

## 1. CLIENT INFORMATION

Client Name:	New Direction Account Number:
Name of Investment:	

## 2. CLOSELY HELD LLC ACKNOWLEDGEMENT: (Initial in the space provided)

- I acknowledge this type of investment structure has been identified as high risk with regard to IRS Code Section 4975, 408, 408A and other applicable codes.
- I acknowledge New Direction Trust Company (NDTCO) does not give investment or legal advice with regards to the operation or creation of these investments. I have a competent legal advisor who can council me on the regulations pertaining to the IRA investment in these investment structures.
- I understand NDTCO is not responsible for the details of the entity operating agreement. NDTCO's signature on entity documents is affixed at the instruction of the IRA holder and does not imply any review or certification of the documents or investment.
- I understand my IRA is the member of the LLC/entity and NDTCO is the only party authorized to sign on behalf of my IRA. I acknowledge that I am required to submit all changes to the documents and operations of the entity to NDTCO.
- I acknowledge that I am required to provide a valuation of the LLC/entity annually in which the valuation is performed by an independent third party who is qualified to provide such valuation. Documentation supporting and detailing the value of each asset held in the entity, including any real property held by the entity, must be provided along with professionally prepared financial statements. I understand that failure to provide a valuation as indicated herein may constitute a violation of IRS rules and may result in the termination of the services pro-vided by NDTCO.
- I understand for the purposes of this acknowledgement, the term "IRA" shall include Roth, HSA, 401(k), SEP or SIMPLE accounts.

\_\_\_\_\_ **I agree to all terms listed above.** (Initial in the space provided)

## 3. CLOSELY HELD LLC/CHECKBOOK CONTROL RULES ACKNOWLEDGEMENT: (Initial in the space provided)

Violation of the prohibited transaction rules may result in immediate distribution of your account along with associated penalties, taxes and interest back to the date of the prohibited transaction occurrence. The IRA holder understands that the following actions may constitute a prohibited transaction:

- Writing a check or transferring funds to a disqualified person from the monies of the entity accounts.
- Making an IRA distribution from the monies of the entity directly to the IRA owner. All IRA distributions to the IRA owner must be processed by NDTCO.
- Receiving an IRA contribution directly into the entity accounts. Contributions to the IRA may only be submitted through NDTCO.
- Receiving a deposit of funds belonging to the IRA holder or any other disqualified person into the entity accounts.
- Personal guarantee of a loan for the entity by the IRA holder or any other disqualified person.
- Receipt of revenue or payment of expenses by the LLC/entity that are disproportionate from the LLC/entity's percentage of ownership in the underlying investment.
- Personal use of the entity assets by the IRA holder or any other disqualified person.
- Payment of compensation to the IRA owner or any other disqualified persons by the entity.
- Provision of services to the entity by the IRA holder or by any other disqualified person or entity.
- Receipt of a personal benefit, either tangible or intangible, by the IRA holder or disqualified person resulting from the IRA's investment in the entity.

\_\_\_\_\_ **I agree to all terms listed above.** (Initial in the space provided)

## 4. SIGNATURE

I acknowledge and understand that I am fully responsible for the operation of the IRA investment and I understand the rules and regulations set forth in IRS Code Sections 4975, 408 and 408A. I acknowledge that I have read and understand this document and my initials on the items listed above indicate that I take responsibility for these specific items as well as any other items set forth in IRS Code Sections 4975, 408 and 408A. I further certify that I have an understanding of the basics of creating, managing and operating business entities in addition to the rules of IRA investment in these entities.

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