

# CERTIFICATION REGARDING FINANCIAL SOLVENCY AND LIHTC HISTORY STATUS

Property Name: \_\_\_\_\_ OID # : \_\_\_\_\_

This certification must be completed by each of the following:  
the Applicant, each Developer (if a different legal entity than the Applicant),  
each General Partner, each Managing Member<sup>1</sup>, each Company Member<sup>1</sup>, each  
Company Manager<sup>1</sup>, each investor member/limited partner and each party to a Joint  
Venture, if applicable.

I, the Undersigned, being first duly sworn, hereby represent and certify under penalties of perjury that the information contained in this statement, including any attachments hereto, is true, correct, and complete. I further certify that I have the requisite authority to execute this certification.

I am executing this certification as the:

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Applicant                             | <input type="checkbox"/> Developer               | <input type="checkbox"/> General Partner                 |
| <input type="checkbox"/> Managing Member                       | <input type="checkbox"/> Company Member          | <input type="checkbox"/> Company Manager                 |
| <input type="checkbox"/> Party to a Joint Venture <sup>1</sup> | <input type="checkbox"/> Transferee <sup>2</sup> | <input type="checkbox"/> Investor Member/Limited Partner |

\_\_\_\_\_  
Name

\_\_\_\_\_  
Type of entity (e.g., Limited Partnership, Limited Liability Company, corporation, individual)

\_\_\_\_\_  
State of incorporation or formation

\_\_\_\_\_  
If executed as a General Partner, Managing Member, Company Member, Company Manager, Investor Member/Limited Partner or party to a Joint Venture, identify the Partnership, Limited Liability Company or Joint Venture

\_\_\_\_\_  
If executed as a Transferee, state the total number of low-income housing tax credit projects in which you have ever acquired preexisting project interests, including the types of interests (e.g., investor), but not counting the types of transfers for which the Commission does not require obtaining its prior written consent (mere transfer among controlled funds, etc.)

The above entity (check all that apply):

- has not filed a voluntary petition under federal or state bankruptcy laws.

<sup>1</sup> If the Applicant is a Limited Liability Company that has one or more Managing Members, provide the information requested for each Company Manager (including each Managing Member). If the Applicant is a Limited Liability Company that has no Managing Members, provide the information requested for each Company Member and any Company Manager.

<sup>2</sup> For a proposed transfer, provide the information requested for the transferee, any affiliate of the transferee, and any funds or other investor partner entities that the transferee or affiliate controls or has controlled.

- has not had a petition in bankruptcy filed against them that remained undismissed for ninety (90) days.
- has not made an assignment of all or a part of their assets for the benefit of a creditor.
- has not had a receiver or trustee appointed to administer all or a part of their assets.
- has not had all or a part of their assets seized by a judgment creditor.
- has not been a defendant in a foreclosure action or transferred an interest in real property by virtue of a deed in lieu of foreclosure.
- has no knowledge of any pending or threatened lawsuit(s) or claim(s) which have been raised against them with the potential for financial loss or exposure.
- has not been considered to be in default in meeting federal, state or local requirements with regard to a low-income housing tax credit (LIHTC) project in Washington or any other jurisdiction by a lender or financier, investor or federal, state or local governmental agency.
- has not been investigated, audited or examined by the Internal Revenue Service, Rural Housing Services (i.e., Farmers Home Administration), U.S. Department of Housing and Urban Development, or a State Housing Finance Agency.
- has not been involved in a LIHTC project that subsequently reduced the project's associated financial resources such that the project was not able to meet its planned capital needs.
- has not been involved in a LIHTC project subsequently found by a court to be in violation of a LIHTC statutory or regulatory requirement or covenant.
- has not been found by a court to have caused actionable harm, damage, or loss to a LIHTC project, partner, or sponsor, or to have violated or breached a LIHTC requirement, covenant, or partnership obligation.
- has not been found by a court to have committed fraud, actionable misrepresentation, breach of a duty of good faith and fair dealing, or bad faith conduct.

*Please note that checking any of the above boxes does not result in an automatic denial of the transfer request, but provides an opportunity for further explanation.*

For any of the above that you have not checked, attach an explanation describing the circumstances, resolution and current status. Descriptions of proceedings should include, to the extent applicable, case names, case numbers, courts, dates, parties, claims raised, and dispositions. The entire submission should not exceed 20 pages total. The Commission reserves the right, in its sole discretion, to request more information, and if extensive review is required, to charge a supplemental fee to recoup its costs.

Prior judicial findings against a party will be considered to evaluate the party's fitness as a potential project partner within the LIHTC program. The Commission will not penalize any party's mere exercise of legal rights, including the right to have LIHTC partnership disputes resolved through litigation.

I further agree that I will notify the Washington State Housing Finance Commission of any changes in the situation or circumstances of the entity identified above which alters any of the certifications contained herein.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Name of entity or individual submitting this certification

By (sign): \_\_\_\_\_

Its: \_\_\_\_\_

Name (print): \_\_\_\_\_

Title: \_\_\_\_\_

SUBSCRIBED AND SWORN before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of \_\_\_\_\_,

residing at \_\_\_\_\_.

My commission expires \_\_\_\_\_.