

**Form 2705—General Information
(Trust Account Notice for a Business Opportunity Seller)**

The attached form is designed to meet minimal statutory filing requirements pursuant to the relevant code provisions. *This form and the information provided are not substitutes for the advice and services of an attorney.*

Commentary

In accordance with Section 51.101 of the Texas Business & Commerce Code, a principal seller of a business opportunity must secure at least \$25,000, in favor of the state, before representing that the purchaser will earn or is likely to earn a profit in excess of the amount of the initial consideration the purchaser paid, or otherwise representing that the purchaser is assured of making a profit from the business opportunity. The security may be obtained in the form of a surety bond, a trust account, or an irrevocable letter of credit. After establishing the required security, the principal seller must file a copy of the bond, notification of the trust account, or letter of credit or with the secretary of state. This form is designed to meet the minimum statutory requirements for a formal notification of trust account obtained to satisfy Section 51.101.

Instructions for Form

- **Principal Seller:** Provide the name and mailing address of the business opportunity principal seller filing the trust account notice.
- **Depository Institution:** Provide the name and mailing address of the depository institution. The depository institution must have the power to accept deposits and be authorized to transact business under the law of the State of Texas.
- **Trust Account:** Provide the number used by the depository institution to identify the trust account.
- **Trustee:** Provide the name and mailing address of the trustee managing the account.
- **Execution:** A person who is authorized to sign on behalf of the depository institution must sign and date the trust account notice.
- **Delivery Instructions:** The notice may be mailed to Registrations Unit, P.O. Box 13550, Austin, Texas 78711-3550 or delivered to the James Earl Rudder Office Building, 1019 Brazos, Austin, Texas 78701.

Revised 01/2012

Submit to:
SECRETARY OF STATE
Registrations Unit
P O Box 13550
Austin, TX 78711-3550
512-475-0775
512-475-2815 - Fax
Filing Fee: None



**TRUST ACCOUNT NOTICE FOR
A BUSINESS OPPORTUNITY
SELLER**

BUSINESS OPPORTUNITY SELLER Name: _____

Mailing Address _____ City _____ State _____ Zip _____

DEPOSITORY INSTITUTION Name: _____

Mailing Address _____ City _____ State _____ Zip _____

TRUST ACCOUNT Number: _____ Amount: Twenty-five thousand dollars (\$25,000.00)

TRUSTEE Name: _____

Mailing Address _____ City _____ State _____ Zip _____

The trust account described above has been irrevocably established in favor of the state for the benefit of a person damaged by the above-named seller's (1) violation of Chapter 51, Business & Commerce Code; (2) breach of the business opportunity contract; or (3) breach of an obligation arising from a business opportunity sale.

DEPOSITORY INSTITUTION agrees to act as the sole agent for the purpose of holding this security for the secretary of state's exclusive use. We agree not to release, make payment, or otherwise divert or dispose of the trust account funds except in accordance with the written instructions of the secretary of state. It is understood that notice to or consent of the business opportunity seller or trustee shall not be required for disposition of the trust account funds by the secretary of state.

DEPOSITORY INSTITUTION further agrees not to exercise any offset rights it may have with respect to the trust account funds or to otherwise impede, hinder, delay, prevent, obstruct or interfere with the secretary of state's right to redeem and collect the surety account funds promptly.

DEPOSITORY INSTITUTION acknowledges that it has the power to accept deposits and is authorized to transact business under the law of the State of Texas.

The trust account shall be maintained until the earlier of: (1) approval of the secretary of state to cancel the trust account; or (2) two years after the registrant formally terminates registration.

Date: _____

Signature of authorized person for DEPOSITORY INSTITUTION

Printed or typed name of authorized person for DEPOSITORY INSTITUTION