

Relationship Number(s): _____

Foreign Account
Tax Compliance Act (“FATCA”) Declaration Form

Relationship Number(s): _____

In accordance with FATCA, the US Internal Revenue Service (“IRS”) requires financial institutions to identify their account holders, determine whether or not such account holders are US persons and to report certain information of their US person account holders to the IRS. In the trust context, an account holder may include a settlor, beneficiary or person who lends property to a trust. To enable Bridgeford Trust Company (“BTC”) to comply with its obligation under FATCA, we ask that you complete this form and any required and related W-8BEN or W-9 (whichever is applicable).

Part I: Determining your status as a US Person or Non-US Person

1. Are you or were you ever a US citizen? Yes ☐ No ☐
For this purpose, please answer “yes” even if you are a citizen of the US and one or more additional countries.
2. Were you born in the US or a US territory? Yes ☐ No ☐
(US territories: American Samoa, Federated States of Micronesia, Guam, Midway Islands, Northern Mariana Islands, Puerto Rico, Republic of Palau, US Virgin Islands)

If you answered “yes” to either question 1. or 2. and you continue to be a US citizen, please provide a completed W-9 form (see Exhibit “A”) and proceed to Part II of this form.

If you answered “yes” to either question 1. or 2., and are no longer a US citizen, please provide us with a copy of the Certificate of Loss of Nationality of the United States that was previously filed with a US embassy and proceed to question 3.

3. Are you an income tax resident of the United States? Yes ☐ No ☐

If you answered “yes” to question 3., please provide us with a completed W-9 form (see Exhibit “A”) and proceed to Part II of this form.

If you answered “no” to question 3., please provide us with a completed W-8BEN form (see Exhibit “B”) and proceed to Part III of this form.

In general terms, a non-citizen of the US can become a US income tax resident in one of three ways: (1) applying for and obtaining lawful permanent US residence (i.e., the so-called “Green Card” test); (2) violating the so-called “Substantial Presence Test”; or (3) electing to be classified as a US income tax resident.

Relationship Number(s): _____

Generally speaking, a non-U.S. citizen individual who is conferred US permanent residence (e.g. possesses a so-called “Green Card”) is considered a US resident regardless of how much or little time the individual is physically present in the US.

A so-called “Green Card” holder will generally continue to be considered a US resident as long as his or her permanent resident status is not administratively abandoned or revoked or unless the Green Card holder successfully relies on an income tax treaty with the US to be classified as a nonresident for purposes of calculating his or her tax liability.

Generally speaking, under the so-called “Substantial Presence Test”, a non-US citizen individual is classified as a US resident if, during a particular year, regardless of his or her US nonimmigrant visa status, the individual is: (1) present in the United States for at least 31 days and (2) whose presence in the United States is equal to or greater than 183 days based on a weighted average basis over a 3-year period (the sum of the following results: total days of US presence during the year in question multiplied by (1/3 of the total days of US presence during the 1st preceding year); and 1/6 of the total days of US presence during the 2nd preceding year). As a general rule of thumb, an individual who is not present in the US for more than 121 days during any year should not meet the “Substantial Presence Test”.

If eligible, a non-U.S. citizen individual can also elect to be a US income tax resident even if not a “Green Card” holder and even when not meeting the “Substantial Presence Test”.

Under US tax law, there are various exceptions to obtaining US residence as a so-called “Green Card” holder and/or by meeting the “Substantial Presence Test”. In addition, specific requirements must be met for a non-U.S. citizen individual to elect to be treated as a US income tax resident. Accordingly, you should speak with US tax counsel to answer any questions you may have regarding your US tax residence status or how to properly complete this form.

Instructions for completing Form W-9 and W-8BEN can be found by visiting the IRS website: <http://www.irs.gov>.

Part II: Authorization as a US Person

I hereby authorize Bridgeford Trust Company (“BTC”) to disclose my personal information under the above relationship number(s) to BTC’s custodians, the US Internal Revenue Service (“IRS”), and/or any third-party which BTC has contracted with in order to assist with the administration of BTC’s obligations imposed by FATCA. A completed and signed W-9 form is enclosed with this form for this purpose.

I hereby declare that in accordance with US tax law I am the beneficial owner of the assets and income to which this declaration relates. In the course of my contractual relationship with BTC, I undertake to inform BTC immediately of any changes relating to the above declaration.

I have been informed of the consequences of this declaration, in particular that BTC will disclose my identity to the IRS by means of the W-9 form I have submitted and hereby explicitly consent to this. I authorize BTC to pass on this Form W-9 to the U.S. custodian or bank and I authorize BTC, the bank or custodian to prepare annually the applicable Form 1099 reporting to the IRS on the income I have earned. For this purpose, I release BTC from any and all confidentiality requirements which may prevent compliance with FATCA.

Relationship Number(s): _____

I acknowledge that the securities held in my or any custody account held by BTC or its subsidiaries, agents or assigns, as trustee of any trust or director of any corporate entity for and on my behalf, the income on these securities, or certain transactions, are or may become subject to tax or other duties in the US. I confirm that I will meet all taxes, duties and other financial obligations relating to a current or custody account. I hereby explicitly waive my right to any claim against BTC for any losses and/or other costs resulting from or relating to any tax liability in the US.

Place/date

Signature of account holder

Part III: Authorization as a Non-US Person

I hereby declare that I am the beneficial owner of the assets and income to which this declaration relates. In the course of my contractual relationship with BTC, I undertake to inform BTC immediately on my own initiative of any changes relating to the above declaration, in particular if I should become a US person in accordance with the criteria listed in section I above, and of all other relevant changes in this regard, (e.g. changes of residence etc.).

I acknowledge that the US-related securities held by BTC or any entity or relationship administered by BTC in any custody account for or on my behalf, as well as the income on these securities or certain transactions, are or may become subject to tax or other duties in the US. I confirm that I will meet all taxes, duties and other financial obligations relating to a current or custody account. I hereby explicitly waive my right to any claim against BTC for any losses and/or other costs resulting from or relating to any tax liability in the US.

Place/date

Signature of applicant