

**Exhibit 4.12  
 BORROWER/APPLICANT/DEVELOPER  
 DISCLOSURE STATEMENT**

For the purpose of this form *Borrower* shall mean:

- Any person or entity having 10% or more ownership interest in the development project;
- the General Partners or Principals of the development; and, if applicable,
- any non-profit entity associated with the development.

The Borrower(s) shall provide the following information. Use a separate sheet of paper, if necessary. A response to each question is required. If an item is not applicable, type N/A.

Name of Primary Borrower	Address	Address	City	State, Zip
Primary Contact Person	Phone	FAX	E-Mail	Other names under which you have done business.
Taxpayer Identification Number	Borrower's Organization Check One			
	<input type="checkbox"/> Corporation – Attach Articles of Incorporation <input type="checkbox"/> Non-Profit – Attach Articles of Incorporation and verification of 501 C(3) status. <input type="checkbox"/> Partnership – Attach Partnership Agreement <input type="checkbox"/> General Partnership - General Partnership Agreement <input type="checkbox"/> Limited Partnership - Attach Certificate of Limited Partnership <input type="checkbox"/> A business association or a joint venture			

Co-Borrower	Address	Address	City	State, Zip
Primary Contact Person	Phone	FAX	E-Mail	Other names under which you have done business.
Taxpayer Identification Number	Borrower's Organization Check One			
	<input type="checkbox"/> Corporation – Attach Articles of Incorporation <input type="checkbox"/> Non-Profit – Attach Articles of Incorporation and verification of 501 C(3) status. <input type="checkbox"/> Partnership – Attach Partnership Agreement <input type="checkbox"/> General Partnership - General Partnership Agreement <input type="checkbox"/> Limited Partnership - Attach Certificate of Limited Partnership <input type="checkbox"/> A business association or a joint venture			

Provide names, addresses, business addresses, telephone numbers, title of position (if any) and nature and extent of the interest of the current officers, principal members, shareholders, and investors of the applicant entity.

Name	Address	Phone	Fax
E-Mail	Title of Position	Nature of Interest	Extent of Interest

Name	Address	Phone	Fax
E-Mail	Title of Position	Nature of Interest	Extent of Interest

Name	Address	Phone	Fax
E-Mail	Title of Position	Nature of Interest	Extent of Interest

Name	Address	Phone	Fax
E-Mail	Title of Position	Nature of Interest	Extent of Interest

Name	Address	Phone	Fax
E-Mail	Title of Position	Nature of Interest	Extent of Interest

Add additional pages if necessary.

Has the Borrower had any professional license suspended, revoked, lapsed and/or terminated for any reason? If yes, please explain.

YES	NO	EXPLANATION
<input type="checkbox"/>	<input type="checkbox"/>	

Has the Applicant filed for bankruptcy, either voluntarily or involuntarily, within the past 10 years? If yes, please explain and state the case number and the case name and whether the case was dismissed, discharged, or is current.

YES	NO	EXPLANATION
<input type="checkbox"/>	<input type="checkbox"/>	

Has the Applicant defaulted on a financial obligation? If yes, please explain.

YES	NO	EXPLANATION
<input type="checkbox"/>	<input type="checkbox"/>	

Is there, or has there ever been, a settlement and/or judgment filed or a case pending against the Applicant? If yes, please explain.

YES	NO	EXPLANATION
<input type="checkbox"/>	<input type="checkbox"/>	

Has a lien ever been filed against real property owned by the Applicant as a result of a judgment or failure to pay taxes, etc? If yes, please explain.

YES	NO	EXPLANATION
<input type="checkbox"/>	<input type="checkbox"/>	

Has the Applicant been convicted of any felony or any crime other than minor traffic violations and/or placed on probation, fined or given a suspended sentence in court within the past 10 years? If yes, please explain.

YES	NO	EXPLANATION
<input type="checkbox"/>	<input type="checkbox"/>	

Has the Applicant or any of its partners or principals ever been cited and/or convicted of a misdemeanor, including but not limited to a conviction under local health, fire, environmental and/or building and safety laws, relating to the ownership and/or management of real property? If yes, please explain.

YES	NO	EXPLANATION
<input type="checkbox"/>	<input type="checkbox"/>	

Does the Applicant – Contractor/Builder have an ownership/investor interest in the development? If yes, please explain.

YES	NO	EXPLANATION
<input type="checkbox"/>	<input type="checkbox"/>	

Does the Applicant have any employees or relatives who have close associations with current or former employees of OC Housing and Community Development, Orange County Housing Authority ("Authority"), or the County of Orange ("County"), to which the accompanying proposal is being made? If yes, state names, dates of employment, and interest.

YES	NO	EXPLANATION
<input type="checkbox"/>	<input type="checkbox"/>	

Does the Applicant employ any current or former employee(s) of OC Housing and Community Development, the Authority, or the County? Does the Applicant employ relatives of employees of OC Housing and Community Development, the Authority, or the County? If yes, state names, dates of employment, and interest.

YES	NO	EXPLANATION
<input type="checkbox"/>	<input type="checkbox"/>	

Are there any OC Housing and Community Development, Authority, or County employees (current or former) who have a financial interest in this project? If yes, state names, dates of employment, and interest.

YES	NO	EXPLANATION
<input type="checkbox"/>	<input type="checkbox"/>	

Has the contractor or builder, within the last 10 years, ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract? If yes, please explain.

YES	NO	EXPLANATION
<input type="checkbox"/>	<input type="checkbox"/>	

Is the proposed Applicant – Contractor/Builder currently involved in any construction-related litigation? If yes, please explain.

YES	NO	EXPLANATION
<input type="checkbox"/>	<input type="checkbox"/>	

Has the Applicant – Contractor/Builder ever been disqualified, removed from, or otherwise prevented from bidding on or completing a federal, state, or local government project because of a violation of law or a safety regulation? If so, please explain the circumstances in detail.

YES	NO	EXPLANATION
<input type="checkbox"/>	<input type="checkbox"/>	

Within the last five years, has the Applicant – Contractor/Builder been the subject of a complaint filed with the Contractor’s State License Board (CSLB)? Within the last five years, has the Applicant – Contractor/Builder had a revocation or suspension of a Contractor’s License? If yes, please explain.

YES	NO	EXPLANATION
<input type="checkbox"/>	<input type="checkbox"/>	

Has the Applicant failed to comply with Davis-Bacon or State Prevailing Wage requirements on any previous development projects? If yes, please explain.

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YES	NO	EXPLANATION
<input type="checkbox"/>	<input type="checkbox"/>	

Has the Applicant been the subject of an investigation of Fair Housing and Employment Practices or been in violation of affordability clauses in recorded regulatory agreements of the County or any other federal, state, or local housing agency? If yes, explain the nature of the complaint and the outcome.

YES	NO	EXPLANATION
<input type="checkbox"/>	<input type="checkbox"/>	

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**Exhibit 4.12**  
**APPLICANT CERTIFICATION**

Applicant warrants and certifies that it will not during the term of the project, loan, contract, development and/or rendition of services discriminate against any employee, person, or applicant for employment because of race, age, sexual orientation, marital status, color, religion, sex, handicap, or national origin. The Applicant will take affirmative action to ensure persons who are employed are treated during employment, without regard to their race, age, sexual orientation, marital status, color, religion, sex, handicap or national origin. Such action shall include, but not be limited to the following: employment, upgrading, promotion or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Applicant agrees to post in conspicuous places, available to employees and applicants for employment, notices regarding fair employment practices setting forth the provisions of this nondiscrimination clause.

The Applicant warrants and certifies that it will not without prior consent of OC Housing and Community Development, engage in any business pursuits that are adverse, hostile or take incompatible positions of interest to OC Housing and Community Development, during the term of the PROJECT, DEVELOPMENT, LOAN, CONTRACT and/or RENDITION OF SERVICES.

Applicant warrants and certifies that no member, commissioner, council-person, officer, or employee of OC Housing and Community Development, the Authority and/or the County, no member of the governing body of the locality in which OC Housing and Community Development was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the assignment of work, has during his or her tenure, or will for (1) year thereafter, have any interest, direct or indirect, in this PROJECT or the proceeds thereof.

\_\_\_\_\_  
Borrower Signature

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Co-Borrower Signature

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

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**Exhibit 4.12**  
**AUTHORIZATION**  
**TO VERIFY APPLICANT’S CREDITWORTHINESS**

PRIVACY NOTIFICATION. The information requested in this Application and Certification Statement is to be used by OC Community Services to assess the applicant’s creditworthiness. Information provided that is contained in public records cannot be withheld from disclosure under the California Public Records Act Gov. Code Sections 6250 and 6254. All other information may be required to be disclosed outside the agency by state and/or federal law.

All information requested on this form, is mandatory. Failure to provide such information may result in disqualification of the application or a withdrawal of OC Housing and Community Development’s commitment.

CRIMINAL PENALTIES. Any person who shall knowingly make or cause to be made in writing, either directly or indirectly, any false statement, with the intent that it shall be relied upon, for the purpose of procuring the loan secured by real property, shall be guilty of a criminal offense, punishable by a fine not exceeding ten thousand dollars (\$10,000.00), or by imprisonment in a county jail not exceeding six months, or by both the fine and imprisonment. California Penal Code sections 532(a) and 532(f).

CONTINUING OBLIGATION. The applicant has a continuing obligation to provide OC Housing and Community Development with current and accurate information. Applicant must provide to OC Housing and Community Development all requested information, with an Applicant’s Certification Statement for any individual or entity that OC Housing and Community Development, in its sole discretion, believes is necessary to evaluate the application (reasonably related to the applicant).

By signing below, authorization is hereby provided to OC Housing and Community Development to verify any and all information provided in the proposal, including, but not limited to, the organization’s credit rating, status and payment history of real estate loans and performance on contracts with third parties. OC Housing and Community Development is further authorized to utilize photocopies of this authorization to obtain third party contractual and credit references and status of the organization’s obligations. I understand that the confidentiality of the information I have furnished will be preserved except where disclosure of this information is required by applicable law.

CERTIFICATION/AUTHORIZATION. I, the undersigned, certify that the information provided to OC Housing and Community Development in this application is true and correct as of the date set forth below. My signature on this application package is an acknowledgment that any false or misleading statements of the information contained, may result in civil liability and liability for monetary damages to the lender, its agents, successors, and assigns, insurers, and any other person who may suffer any loss due to reliance upon any false or misleading statements which I have made on this Applicant Disclosure Statement.

\_\_\_\_\_  
Borrower Signature

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Co-Borrower Signature

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

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**Exhibit 4.12**  
**CONSENT TO PUBLIC DISCLOSURE BY APPLICANT**

By providing the "Personal Information," (if any) as defined in Section 1798.3(a) of the Civil Code of the State of California (to the extent that it is applicable, if at all), requested herein and by seeking a loan from, or a contract with, the sale of real estate to, the right to develop from and/or any and all other entitlements from the OC Housing and Community Development Department of the County of Orange, the Orange County Housing Authority ("Authority"), and/or the County of Orange ("County"), the Applicant, consents to the disclosure of any and all "Personal Information" and of any and all other information contained in this Applicant Disclosure Statement. Applicant specifically, knowingly and intentionally waives any and all privileges and rights that may exist under State and/or Federal Law relating to the public Applicant, by executing this disclosure statement and providing the information requested, consents to its disclosure pursuant to the provisions of the Information Practices Act of 1977, Civil Code Section 1798.24. Applicant is aware that a disclosure of information contained herein will be made at a public meeting or meetings of OC Housing and Community Development, the Authority, and/or the County at such times as the meetings may be scheduled. Applicant hereby consents to the disclosure of said "Personal Information," if any, more than thirty (30) days from the date of this statement at the duly scheduled meeting(s) of OC Housing and Community Development, the Authority, and/or the County. Applicant acknowledges that public disclosure of the information contained herein may be made pursuant to the provisions of the Civil Code Section 1798.24(d).

Applicant represents and warrants to OC Housing and Community Development, the Authority and the County that by providing the information requested herein and waiving any and all privileges available under the Evidence Code of the State of California, State and Federal Law, (to the extent of this disclosure that the information being submitted herein), the information constitutes a "Public Record" subject to disclosure to members of the public in accordance with the provisions of California Government Section 6250 et seq.

Applicant specifically waives, by the production of the information disclosed herein, any and all rights that Applicant may have with respect to the information under the provisions of Government Code Section 6254 including its applicable subparagraphs, to the extent of the disclosure herein, as well as all rights of privacy, if any, under the State and Federal Law.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, at Orange County, California.

**APPLICANT**

\_\_\_\_\_  
Borrower Signature

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Co-Borrower Signature

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title



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**Exhibit 4.12**  
**CERTIFICATION**

The Borrower, \_\_\_\_\_, hereby certifies that this Borrower's Disclosure Statement and the attached information/evidence of the Applicant's qualifications, background, and financial responsibility, including financial statements, are true and correct to the best of Applicant's knowledge and belief.

\_\_\_\_\_  
Borrower Signature

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Co-Borrower Signature

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

ATTEST:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

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

\_\_\_\_\_  
Signature of Notary

My Commission Expires: \_\_\_\_\_