



# MERCHANT PROCESSING AGREEMENT

Agent Code:

Additional Location: \_\_\_\_\_ Name: \_\_\_\_\_ SIC/MCC: \_\_\_\_\_

TID#: \_\_\_\_\_ MID#: \_\_\_\_\_ Received Date: \_\_\_\_\_ (MCC 4722 Only)

| SECTION 1) BUSINESS INFORMATION                |                |   |  |       |     |
|--|----------------|---|--|-------|-----|
| Name of Ownership Entity (Legal Name)          |                |   | Name of Business (Doing Business as/Same as Signage)   |       |     |
| Corporate/Billing Address                      |                |   | Location Address (attach additional locations)   |       |     |
| City   | State          | Zip   | City   | State | Zip |
| Phone #  | Federal Tax ID |   | Phone #  | Fax # |     |
| Name (as it appears on your income tax return) |                |   | <input type="checkbox"/> I certify that I am a foreign entity/nonresident alien (if checked, please attach IRS Form W-8) |       |     |
| Contact Name                                   |                | <b>NOTE: Failure to provide accurate information may result in a withholding of merchant funding per IRS Regulations (See IRS Section 6050W in Terms &amp; Conditions for further information.)</b> |  |       |     |
| Web Address                                    |                |   | Email Address  |       |     |

| SECTION 2) MERCHANT INFORMATION  |        |  | Check One: <input type="checkbox"/> Retail <input type="checkbox"/> Service <input type="checkbox"/> Home <input type="checkbox"/> MO/TO <input type="checkbox"/> Internet |   |  |
|--|--------|--|--|---|--|
| Have you been placed on the "CTMF" (Combined Terminated Merchant File) or the "CMNF" (Consortium Merchant Negative File) |        | <input type="checkbox"/> Yes <input type="checkbox"/> No | Describe business detail to include products and services:   |   |  |
| <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation   |        |  |  |   |  |
| Type of Corporation:   |        | State of Incorporation:                                  |  |   |  |
| Do you use any third party to store, process, or transmit cardholder data? If so list name/address:                      |        | <input type="checkbox"/> Yes <input type="checkbox"/> No | Please list any Software used for storing, transmitting, or processing Card Transactions or Authorization Requests:  |   |  |
| How Long in Present Business?  | Years: | Months:  | Previous Processor:  | Reason for Leaving: <input type="checkbox"/> Rate <input type="checkbox"/> Service <input type="checkbox"/> Terminated <input type="checkbox"/> Other: List other here: |  |

| SECTION 3) PRINCIPAL INDIVIDUAL #1 |                   | % Ownership |                    |       |  |
|------------------------------------|-------------------|-------------|--------------------|-------|--|
| Last Name                          | First Name        | MI          | Title              |       |  |
| Residence Address                  |                   | City        | State              | Zip   |  |
| Home Phone #                       | Social Security # | DOB         | Driver's License # | State |  |

| SECTION 4) PRINCIPAL INDIVIDUAL #2 |                   | % Ownership |                    |       |  |
|------------------------------------|-------------------|-------------|--------------------|-------|--|
| Last Name                          | First Name        | MI          | Title              |       |  |
| Residence Address                  |                   | City        | State              | Zip   |  |
| Home Phone #                       | Social Security # | DOB         | Driver's License # | State |  |

| SECTION 5) SETTLEMENT INFORMATION (please attach voided check) |                   |
|--|-------------------|
| Deposit Bank   | Bank Contact      |
| Transit/ABA #  | Deposit Account # |

| SECTION 6) PROCESSING AND AGREEMENT VOLUME                         |                             | (for internal use only) <input type="checkbox"/> Monthly <input type="checkbox"/> Daily |    |
|--|-----------------------------|---|----|
| Avg. Yearly Vol. MC/VISA/DISCOVER NETWORK                          | \$                          | Avg. Yearly Vol. AMERICAN EXPRESS   | \$ |
| Avg. Ticket MC/VISA/DISCOVER NETWORK                               | \$                          | Avg. Ticket AMERICAN EXPRESS  | \$ |
| Peak Season Vol. MC/VISA/DISCOVER NETWORK                          | \$                          | Max Ticket  | \$ |
| Seasonal? <input type="checkbox"/> Yes <input type="checkbox"/> No | High Vol. Months Open From: | To:   |    |

| SECTION 7) TERMINAL INFORMATION  |                                    |  |   | <input type="checkbox"/> Reprogram              | <input type="checkbox"/> Purchase | <input type="checkbox"/> Lease |
|--|------------------------------------|--|---|---|-----------------------------------|--------------------------------|
| <input type="checkbox"/> Omaha   | <input type="checkbox"/> Nashville | <input type="checkbox"/> Cardnet       | <input type="checkbox"/> Buypass                | <input type="checkbox"/> Retail                 | Terminal Type:                    |                                |
| <input type="checkbox"/> Restaurant  | <input type="checkbox"/> MO/TO     | <input type="checkbox"/> Retail Tip    | <input type="checkbox"/> Quick Serve Rest w/Tip | <input type="checkbox"/> Hotel                  | Software Type:                    |                                |
| <input type="checkbox"/> TSYS  |                                    |  |   |   | Other:                            |                                |
| <input type="checkbox"/> Swiped  | %                                  | <input type="checkbox"/> Imprint/Keyed | %   | Internet Gateway <input type="checkbox"/> Name: |                                   |                                |
| <input type="checkbox"/> MO/TO   | %                                  | <input type="checkbox"/> Internet      | % = 100%  | Wireless Network:                               |                                   |                                |
| First Data Global Leasing*   |                                    |  |   |   |                                   |                                |
| First Data Global Leasing? <input type="checkbox"/> Yes <input type="checkbox"/> No  |                                    |  | Lease Term: (months)                            | Monthly Lease Charges for this Location: \$     |                                   |                                |
| <b>This is a non-cancelable lease for the full terms indicated.</b>  |                                    |  | Client's Initials:                              | Annual Tax/Handling Fee: \$10.20                |                                   |                                |
| *Westamerica Bank is not a party to the Equipment Lease Agreement between MBN and Merchant and has no liability or responsibility for that agreement (or any terminals provided thereunder) in any manner. |                                    |  |   | Merchant Acknowledgement:                       |                                   |                                |

| SECTION 8) SERVICE FEE SCHEDULE   |   |                         |   |
|---|---|-------------------------|---|
| <b>It is presumed you will ACCEPT ALL VISA, MASTERCARD, DISCOVER NETWORK, and AMERICAN EXPRESS TRANSACTIONS, unless any selections below are checked.</b> |   |                         |   |
| <b>MASTERCARD</b>   | <input type="checkbox"/> Accept MasterCard CREDIT Transactions ONLY<br><input type="checkbox"/> Accept MasterCard NON-PIN DEBIT Transactions ONLY             | <b>VISA</b>             | <input type="checkbox"/> Accept Visa CREDIT Transactions ONLY<br><input type="checkbox"/> Accept Visa NON-PIN DEBIT Transactions ONLY |
| <b>DISCOVER NETWORK</b>   | <input type="checkbox"/> Accept Discover Network CREDIT Transactions ONLY<br><input type="checkbox"/> Accept Discover Network NON-PIN DEBIT Transactions ONLY | <b>AMERICAN EXPRESS</b> | <input type="checkbox"/> Accept American Express CREDIT Transactions ONLY   |

| <input type="checkbox"/> Interchange Cost Plus Program                                |                   |                                 |
|---|-------------------|---------------------------------|
| Pass Through MasterCard, Visa & Discover Interchange & American Express* Pricing plus | % on gross volume | <b>*Add 0.15% Processor Fee</b> |

| <input type="checkbox"/> 3 Tier <input type="checkbox"/> ERR |               |                 |      |
|--|---------------|-----------------|------|
| Fee Category   | Discount Rate | Transaction Fee | ERR% |
| Visa/MC/Discover Network QUAL CREDIT                         | %             | \$              | %    |
| Visa/MC/Discover Network MID-QUAL CREDIT                     | %             | \$              | N/A  |
| Visa/MC/Discover Network NON-QUAL CREDIT                     | %             | \$              | N/A  |
| Visa/MC/Discover Network QUAL DEBIT                          | %             | \$              | %    |
| Visa/MC/Discover Network MID-QUAL DEBIT                      | %             | \$              | N/A  |
| Visa/MC/Discover Network NON-QUAL DEBIT                      | %             | \$              | N/A  |
| American Express QUAL CREDIT                                 | %             | \$              | %    |
| American Express MID-QUAL CREDIT                             | %             | \$              | N/A  |
| American Express NON-QUAL CREDIT                             | %             | \$              | N/A  |

| Authorization & Transaction Fees (fee per item) |    |                            |    |
|---|----|----------------------------|----|
| Visa/MC/Discover Network Auth. Fee              | \$ | American Express Auth. Fee | \$ |
| Transarmor Authorization Fee                    | \$ | Batch Fee                  | \$ |
| Diner's Authorization Fee                       | \$ | JCB Authorization Fee      | \$ |
| Wireless Transaction Fee                        | \$ | Gateway Transaction Fee    | \$ |

| Monthly Fees     |    |               |                 |    |              |
|------------------|----|---------------|-----------------|----|--------------|
| Min. Monthly Fee | \$ | per location  | E-Merchant View | \$ | per access   |
| Statement Fee    | \$ | per statement | Gateway Fee     | \$ | per website  |
| Wireless Fee     | \$ | per terminal  | eIDS Fee        | \$ | per access   |
| Clover Fee       | \$ | per station   | Insightics Fee  | \$ | per location |

| Other Fees             |    |           |                       |    |                          |
|------------------------|----|-----------|-----------------------|----|--------------------------|
| PCI Compliance Fee     | \$ | per month | One-Time Admin. Fee   | \$ | Early Termination Fee \$ |
| IRS TIN Processing Fee | \$ | per month | Annual Membership Fee | \$ | Other Volume %           |

| Pin Debit Fees   |  |  |                                     |
|--|--|--|-------------------------------------|
| Pin Debit <input type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Plus Debit Network Processing Fees |  | Pin Debit Other Volume Percentage % |
| PIN Debit Fee (per transaction) \$                                 | Debit Access Fee (per location) \$                                     |  |                                     |

| EBT Fees                      |                       |                        |   |
|-------------------------------|-----------------------|------------------------|---|
| EBT Fees (per transaction) \$ | Monthly Access Fee \$ | EBT (SNAP/FNS) Number: | <input type="checkbox"/> Food Stamps <input type="checkbox"/> Cash Benefits |

| Fleet Rates & Fees                 |          |                 |                             |
|------------------------------------|----------|-----------------|-----------------------------|
| Wright Express: Other Item Rate \$ | per item | Voyager: QUAL % | Other Item Rate \$ per item |

| SECTION 9) MISCELLANEOUS FEES   |
|---|
| <p>Checking Account (DDA Change) - \$25.00, ACH Reject Fee - \$25.00, Chargeback Fee (per item) - \$25.00*, Documentation - \$2.00 per page, Research/Investigation Fee - \$150.00 per hour (\$25.00 minimum), 3rd Party Help Desk Calls - \$6.00 per call, Retrieval Fee - \$10.00 per item, Merchant Club - \$12.95 per location, Voice Authorization - \$0.95 per item, Electronic AVS Fee - \$0.05 per item, Voice AVS Fees - \$2.25 per item, Annual Membership - \$89.00 applies unless otherwise indicated in higher above field. Pass through all Card Association fees at cost for the following but not limited to: Pass Through MasterCard, Visa &amp; Discover Dues &amp; Assessments; MasterCard Processing Integrity Fee; MasterCard National Acquirer Brand Usage (NABU) Fee; MasterCard Cross Border Fee; MasterCard Acquirer Support Fee; MasterCard License Fee; MasterCard ICA Fee; MasterCard Kilobyte Fee; MasterCard AVS Fee; MasterCard CVC2 Fee; Visa Misuse of Authorization Fee; Visa Zero Floor Limit Fee; Visa Acquirer Processing Fee; Visa Transaction Integrity Fee; Visa International Acquirer Fee; Visa ACQ ISA Fee; Visa BIN Fee; Visa Fixed Acquirer Network Fee (FANF); Visa Kilobyte Fee; Visa AFD Non Participation Fee; Discover International Processing &amp; Service Fee; Discover Data Usage Charge; Discover Network Authorization Fee; American Express Network Fee - 20 basis points on gross volume. IRS TIN Non-Compliance Fee - \$17.95 per month - PCI Non-Compliance Fee - \$19.95 per month. Wireless and/or Gateway - \$0.05 per transaction for monthly volume over \$5,000. In the event that Client terminates or breaches the terms of this Agreement before the end of the initial three (3) year term, Client shall be obligated to immediately pay Acquirer or its representative, as liquidated damages, an early termination fee in addition to any other monthly fees in the Merchant Processing Agreement for the remaining term of the Agreement.</p> |

| SECTION 10) GUARANTY   |                       |  |                       |
|--|-----------------------|--|-----------------------|
| <p>In exchange for Westamerica Bank (the Guaranteed Parties) acceptance of, as applicable, the Agreement, and/or the Equipment Lease Agreement, the undersigned unconditionally and irrevocably guarantees the full payment and performance of Merchant's obligations under the foregoing agreements, as applicable, as they now exist or as modified from time to time, whether before or after termination or expiration of such agreements and whether or not the undersigned has received notice of any amendment of such agreements. The undersigned waives notice of default by Merchant and agrees to indemnify the Guaranteed Parties for any and all amounts due from Merchant under the foregoing agreements. The Guaranteed Parties shall not be required to first proceed against Merchant to enforce any remedy before proceeding against the undersigned. This is a continuing personal guaranty and shall not be discharged or affected for any reason. The undersigned understands that this is a Personal Guaranty of payment and not of collection and that the Guaranteed Parties are relying upon this Personal Guaranty in entering into the foregoing agreements, as applicable.</p> <p>You further acknowledge and agree that you will not use your merchant account and/or the Services for illegal transactions, for example, those prohibited by the Unlawful Internet Gambling Enforcement Act, 31 U.S.C. Section 5361 et seq. as may be amended from time to time, or processing and acceptance of transactions in certain jurisdictions pursuant to 31 CFR Part 500 et seq. and other laws enforced by the Office of Foreign Assets Control (OFAC).</p> <p>Merchant certifies, under penalties of perjury, that the federal taxpayer identification number and corresponding filing name provided herein are correct.</p> |                       |  |                       |
| <p>_____<br/>Signature of Personal Guarantor (No Title)</p>  | <p>_____<br/>Date</p> | <p>_____<br/>Signature of Co-Personal Guarantor (No Title)</p> | <p>_____<br/>Date</p> |

**SECTION 11) MERCHANT ACCEPTANCE**

Merchant certifies that all information set forth in this completed Merchant Processing Application is true and correct and that the Merchant has received a copy of the Terms and Conditions, which is part of this Merchant Processing Application, and by this reference incorporated herein, Merchant further agrees that Merchant will not accept more than 20% of its card transactions via mail, telephone or internet order. However, if your application is approved based upon contrary information stated in Section 7 in this Merchant Processing Application, you are authorized to accept transactions in accordance with the percentages indicated in that section. This signature page also serves as a signature page to the Equipment Lease Agreement, if selected, the undersigned Merchant being the "Lessee" for purposes of such Equipment Lease Agreement. Merchant authorizes Processor and Westamerica Bank ("Bank") and their agents to investigate the references, statements and other data contained herein and to obtain additional information from credit bureaus and other lawful sources, including persons and companies names in this Merchant Processing Application. Merchant authorizes Processor and Bank and their agents (a) to procure information from any consumer reporting agency bearing his/her personal credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics and mode of living, and (b) to contact all previous employers, personal references and educational institutions. Each of the undersigned authorizes us and our Affiliates to provide amongst each other the information contained in this Merchant Processing Application and Agreement and any information received from all references, including banks and consumer reporting agencies. It is our policy to obtain certain information in order to verify your identity while processing your account application.

Merchant acknowledges and agrees that we, our Affiliates and our third party subcontractors and/or agents may use automatic telephone dialing systems to contact Merchant at the telephone number(s) Merchant has provided in this Merchant Processing Application and/or may leave a detailed voice message in the event that Merchant is unable to be reached, even if the number provided is a cellular or wireless number or if Merchant has previously registered on a Do Not Call list or requested not to be contacted Merchant for solicitation purposes. Merchant hereby consents to receiving commercial electronic mail messages from us, our Affiliates and our third party subcontractors and/or agents from time to time.

If your application is denied, you have right to a written statement of the specific reason for the denial. To obtain the statement, please contact: Westamerica Bank, Bankcard Division, 3750 Westwind Blvd Ste. 210, Santa Rosa Ca 95403 within 60 days from the date you are notified of our decision. We will send you a written statement of reason for the denial with 30 days of receiving your request for the statement.

The attached terms and conditions apply to MERCHANT's participation in the AMERICAN EXPRESS OptBlue® Program ("AMERICAN EXPRESS CARD ACCEPTANCE"): The American Express Merchant Operating Guide ("MOG") sets forth the policies and procedures governing Merchant's acceptance of the American Express Card. It is a part of, and is hereby incorporated by reference into, the Agreement. MERCHANT agrees to be bound by and accept all provisions in the MOG (as changed from time to time) as if fully set out in the Agreement and as a condition of MERCHANT's agreement to accept the Card. MERCHANTS may obtain the latest version of the MOG by visiting [www.americanexpress.com/merchantopguide](http://www.americanexpress.com/merchantopguide) or by contacting BANK. Please read the American Express Privacy Statement at <http://www.americanexpress.com/privacy> to learn more about how AXP protects your privacy and how AXP uses your information. I understand that I may opt out of marketing communications by visiting this website or by contacting American Express at 1-800-528-5200.

\_\_\_\_\_  
Signature Owner/Authorized Officer No. 1                      Print Name                      Title                      Date

\_\_\_\_\_  
Signature Owner/Authorized Officer No. 2                      Print Name                      Title                      Date

**Westamerica Bank, Santa Rosa, CA**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Authorized Officer MBN                      Title                      Date

\_\_\_\_\_  
Signature of Authorized Officer Acquirer                      Title                      Date