Act corporation” |
| 3 |  | an institution that is regulated by the Farm Credit Administration |
| 4 |  | a Federal credit union or State credit union (as defined in section 1752 of title 12 ) |
| 5 |  | a depository institution (as defined in section 1813 of title 12 ) |
| 6 |  | a foreign bank or a branch or agency of a foreign bank (each as defined in section 3101 of title 12 ) |
| 7 |  | any financial holding company (as defined in section 1841 of title 12 ) |
| 8 |  | a trust company |
| 9 |  | a similarly regulated subsidiary or affiliate of an entity described in any of categories (1) through (8) of this Table 1. |
| 10 |  | an insurance company that is regulated by a State, or that is regulated by a foreign government and is subject to comparable regulation as determined by the Commission, including a regulated subsidiary or affiliate of such an insurance company | Insurance Company |
| 11 |  | an investment company subject to regulation under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the investment company or the foreign person is itself an eligible contract participant) | Investment Company |
| 12 |  | a commodity pool that:  (a) has total assets exceeding $5,000,000;  (b) is formed and operated by a person subject to regulation under the Commodity Exchange Act or a foreign person performing a similar role or function subject as such to foreign regulation; and  (c) all participants are ECPs | Commodity Pool |
| 13 |  | a corporation, partnership, proprietorship, organization, trust, or other entity that has total assets exceeding $10,000,000 | General Qualified Business Entity |
| 14 |  | a corporation, partnership, proprietorship, organization, trust, or other entity, the obligations of which under an agreement, contract, or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support, or other agreement by an entity described in categories (1) through (12) above, or (18) of this Table 1. |
| 15 |  | a corporation, partnership, proprietorship, organization, trust, or other entity that  (a) has a net worth exceeding $1,000,000; and  (b) enters into an agreement, contract, or transaction in connection with the conduct of the entity’s business or to manage the risk associated with an asset or liability owned or incurred or reasonably likely to be owned or incurred by the entity in the conduct of the entity’s business |
| 16 |  | an employee benefit plan subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), a governmental employee benefit plan, or a foreign person performing a similar role or function subject as such to foreign regulation that has total assets exceeding $5,000,000 | Employee Benefit Plan |
| 17 |  | an employee benefit plan subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), a governmental employee benefit plan, or a foreign person performing a similar role or function subject as such to foreign regulation the investment decisions of which are made by:  (a) an investment adviser or commodity trading advisor subject to regulation under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) or this chapter;  (b) a foreign person performing a similar role or function subject as such to foreign regulation;  (c) a financial institution; or  (d) an insurance company described in clause (ii), or a regulated subsidiary or affiliate of such an insurance company |
| 18 |  | (a) a governmental entity (including the United States, a State, or a foreign government) or political subdivision of a governmental entity;  (b) a multinational or supranational government entity; or  (c) an instrumentality, agency, or department of an entity described in subclause (I) or (II) above; except that such term does not include an entity, instrumentality, agency, or department referred to in subclause (I) or (III) of this clause unless:  (aa) the entity, instrumentality, agency, or department is a person described in clause (i), (ii), or (iii) of paragraph (17)(A) of the Commodity Exchange Act;  (bb) the entity, instrumentality, agency, or department owns and invests on a discretionary basis $50,000,000 or more in investments; or  (cc) the agreement, contract, or transaction is offered by, and entered into with, an entity that is listed in any of subclauses (I) through (VI) of section 2(c)(2)(B)(ii) of the Commodity Exchange Act | Government Entity |
| 19 |  | (a) A broker or dealer subject to regulation under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation, except that, if the broker or dealer or foreign person is a natural person or proprietorship, the broker or dealer or foreign person shall not be considered to be an eligible contract participant unless the broker or dealer or foreign person also meets the requirements of categories (13) through (15) in this Table 1;  (b) an associated person of a registered broker or dealer concerning the financial or securities activities of which the registered person makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b), 78q(h)); or  (c) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(i)) | SEC-Regulated Broker Dealer |
| 20 |  | a futures commission merchant subject to regulation under this Act or a foreign person performing a similar role or function subject as such to foreign regulation, except that, if the futures commission merchant or foreign person is a natural person or proprietorship, the futures commission merchant or foreign person shall not be considered to be an eligible contract participant unless the futures commission merchant or foreign person also meets the requirements of categories (13) through (15) or (22) of this Table 1 | CFTC-Registered Futures Commission Merchant |
| 21 |  | a floor broker or floor trader subject to regulation under the Commodity Exchange Act in connection with any transaction that takes place on or through the facilities of a registered entity (other than an electronic trading facility with respect to a significant price discovery contract) or an exempt board of trade, or any affiliate thereof, on which such person regularly trades | Floor Broker or Floor Trader |
| 22 |  | an individual who has amounts invested on a discretionary basis, the aggregate of which is in excess of:  (I)$10,000,000; or  (II)$5,000,000 and who enters into the agreement, contract, or transaction in order to manage the risk associated with an asset owned or liability incurred, or reasonably likely to be owned or incurred, by the individual | Individual |

**Table 2 – Acting for Other Person’s Account**

(If you can check at least one of the categories below, you qualify as an ECP)

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| 23 |  | (i) a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C) of Section 1a(18) of the CEA, acting as broker or performing an equivalent agency function on behalf of another person described in subparagraph (A) or (C); or  (ii) an investment adviser subject to regulation under the Investment Advisers Act of 1940 [15 U.S.C. 80b–1 et seq.], a commodity trading advisor subject to regulation under the CEA, a foreign person performing a similar role or function subject as such to foreign regulation, or a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C) of Section 1a(18) of the CEA, in any such case acting as investment manager or fiduciary (but excluding a person acting as broker or performing an equivalent agency function) for another person described in subparagraph (A) or (C) and who is authorized by such person to commit such person to the transaction. | Registered Intermediary  Acting for Other  Qualified ECPs |

The undersigned applicant(s) confirms to Straits Financial LLC that it is an Eligible Contract Participant by meeting the qualification requirement indicated below. Additionally, the undersigned applicant(s) confirms to Straits Financial LLC that the information contained in this certification any information separately provided herewith is true and correct. The applicant(s) agrees to notify Straits Financial LLC in the event that the information contained within this certification form or separately provided here with changes. Further, the applicant(s) understands that Straits Financial LLC may request certain financial information and documentation to substantiate the applicant(s) financial position and the applicant(s) agrees to provide this information and documentation to Straits Financial LLC immediately and upon request.

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| Signature: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Print Name: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Title: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Date: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |
| Signature: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Print Name: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Title: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Date: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

1. Please review CEA §2(h)(7)(7)(C)(i). CEA §2(h)(7)(C)(i) generally defines the term “financial entity” to include a swap dealer, a security-based swap dealer; a major swap participant; a major security-based swap participant; a commodity pool; a private fund; certain employee benefit plans; and a person predominantly engaged in the business of banking. [↑](#footnote-ref-1)
2. Please review 12 U.S.C. §5381(a)(11). [↑](#footnote-ref-2)
3. Please review CFTC Rule 23.151. A “swap entity” is generally defined to include a security-based swap dealer as defined in Section 3(a)(71) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(71)), a major security-based swap participant as defined in Section 3(a)(67) of the Securities Exchange Act of 1934 (15U.S.C. 78c(a)(67)), a swap dealer as defined in CEA §1a(49), or a major swap participant as defined in CEA §1a(33). [↑](#footnote-ref-3)
4. Please review CEA §4s(h)(2)(C) and CFTC Rule 23.401. A “special entity” is generally defined to include: a Federal agency; a State, State agency, city, county, municipality, or other political subdivision of a State; any employee benefit plan as defined under the Employee Retirement Income Security Act of 1974 (ERISA); any government plan as defined under ERISA; an endowment; and any instrumentality, department, or a corporation of or established by a State or subdivision of a State. [↑](#footnote-ref-4)