

You must complete and return this Proof of Investment Form and the Certification attached hereto as Exhibit "B".

For Use by Investors Only

Proof of Investment Form

Pursuant to the Bar Date Order Notice, attached hereto as Exhibit "A," the deadline for filing this Proof of Investment Form is January 15, 2001 at 5:00 p.m. (Eastern Time). *If this Proof of Investment Form is not actually received by such deadline, you may not be considered as an investor in Maricopa Investment Fund, Ltd., Maricopa Index Hedge Fund, Ltd., Maricopa Financial Corporation, or Ensign Trading Corporation, and you may be precluded from receiving any distributions of funds by the Receiver.*

By signing and returning this Proof of Investment Form you are certifying, under penalty of perjury, to the truth and accuracy of the information set forth herein.

If you invested in Maricopa Investment Fund, Ltd., Maricopa Index Hedge Fund, Ltd., Maricopa Financial Corporation, or Ensign Trading Corporation through a fund, please do not complete the Proof of Investment Form. Instead, the fund through which you invested is required to complete a Proof of Investment Form on your behalf. You may wish to contact your fund administrator to ensure that this is being done.

If the space provided below is insufficient, please feel free to attach additional pages for your responses. **Please use a separate form for each account in which you invested.**

1. Name:
2. Address:
3. Home telephone:
4. Business telephone:
5. E-mail address (if available):
6. For which fund is this Proof of Investment Form (check one only)?

Maricopa
Investment Fund,
Ltd.

Maricopa Index
Hedge Fund,
Ltd.

Ensign Trading
Corporation

Maricopa
Financial
Corporation

Account #: _____

You must complete and return this Proof of Investment Form and the Certification attached hereto as Exhibit "B".

7. Dates and the amounts of money invested by you in the above account for this fund:

Date (MM/DD/YY)	Amount

8. List the date and amount of *all* redemptions or other withdrawals made from this account:

Date (MM/DD/YY)	Amount

9. You must include with this form a copy of the following: All cancelled checks, wire transfer advices, or other reliable documentation evidencing a cash transfer for each of the investments referenced in item 7 above. Please *do not* send copies of newspaper articles or any other information that is public record. Please *do not* send statements received from the fund.

10. If the investor is an entity, list all persons, or attach a list of persons who directly or indirectly hold beneficial interests in the investor.

If you fail to provide sufficient proof documenting your cash investment with the fund referenced in item 6, you may not be considered as an investor in such fund, and you may be precluded from receiving any distributions of funds by the Receiver.

You must complete and return this Proof of Investment Form and the Certification attached hereto as Exhibit "B".

Return this completed and signed Proof of Investment Form, together with all requested supporting documentation, to:

**Otto G. Obermaier, Esq., Receiver
Attn: Maricopa Claims
c/o Weil, Gotshal & Manges LLP
701 Brickell Avenue, Suite 2100
Miami, Florida 33131**

so that it is ACTUALLY RECEIVED no later than January 15, 2001 at 5:00 p.m. (Eastern Time). FACSIMILE AND ELECTRONIC COPIES OF THIS FORM WILL NOT BE ACCEPTED.

To receive an acknowledgement of the filing of this Proof of Investment Form, please enclose an additional, completed copy of this Proof of Investment Form and a stamped, self-addressed envelope.

EXHIBIT "A"

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

DAVID M. MOBLEY, SR.; MARICOPA INVESTMENT FUND,
LTD.; MARICOPA INDEX HEDGE FUND, LTD; MARICOPA
FINANCIAL CORPORATION; ENSIGN TRADING
CORPORATION; MARICOPA INTERNATIONAL
INVESTMENT CORP. d/b/a MARICOPA INVESTMENT CORP.;
and I AM INC.,

Defendants,

and

MARICOPA ECLIPSE PARTNERS, LTD.; MARICOPA
OVERSEAS LTD.; EPWORTH FINANCIAL, LTD.; MARICOPA
CAPITAL MANAGEMENT L.C.; MOBLEY TRADING &
INVESTMENT CORP.; and D. MOBLEY INCORPORATED,

Relief Defendants.

No. 00 Civ. 1316 (RCC)

COMMODITY FUTURES TRADING COMMISSION,

Plaintiff,

v.

DAVID M. MOBLEY, SR.; MARICOPA INVESTMENT FUND,
LTD.; MARICOPA INDEX HEDGE FUND, LTD; MARICOPA
FINANCIAL CORPORATION; ENSIGN TRADING
CORPORATION; MARICOPA INTERNATIONAL
INVESTMENT CORP. d/b/a MARICOPA INVESTMENT CORP.;
and I AM INC.,

Defendants,

and

MARICOPA ECLIPSE PARTNERS, LTD.; MARICOPA
OVERSEAS LTD.; EPWORTH FINANCIAL, LTD.; MARICOPA
CAPITAL MANAGEMENT L.C.; MOBLEY TRADING &
INVESTMENT CORP.; and D. MOBLEY INCORPORATED,

Relief Defendants.

No. 00 Civ. 1317 (RCC)

**NOTICE OF DEADLINE FOR FILING PROOFS
OF INVESTMENT AND PROOFS OF CLAIM WITH THE RECEIVER**

TO ALL INVESTORS AND CREDITORS:

PLEASE TAKE NOTICE OF THE FOLLOWING:

On October 30, 2000 (the "Order Date"), the United States District Court for the Southern District of New York (the "District Court") entered an order in the above-captioned cases (the "Bar Date Order") establishing January 15, 2001 as the deadline (the "Bar Date") for (i) all investors in any of Maricopa Investment Fund, Ltd., Maricopa Index Hedge Fund, Ltd., Maricopa Financial Corporation, or Ensign Trading Corporation to file proofs of investment and (ii) all creditors of any of the Defendants and Relief Defendants (collectively, the "Defendants") to file proofs of claim.

The Bar Date Order requires all individuals and entities to file a Proof of Investment Form or a Proof of Claim Form, as applicable, with the Receiver c/o Weil, Gotshal & Manges LLP, Attn: Maricopa Claims, 701 Brickell Avenue, Suite 2100, Miami, Florida 33131, and in the manner indicated below, so that such Proof of Investment Forms and Proof of Claim Forms are received on or before 5:00 p.m., Prevailing Eastern Time, on January 15, 2001.

For your convenience, enclosed with this Notice is a Proof of Investment Form and a Proof of Claim Form.

**CONSEQUENCES OF FAILURE TO FILE PROOF OF INVESTMENT FORM
OR PROOF OF CLAIM FORM**

Any Investor or Creditor that is required to file a Proof of Investment Form or Proof of Claim Form, but that fails to do so in a timely manner, shall be precluded from asserting any claim against any of the Defendants and their property, and shall be denied any distributions under any plan or plans of distribution implemented by the Receiver.

RESERVATION OF RIGHTS

The Receiver reserves the right to dispute, or to assert offsets or defenses against, any amount listed on any Proof of Investment Form or Proof of Claim Form. Nothing set forth in this Notice shall preclude the Receiver from objecting to any Proof of Investment Form or Proof of Claim Form on any grounds.

**TIME AND PLACE FOR FILING PROOF OF INVESTMENT FORM OR
PROOF OF CLAIM FORM**

A signed original of any Proof of Investment Form or Proof of Claim Form, together with accompanying documentation, must be delivered to the Receiver so as to be *actually received* no later than 5:00 p.m., Prevailing Eastern Time, on January 15, 2001. Proof of Investment Forms or Proof of Claim Forms may be submitted in

person or by courier service, hand delivery or mail addressed to the Receiver at the foregoing address. Because the Proof of Investment Form or Proof of Claim Form must be *actually received* by January 15, 2001, please allow sufficient time for delivery. *Any Proof of Investment Form or Proof of Claim Form submitted by facsimile or electronic mail will not be accepted and will not be deemed filed until such Proof of Investment Form or Proof of Claim Form is submitted by one of the methods described in the foregoing sentence.* Proofs of investment and proofs of claim will be deemed filed only when *actually received* by the Receiver. If you wish to receive acknowledgment of the Receiver's receipt of your Proof of Investment Form or Proof of Claim Form, you must also submit a copy of your original, completed Proof of Investment or Proof of Claim Form and a self-addressed, stamped envelope.

If you have any questions regarding the foregoing, please contact the hotline established by the Receiver, at (305) 577-3160.

Dated: November 3, 2000
New York, NY

BY ORDER OF THE HONORABLE JUDGE RICHARD
C. CASEY, UNITED STATES DISTRICT JUDGE

WEIL, GOTSHAL & MANGES LLP
701 Brickell Avenue, Suite 2100
Miami, FL 33131
Telephone: (305) 577-3160

Exhibit "B"

Certification

I have read the above Proof of Investment Form in its entirety and acknowledge that I am fully aware of and understand, the terms of the Proof of Investment Form. I hereby assert, under penalty of perjury, that the information and documentation in support of my investment(s) which I have submitted to the Receiver is complete and accurate. If the investor is an entity (as opposed to an individual), the undersigned represents that he/she has full power and authority to sign this Proof of Investment Form on behalf of the investor.

Investor

Dated: _____

By: _____

Address: _____

[Print Name]

Tel.: _____

Fax: _____

E-mail: _____

Social Security/Tax ID # _____

**TO EXPEDITE DISTRIBUTION WE WOULD APPRECIATE IT IF YOU WOULD
COMPLETE AND SEND BACK THE APPROPRIATE TAX FORM WITH YOUR
COMPLETED PROOF OF INVESTMENT.**

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do NOT
send to the IRS.

Please print or type

Name (If a joint account or you changed your name, see **Specific Instructions** on page 2.)

Business name, if different from above. (See **Specific Instructions** on page 2.)

Check appropriate box: Individual/Sole proprietor Corporation Partnership Other ▶

Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

City, state, and ZIP code

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). However, if you are a resident alien OR a sole proprietor, see the instructions on page 2. For other entities, it is your employer identification number (EIN). If you do not have a number, see **How to get a TIN** on page 2.

Note: If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.

Social security number

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OR

Employer identification number

--	--	--	--	--	--	--	--	--	--	--	--

List account number(s) here (optional)

Part II For Payees Exempt From Backup Withholding (See the instructions on page 2.)

Part III Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 2.)

Sign
Here

Signature ▶

Date ▶

Purpose of form. A person who is required to file an information return with the IRS must get your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9, if you are a U.S. person (including a resident alien), to give your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are an exempt payee.

If you are a foreign person, IRS prefers you use a Form W-8 (certificate of foreign status). After December 31, 2000, foreign persons must use an appropriate Form W-8.

Note: If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

What is backup withholding? Persons making certain payments to you must withhold and pay to the IRS 31% of such payments under certain conditions. This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

If you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return, payments you receive will not be subject to backup withholding. Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester, or
2. You do not certify your TIN when required (see the Part III instructions on page 2 for details), or
3. The IRS tells the requester that you furnished an incorrect TIN, or
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 3 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the Part II instructions and the separate **Instructions for the Requester of Form W-9**.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of Federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name. If you are an individual, you must generally enter the name shown on your social security card. However, if you have changed your last name, for instance, due to marriage, without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first and then circle the name of the person or entity whose number you enter in Part I of the form.

Sole proprietor. You must enter your individual name as shown on your social security card. You may enter your business, trade, or "doing business as" name on the business name line.

Other entities. Enter your business name as shown on required Federal tax documents. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or "doing business as" name on the business name line.

Part I—Taxpayer Identification Number (TIN)

You must enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see **How to get a TIN** below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, using your EIN may result in unnecessary notices to the requester.

Note: See the chart on this page for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office. Get Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can get Forms W-7 and SS-4 from the IRS by calling 1-800-TAX-FORM (1-800-829-3676) or from the IRS's Internet Web Site at www.irs.gov.

If you do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester. Other payments are subject to backup withholding.

Note: Writing "Applied For" means that you have already applied for a TIN OR that you intend to apply for one soon.

Part II—For Payees Exempt From Backup Withholding

Individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends. For more information on exempt payees, see the separate Instructions for the Requester of Form W-9.

If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding. Enter your correct TIN in Part I, write "Exempt" in Part II, and sign and date the form.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester a completed Form W-8 (certification of foreign status).

Part III—Certification

For a joint account, only the person whose TIN is shown in Part I should sign (when required).

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified state tuition program payments, IRA or MSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to give your correct TIN to

persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA or MSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia to carry out their tax laws.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 31% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ³
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ³
5. Sole proprietorship	The owner ³
For this type of account:	Give name and EIN of:
6. Sole proprietorship	The owner ³
7. A valid trust, estate, or pension trust	Legal entity ⁴
8. Corporate	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name, but you may also enter your business or "doing business as" name. You may use either your SSN or EIN (if you have one).

⁴ List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.



Certificate of Foreign Status

Please print or type

Name of owner (If joint account, also give joint owner's name.) (See Specific Instructions .)	U.S. taxpayer identification number (if any)
Permanent address (See Specific Instructions .) (Include apt. or suite no.)	
City, province or state, postal code, and country	
Current mailing address, if different from permanent address (Include apt. or suite no., or P.O. box if mail is not delivered to street address.)	
City, town or post office, state, and ZIP code (If foreign address, enter city, province or state, postal code, and country.)	

List account information here (Optional, see Specific Instructions .)	Account number	Account type	Account number	Account type
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Notice of Change in Status.—To notify the payer, mortgage interest recipient, broker, or barter exchange that you no longer qualify for exemption, check here **If you check this box, reporting will begin on the account(s) listed.**

Please Sign Here

Certification.—(Check applicable box(es)). Under penalties of perjury, I certify that:

For **INTEREST PAYMENTS**, I am not a U.S. citizen or resident (or I am filing for a foreign corporation, partnership, estate, or trust).

For **DIVIDENDS**, I am not a U.S. citizen or resident (or I am filing for a foreign corporation, partnership, estate, or trust).

For **BROKER TRANSACTIONS** or **BARTER EXCHANGES**, I am an exempt foreign person as defined in the instructions below.

Signature _____ Date _____

General Instructions

(Section references are to the Internal Revenue Code unless otherwise noted.)

Purpose

Use Form W-8 or a substitute form containing a substantially similar statement to tell the payer, mortgage interest recipient, middleman, broker, or barter exchange that you are a nonresident alien individual, foreign entity, or exempt foreign person not subject to certain U.S. information return reporting or backup withholding rules.

Caution: Form W-8 does not exempt the payee from the 30% (or lower treaty) nonresident withholding rates.

Nonresident Alien Individual

For income tax purposes, "nonresident alien individual" means an individual who is neither a U.S. citizen nor resident. Generally, an alien is considered to be a U.S. resident if:

- The individual was a lawful permanent resident of the United States at any time during the calendar year, that is, the alien held an immigrant visa (a "green card"), or
- The individual was physically present in the United States on:

- (1) at least 31 days during the calendar year, and
- (2) 183 days or more during the current year and the 2 preceding calendar years (counting all the days of physical presence in the current year, one-third the number of days of presence in the first preceding year, and only one-sixth of the number of days in the second preceding year).

See **Pub. 519**, U.S. Tax Guide for Aliens, for more information on resident and nonresident alien status.

Note: If you are a nonresident alien individual married to a U.S. citizen or resident and have made an election under section 6013(g) or (h), you are treated as a U.S. resident and **may not** use Form W-8.

Exempt Foreign Person

For purposes of this form, you are an "exempt foreign person" for a calendar year in which:

1. You are a nonresident alien individual or a foreign corporation, partnership, estate, or trust,
2. You are an individual who has not been, and plans not to be, present in the United States for a total of 183 days or more during the calendar year, and
3. You are neither engaged, nor plan to be engaged during the year, in a U.S. trade or business that has effectively connected gains from transactions with a broker or barter exchange.

If you do not meet the requirements of 2 or 3 above, you may instead certify on **Form 1001**, Ownership, Exemption, or Reduced Rate Certificate, that your country has a tax treaty with the United States that exempts your transactions from U.S. tax.

Filing Instructions

When To File.—File Form W-8 or substitute form before a payment is made. Otherwise, the payer may have to withhold and send part of the payment to the Internal Revenue Service (see **Backup Withholding** below). This certificate

generally remains in effect for three calendar years. However, the payer may require you to file a new certificate each time a payment is made to you.

Where To File.—File this form with the payer of the qualifying income who is the withholding agent (see **Withholding Agent** on page 2). Keep a copy for your own records.

Backup Withholding

A U.S. taxpayer identification number or Form W-8 or substitute form must be given to the payers of certain income. If a taxpayer identification number or Form W-8 or substitute form is not provided or the wrong taxpayer identification number is provided, these payers may have to withhold 20% of each payment or transaction. This is called backup withholding.

Note: On January 1, 1993, the backup withholding rate increases from 20% to 31%.

Reportable payments subject to backup withholding rules are:

- Interest payments under section 6049(a).
- Dividend payments under sections 6042(a) and 6044.
- Other payments (i.e., royalties and payments from brokers and barter exchanges) under sections 6041, 6041A(a), 6045, 6050A, and 6050N.

If backup withholding occurs, an exempt foreign person who is a nonresident alien individual may get a refund by filing **Form 1040NR**, U.S. Nonresident Alien Income Tax Return, with the Internal Revenue

(Continued on back.)

Service Center, Philadelphia, PA 19255, even if filing the return is not otherwise required.

U.S. Taxpayer Identification Number

The Internal Revenue law requires that certain income be reported to the Internal Revenue Service using a U.S. taxpayer identification number (TIN). This number can be a social security number assigned to individuals by the Social Security Administration or an employer identification number assigned to businesses and other entities by the Internal Revenue Service.

Payments to account holders who are foreign persons (nonresident alien individuals, foreign corporations, partnerships, estates, or trusts) generally are not subject to U.S. reporting requirements. Also, foreign persons are not generally required to have a TIN, nor are they subject to any backup withholding because they do not furnish a TIN to a payer or broker.

However, foreign persons with income effectively connected with a trade or business in the United States (income subject to regular (graduated) income tax), must have a TIN. To apply for a TIN, use **Form SS-4**, Application for Employer Identification Number, available from local Internal Revenue Service offices, or **Form SS-5**, Application for a Social Security Card, available from local Social Security Administration offices.

Special Rules

Mortgage Interest.—For purposes of the reporting rules, mortgage interest is interest paid on a mortgage to a person engaged in a trade or business originating mortgages in the course of that trade or business. A mortgage interest recipient is one who receives interest on a mortgage that was acquired in the course of a trade or business.

Mortgage interest is not subject to backup withholding rules, but is subject to reporting requirements under section 6050H. Generally, however, the reporting requirements do not apply if the payer of record is a nonresident alien individual who pays interest on a mortgage not secured by real property in the United States. Use Form W-8 or substitute form to notify the mortgage interest recipient that the payer is a nonresident alien individual.

Portfolio Interest.—Generally, portfolio interest paid to a nonresident alien individual or foreign partnership, estate, or trust is not subject to backup withholding rules. However, if interest is paid on portfolio investments to a beneficial owner that is neither a financial institution nor a member of a clearing organization, Form W-8 or substitute form is required.

Registered obligations not targeted to foreign markets qualify as portfolio interest not subject to 30% withholding, but require the filing of Form W-8 or substitute form. See **Instructions to Withholding Agents** on this page for reporting rules.

See **Pub. 515**, Withholding of Tax on Nonresident Aliens and Foreign Corporations, for **registered obligations targeted to foreign markets** and when Form W-8 or substitute form is not required on these payments.

Bearer obligations.—The interest from bearer obligations targeted to foreign markets is treated as portfolio interest and is not subject to 30% withholding. Form W-8 or substitute form is not required.

Dividends.—Any distribution or payment of dividends by a U.S. corporation sent to a foreign address is subject to the 30% (or lower treaty) withholding rate, but is not subject to backup withholding. Also, there is no backup withholding on dividend payments made to a foreign person by a foreign corporation. However, the 30% withholding (or lower treaty) rate applies to dividend payments made to a foreign person by a foreign corporation if:

- 25% or more of the foreign corporation's gross income for the three preceding taxable years was effectively connected with a U.S. trade or business, and
- The corporation was not subject to the branch profits tax because of an income tax treaty (see section 884(e)).

If a foreign corporation makes payments to another foreign corporation, the recipient must be a qualified resident of its country of residence to benefit from that country's tax treaty.

Broker or Barter Exchanges.—Income from transactions with a broker or barter exchanges is subject to reporting rules and backup withholding unless Form W-8 or substitute form is filed to notify the broker or barter exchange that you are an exempt foreign person as defined on page 1.

Specific Instructions

Name of Owner.—If Form W-8 is being filed for portfolio interest, enter the name of the beneficial owner.

U.S. Taxpayer Identification Number.—If you have a U.S. taxpayer identification number, enter your number in this space (see the discussion earlier).

Permanent Address.—Enter your complete address in the country where you reside permanently for income tax purposes.

<i>If you are:</i>	<i>Show the address of:</i>
An individual	Your permanent residence
A partnership or corporation	Principal office
An estate or trust	Permanent residence or principal office of any fiduciary

Also show your current mailing address if it differs from your permanent address.

Account Information (optional).—If you have **more than one account** (savings, certificate of deposit, pension, IRA, etc.) with the same payer, list all account numbers and types on one Form W-8 or

substitute form unless your payer requires you to file a separate certificate for each account.

If you have **more than one payer**, file a separate Form W-8 with each payer.

Signature.—If only one foreign person owns the account(s) listed on this form, that foreign person should sign the Form W-8.

If each owner of a joint account is a foreign person, **each** should sign a separate Form W-8.

Notice of Change in Status.—If you become a U.S. citizen or resident after you have filed Form W-8 or substitute form, or you cease to be an exempt foreign person, you must notify the payer in writing within 30 days of your change in status.

To notify the payer, you may check the box in the space provided on this form or use the method prescribed by the payer.

Reporting will then begin on the account(s) listed and backup withholding may also begin unless you certify to the payer that:

- (1) The U.S. taxpayer identification number you have given is correct, and
- (2) The Internal Revenue Service has not notified you that you are subject to backup withholding because you failed to report certain income.

You may use **Form W-9**, Request for Taxpayer Identification Number and Certification, to make these certifications.

If an account is no longer active, you do not have to notify a payer of your change in status unless you also have another account with the same payer that is still active.

False Certificate.—If you file a false certificate when you are not entitled to the exemption from withholding or reporting, you may be subject to fines and/or imprisonment under U.S. perjury laws.

Instructions to Withholding Agents

Withholding Agent.—Generally, the person responsible for payment of the items discussed above to a nonresident alien individual or foreign entity is the withholding agent (see Pub. 515).

Retention of Statement.—Keep Form W-8 or substitute form in your records for at least four years following the end of the last calendar year during which the payment is paid or collected.

Portfolio Interest.—Although registered obligations **not** targeted to foreign markets are not subject to 30% withholding, you must file **Form 1042S**, Foreign Person's U.S. Source Income Subject to Withholding, to report the interest payment. Both Form 1042S and a copy of Form W-8 or substitute form must be attached to **Form 1042**, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons.