

# WINDOW WARES, INC.

## CONFIDENTIAL BUSINESS CREDIT APPLICATION

Business Name \_\_\_\_\_  
 Shipping Address \_\_\_\_\_  
 City \_\_\_\_\_  
 State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone# \_\_\_\_\_ Fax# \_\_\_\_\_  
 Cell Phone# \_\_\_\_\_  
 E-Mail \_\_\_\_\_ @ \_\_\_\_\_

State Sales Tax# \_\_\_\_\_

Billing Address \_\_\_\_\_  
 (if different from shipping address)  
 City \_\_\_\_\_  
 State \_\_\_\_\_ Zip \_\_\_\_\_

**Type of Business:**  
 Sole Ownership  
 Partnership  
 Corporation

Partners Name \_\_\_\_\_  
 Owners Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_  
 State \_\_\_\_\_ Zip \_\_\_\_\_  
 Home Phone# \_\_\_\_\_  
 Social Security# \_\_\_\_\_  
 Date of Birth \_\_\_\_\_

If Corporation, Officers and Titles  
 President \_\_\_\_\_  
 Vice-Pres. \_\_\_\_\_  
 Sec-Treas. \_\_\_\_\_  
  
 Work Phone# \_\_\_\_\_  
 Driver's License# \_\_\_\_\_

Who referred you to us?  National Supplier  Website  Another Business  Magazine Ad  Other \_\_\_\_\_

References:

Bank 1 \_\_\_\_\_  

Name	Address	Contact	Account#	Phone#
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Bank 2 \_\_\_\_\_  

Name	Address	Contact	Account#	Phone#
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Trade References: Name	Address	Account #	Contact	Fax #
1.				
2.				
3.				
4.				

**Return To: P.O. Box 390516 • Omaha, NE 68139-0516**  
**or fax to (402) 592-8165 or email to lmois@windowwares.com**

Please Sign Credit Agreement & Personal Guaranty on next page.

# APPLICATION AND CREDIT AGREEMENT

For the purpose and as a condition of the granting of credit by, and of obtaining merchandise from WINDOW WARES, INC. on credit, the undersigned make the following representations: (1) that he/she is authorized to make this application on behalf and as representative of the applicant \_\_\_\_\_; (2) that he/she understands that all provisions of this application shall be interpreted by the laws of the State of Nebraska, and that should either party dispute the terms or conditions of this application or the receipt of any merchandise under an open account resulting therefrom, that said dispute and/or litigation resulting therefrom shall be governed by the laws of the State of Nebraska and shall be litigated in the DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA (3) in the event that WINDOW WARES, INC. must file suit or retain a collection agency or attorney to collect any portion of a debt the undersigned agrees that all expenses incurred in suit or placement of the debt for collection must be paid by him/her. These expenses shall include, but not limited to, court costs, attorneys fees, collection agency fees, and all pre and post-judgement interest; (4) That he/she shall receive a 1% discount if outstanding invoices are paid in full within ten (10) days of the invoice date, he/she shall in all other events pay all billings net on the 30th day following the invoice date and will make all payments to the office of WINDOW WARES, INC. 5065 South 111th Street, Omaha, Nebraska 68137. (5) It is agreed that should payment in whole or in part not be made as set forth in (3) above, that interest shall be charged on the outstanding balance at the rate of 18% annual percentage rate until paid; (6) All information and representations provided herein by the applicant are true and correct to the best of his/her knowledge; (7) This application/credit agreement is the property of WINDOW WARES, INC. and will be retained by it; (8) WINDOW WARES, INC. is authorized to obtain personal credit reports on all principals listed in this application/credit agreement and may obtain Dun & Bradstreet reports; (9) upon approval by WINDOW WARES, INC. this application shall become a legally binding contract.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

By \_\_\_\_\_

Title \_\_\_\_\_

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

\_\_\_\_\_  
Credit Manager

\_\_\_\_\_  
Date

## PERSONAL GUARANTY

**(must be signed unless applicant is a corporation)**

I/we understand that as a condition of your granting credit to the applicant named in the credit agreement above, you require that I/we personally guaranty the debt of the applicant to WINDOW WARES, INC. For the reason before stated and in consideration of the granting of credit by WINDOW WARES, INC. to the applicant, I/we hereby unconditionally guaranty payment of all sums owing by \_\_\_\_\_. This guaranty shall include all sums due on the date of execution of this guaranty, or which may become due in the future without exception. I/we hereby waive notice of default or demand and acknowledge and agree that no demand or suit against the applicant shall be necessary prior to payment from or suit against me/us. If this guaranty is executed by more than one guarantor, the obligation hereunder is joint and several and unconditional without limitation. Any dispute which shall arise under the terms of this guaranty shall be resolved under laws of the State of Nebraska. Should any party file suit to dispute or interpret any obligation created by this guaranty, the suit must be brought and litigated in the DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA.

\_\_\_\_\_  
Guarantor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Guarantor

\_\_\_\_\_  
Date



# Nebraska Resale or Exempt Sale Certificate

FORM  
13

for Sales Tax Exemption  
• Read instructions on reverse side/see note below

NAME AND MAILING ADDRESS OF PURCHASER			NAME AND MAILING ADDRESS OF SELLER		
Name			Name		
Street or Other Mailing Address			Street or Other Mailing Address		
City	State	Zip Code	City	State	Zip Code

Check Type of Certificate

Single Purchase     Blanket    If blanket is checked, this certificate is valid until revoked in writing by the purchaser.

I hereby certify that the purchase, lease, or rental by the above purchaser is exempt from the Nebraska sales tax for the following reason:

**Check One**     Purchase for Resale (Complete Section A)     Exempt Purchase (Complete Section B)     Contractor (Complete Section C)

## SECTION A—Nebraska Resale Certificate

Description of Item or Service Purchased

I hereby certify that the purchase, lease, or rental of \_\_\_\_\_ from the above seller is exempt from the Nebraska sales tax as a purchase for resale, rental, or lease in the normal course of our business, either in the form or condition in which purchased, or as an ingredient or component part of other property to be resold.

I further certify that we are engaged in business as a:     Wholesaler     Retailer     Manufacturer     Lessor  
of \_\_\_\_\_  
Description of Product Sold, Leased, or Rented

\_\_\_\_\_  
If None, State Reason

and hold Nebraska Sales Tax Permit Number    01- \_\_\_\_\_

or Foreign State Sales Tax Number \_\_\_\_\_ State \_\_\_\_\_

## SECTION B—Nebraska Exempt Sale Certificate

The basis for this exemption is exemption category \_\_\_\_\_ (Insert appropriate category as described on reverse of this form.)

If exemption category 2 or 5 is claimed, enter the following information:

Description of Item(s) Purchased	Intended Use of Item(s) Purchased
_____	_____

If exemption categories 3 or 4 are claimed, enter the Nebraska Exemption Certificate number.    05- \_\_\_\_\_

If exemption category 6 is claimed, seller must enter the following information and sign this form below:

Description of Item(s) Sold	Date of Seller's Original Purchase	Was Tax Paid when Purchased by Seller?	Was Item Depreciable?
_____	_____	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO

## SECTION C—For Contractors Only

### 1. Purchases of Building Materials or Fixtures:

As an Option 1 or Option 3 contractor, I hereby certify that purchases of building materials and fixtures from the above seller are exempt from Nebraska sales tax. My Nebraska Sales or Consumer's Use Tax Permit Number is:    01- \_\_\_\_\_

### 2. Purchases of Contractor Labor for Resale:

As an Option 1, Option 2, or Option 3 contractor, I hereby certify that purchases of contractor labor from the above seller are exempt from Nebraska sales tax as a purchase for resale. My Nebraska Sales Tax Permit Number is:    01- \_\_\_\_\_

### 3. Purchases Made Under Purchasing Agent Appointment:

Pursuant to an **attached** Purchasing Agent Appointment and Delegation of Authority for Sales and Use Tax, Form 17, I hereby certify that purchases of building materials, fixtures, and/or contractor labor are exempt from Nebraska sales tax.

Any purchaser, or the agent thereof, or other person who completes this certificate for any purchase which is other than for resale, lease, or rental in the regular course of the purchaser's business, or is not otherwise exempted from the sales and use tax under Sections 77-2701 through 77-27,135 of the Nebraska Revenue Act, as amended, shall in addition to any tax, interest, or penalty otherwise imposed, be subject to a penalty of \$100 or ten times the tax, whichever amount is larger, for each instance of presentation and misuse. With regard to a blanket certificate, said penalty shall apply to each purchase made during the period the blanket certificate is in effect. Under penalties of law, I declare that I am authorized to sign this certificate, and to the best of my knowledge and belief, it is correct and complete.

sign  
here

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**NOTE: Sellers must keep this certificate as part of their records. DO NOT SEND TO THE NEBRASKA DEPARTMENT OF REVENUE.**

**Incomplete certificates cannot be accepted.**

## INSTRUCTIONS

**WHO MAY ISSUE A RESALE CERTIFICATE.** Form 13, Section A, is to be issued by persons or organizations making purchases of property or taxable services in the **normal** course of their business for the purpose of resale either in the form or condition in which it was purchased, or as an ingredient or component part of other property.

**WHO MAY ISSUE AN EXEMPT SALE CERTIFICATE.** Form 13, Section B can only be issued by persons or organizations exempt from payment of the Nebraska sales tax by qualifying for one of the six enumerated **Categories of Exemption** (see below). Nonprofit organizations that have a 501(c) designation and are exempt from federal and state income tax are **not** automatically exempt from **sales** tax. Only the entities listed in the referenced regulations are exempt from paying Nebraska sales tax on their purchases when the exemption certificate is properly completed and provided to the seller. Organizations claiming a sales tax exemption may do so only on items purchased for their own use. Items purchased by an exempt organization that will be resold must be supported by a properly completed Nebraska Resale Certificate, Form 13, Section A.

Indicate the category which properly reflects the basis for your exemption. Place the corresponding number in the space provided in Section B. If category 2 through 6 is the basis for exemption, you must complete the information requested in Section B.

**Use Form 13E for purchases of energy sources which qualify for exemption. Use Form 13ME for purchases of mobility enhancing equipment on a motor vehicle.**

**CONTRACTORS.** Form 13, Section C, Part 1, must be completed by contractors operating under Option 1 or Option 3 to document their tax-free purchase of building materials or fixtures from their suppliers. A contractor may purchase the contractor labor of another contractor tax-free (for resale) by completing Section C, Part 2. Section C, Part 3, may be completed to exempt the purchase of building materials, fixtures, and/or contractor labor pursuant to a Purchasing Agent Appointment, Form 17. See the contractor information guides on our Web site [www.revenue.ne.gov](http://www.revenue.ne.gov) for additional information.

**WHERE TO FILE.** The Form 13 is given to the seller at the time of the purchase of the property or service or when sales tax is due. The certificate must be retained with the seller's records for audit purposes. Do not send to the Department of Revenue.

**WHEN NO NUMBER IS REQUIRED.** A purchaser who completes Section A and is engaged in business as a wholesaler or manufacturer is not required to provide an identification number. Section B does not require an identification number when exemption category 1 or 2 is indicated.

**PROPERLY COMPLETED CERTIFICATE.** A purchaser must complete a certificate before issuing it to the seller. To properly complete the certificate, the purchaser must include: (1) identification of the purchaser and seller, (2) a statement as to whether the certificate is for a single purchase or is a blanket certificate, (3) a statement of basis for exemption including completion of all information for the basis chosen, (4) the signature of an authorized person, and (5) the date the certificate was issued.

**PENALTIES.** Any purchaser who gives a Form 13 to a seller for any purchase which is other than for resale, lease, or rental in the

**normal** course of the purchaser's business, or is not otherwise exempted from sales and use tax under the Nebraska Revenue Act, shall be subject to a penalty of \$100 or ten times the tax, whichever amount is larger, for each instance of presentation and misuse.

Any purchaser, or the agent thereof, who fraudulently signs a Form 13 may be found guilty of a Class IV misdemeanor.

## CATEGORIES OF EXEMPTION

**1.** Purchases made directly by certain governmental agencies identified in Nebraska Sales and Use Tax Reg-1-012, Exemptions; Reg-1-072, United States Government and Federal Corporations; and Reg-1-093, Governmental Units, are exempt from sales tax. A list of specific governmental units are provided in the above regulations. These regulations are available on the department's Web site at [www.revenue.ne.gov/legal/information/regulations](http://www.revenue.ne.gov/legal/information/regulations). Governmental units are not assigned exemption numbers.

Sales to the United States government, its agencies, and corporations wholly owned by the United States government are exempt from sales tax. However, sales to institutions chartered or created under federal authority, but which are not directly operated and controlled by the United States government for the benefit of the public, generally are taxable.

Purchases that are NOT exempt from Nebraska sales and use tax include, but are not limited to, governmental units of other states, sanitary and improvement districts, urban renewal authorities, rural water districts, railroad transportation safety districts, and county historical or agricultural societies.

**2.** Purchases when the intended use renders it exempt as set out in paragraph 012.02D of Reg-1-012, Exemptions. Complete the description of the item purchased and the intended use as required on the front of Form 13. Sellers of repair parts for agricultural machinery and equipment cannot accept a Form 13 to exempt such sales from tax.

**3.** Purchases made by organizations that have been issued a Nebraska Exempt Organization - Certificate of Exemption are exempt from sales tax. Reg-1-090, Nonprofit Organizations; Reg-1-091, Religious Organizations; and Reg-1-092, Educational Institutions, identify such organizations. These organizations will be issued a Nebraska state exemption identification number. This exemption number must be entered in Section B of the Form 13.

**4.** Purchases of common or contract carrier vehicles and repair and replacement parts for such vehicles.

**5.** Purchases of manufacturing machinery or equipment by a manufacturer for use predominantly in manufacturing. This includes the installation, repair, or maintenance of such qualified manufacturing machinery or equipment.

**6.** A sale that qualifies as an occasional sale, such as a sale of depreciable machinery and equipment productively used by the seller for more than one year and the seller previously paid tax on the item. The **seller** must sign and give the exemption certificate to the purchaser. The certificate must be retained by the purchaser for audit purposes. See Reg-1-014.01.