

BREWER-HENDLEY OIL CO. / MARKET EXPRESS INC.

CREDIT APPLICATION FOR FLEET FUELING/AUTO GAS ACCOUNT

Please print, fill out, fax or mail to: PO Box 769 Marshville, NC 28103 (704)233-2600 Fax (704)233-2633

CUSTOMER INFORMATION

COMPANY: (LEGAL NAME) _____

DBA: _____

MAILING ADDRESS: _____

BUSINESS ADDRESS: _____

TELEPHONE NUMBER: _____ P.O. # REQUIRED Y _____ N _____

STATE OF INC _____ DATE OF INC _____

FEIN#: _____ SOCIAL SECURITY # _____

AUTHORIZED BUYERS: _____

CREDIT REFERENCES

COMPANY: _____

COMPANY: _____

MAILING ADDRESS: _____

MAILING ADDRESS _____

CITY,STATE,ZIP CODE _____

CITY,STATE,ZIP CODE _____

Telephone Number _____

Telephone Number _____

COMPANY: _____

COMPANY: _____

MAILING ADDRESS: _____

MAILING ADDRESS: _____

CITY,STATE,ZIP CODE _____

CITY,STATE,ZIP CODE _____

Telephone Number _____

Telephone Number _____

BANK REFERENCE

BANK: _____

CONTACT NAME _____

MAILING ADDRESS: _____

CITY,STATE,ZIP CODE _____ PHONE: _____

INFORMATION REQUIRED FOR AUTO GAS

ODOMETER READING: YES ___ NO ___ P.I.N. ___ YES ___ NO ___ NUMBER OF CARDS _____

TERMS OF RECEIVING CREDIT

As conditions of receiving credit from Seller, the undersigned Customer(s) agrees to the following terms:

1. Customer warrants that it has the power to execute, deliver, and perform this Agreement and that there is no action, suit, condition or proceeding which would substantially impair its right or ability to carry on its right or ability to carry on its business as now conducted or adversely effect its future financial condition.
2. **Customer hereby consents and authorizes Seller to make credit inquires at any time which it may consider necessary to review acceptance of this Agreement or to investigate their creditworthiness for the duration of this Agreement.**
3. All invoices shall be paid according to the terms as stated on the face of the invoice. Terms are net 30 days for all fuel and lubricants purchases unless otherwise agreed to in writing at the time of account establishment. Customer agrees to pay an administrative late

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charge of one and one half percent per month on any unpaid invoice from the date it became due until paid. Should litigation become necessary to recover on this indebtedness, Customer agrees to pay without limitation, all costs, attorney fees, and any other charges associated in the collection thereof.

4. Should any provision of this Agreement be held to be unenforceable, null or void, it shall be stricken to the minimum extent possible, and the balance of this Agreement construed by the remaining terms. Failure by Seller to enforce one or more of the provisions of the Agreement shall not constitute a waiver of the right to enforce the same or other provision in the future. This Agreement shall be governed and construed under the laws of the State of North Carolina. Any claim or cause of action arising under this Agreement shall be initiated and maintained in the State of North Carolina, County of Union. Customer acknowledges that all orders for product and payments will be processed in Seller's Corporate Office located at Marshville, NC.
5. This Agreement expresses the entire understanding of the parties with respect to the subject matter hereof. It may be modified only in writing executed by all parties hereto. Except for purposes of collection, this agreement may not be assigned directly or by operation of law. This Agreement shall be binding upon and inure to the benefit of the parties' respective heirs, personal representatives and nay successors that have been approved be Seller in writing.
6. A \$25.00 handling fee will be charged for all checks returned from bank for any reason.

I agree to be bound by the above terms as a condition of receiving credit from Seller, and confirm that I have the authority to enter into this agreement with Seller as evidenced by my signature and designation as an owner, director, officer, executive, or agent of the aforementioned credit applicant.

Signature _____ Date _____ Title _____

Printed Name _____

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PERSONAL GUARANTEE

As consideration for and inducement to extend credit with Brewer Hendley Oil Company, or its affiliate The Market Express Inc., the undersigned, as Guarantor(s) agree(s) to be jointly and severally liable with the Debtor to the Seller/Creditor for all purchases made under this application for credit, and absolutely and unconditionally guarantees the full and prompt payment of all indebtedness heretofore or hereafter incurred by the above business. The undersigned additionally guarantees the payment of interest at the maximum lawful rate on all monies outstanding to seller, by the above named Debtor. This guarantee shall not be affected by the amount of credit extended or any change in the form of said indebtedness. Guarantor(s) agree to be bound by the laws of the State of North Carolina, County of Union, and to pay all costs of collection (i.e., attorneys' fees and court costs). Notice of the acceptance of this guarantee, extension of credit modification in terms of payment and any right or demand to proceed against the principal debtor are hereby waived. This guarantee shall be continuing and unlimited and may only be revoked by written notice which shall be sent to the creditor by certified mail and does not revoke the obligation to the guarantors to provide payment for indebtedness incurred prior to revocation.

In witness whereof, I/We have signed, sealed and delivered this guaranty for the purpose set forth above on this _____ day of _____, 200__.

Signature _____ Date _____ Signature _____ Date _____

Printed Name _____ Title _____ Printed Name _____ Title _____

Home Address _____ Home Address _____

City _____ State _____ Zip _____ Date _____ City _____ State _____ Zip _____ Date _____

Drivers Lic. # _____ State _____ Expires _____ Drivers Lic. # _____ State _____ Expires _____

Witness

Signature _____ Date _____

Printed Name _____