Bryan & Bryan Asphalt, LLC P.O. Box 1639 Jackson, MS 39215-1639

### Re: Consent to Assignment of Contracts with Upshur County, TX (the "County")

Gentlemen:

2.

You have informed us that effective July 1, 2017 (the "Effective Date"), Bryan & Bryan Asphalt, LLC, a wholly-owned subsidiary of Ergon Asphalt & Emulsions, Inc. ("Bryan & Bryan"), acquired substantially all the assets of Bryan and Bryan Asphalt Road Oil, Ltd. and Bryan Asphalt Products, LLC (the "Bryan Companies"). In connection with the transaction, the Bryan Companies wish to assign to Bryan & Bryan, and Bryan & Bryan wishes to assume, the contract(s) currently in place with the County listed below (the "Assumed Contracts") from and after the Effective Date. This will confirm that the County consents to assignment of the Assumed Contracts to Bryan & Bryan and that Bryan & Bryan assumes all obligations under the Assigned Contracts from and after the Effective Date.

Sincereb (Upshur County By: VEAN ついし Name: Title: UPSHUM COVSIN

Reference Contract(s): Bid # RB04-17

AGREED:

BRYAN & BRYAN ASPHALT, LLC

Title:



Dear Customer:

71 ;

We are pleased to inform you that as of July 1, 2017, Bryan & Bryan Asphalt Road Oil Ltd.; Bryan Asphalt Products, LLC; Bryan & Bryan Trucking, Inc.; and BMR Transport, Inc. will become Bryan & Bryan Asphalt, LLC.

As part of this process it will be necessary to change our remit to address. Our new remit to address will be:

Bryan & Bryan Asphalt LLC Dept #2135 PO Box 11407 Birmingham, AL 35246-2135

In order to be sure our records are up to date please complete the attached customer application and return it along with a copy of your company's most recent financial statement to our Credit Department. For mailing: Bryan & Bryan Asphalt, LLC., Attn Credit Department, 8621 FM 2276 North, Henderson, TX 75653.

If you are exempt from Texas sales tax, please complete the exemption certificate that applies to your business. Both Texas exemption certificates have been enclosed for your convenience. If you are taxable, please let us know.



N. 1944

# Bryan & Bryan Asphalt, LLC

### **RETURN BY FAX TO 903-655-0061 OR BY EMAIL TO TWARBURTON@BRYANASPHALT.NET**

GOVERNMENTAL ENTITY CREDIT ACCOUNT INFORMATION QUESTIONNAIRE

The information in this form must be supplied by any government entity wishing to purchase materials on an open account. The information required allows us to establish an account with the proper billing information.

Entity Requesting an Account:	
Entity's Employee requesting Account:	
Phone Number: Email Address:	
Complete Billing Address:	
Accounts Payable Contact:	
Phone Number: Fax Number:	
Email Address:	
Do you require a Purchase Order? Yes No	
Invoices may be sent by mail/email/or fax. If you prefer email or fax please provide the correct email addres fax number below. If this space is left empty invoices will be mailed.	ss or
Will customer's truck pick up product at the Bryan & Bryan Facility? OYES ONO (circle one)	
Will Bryan & Bryan arrange delivery of product? OYES ONO (circle one)	
If customer arranges shipping please provide name of carrier:	
If applicable please provide a sales tax exemption certificate.	
Signature: Date:	
Type or Print Name:	

Form	<b>M-9</b>
(Rev. D	ecember 2014)
Departu	nent of the Treasury
Internal	Revenue Service

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.						
Bryan & Bryan Asphalt, LLC						
N 2 Business name/disregarded entity name, if different from above						
3 Check appropriate box for federal tax classification; check only one of the following seven boxes:   4 Exemptions (codes apply only to cartain entities, not individuals; see instructions on page 3):     a Individual/sole propriate or   C Corporation   S Corporation   Partnership   Trust/estate     a Individual/sole propriate or   C Corporation   S Corporation   Partnership   Trust/estate     a Individual/sole propriate or   C Corporation   S Corporation, S=S corporation, P=partnership) > C   Exemptions (codes apply only to cartain entities, not individuals; see instructions on page 3):     Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.   Exemption from FATCA reporting code (if any)     Other (see instructions) >   6 Address (number, strest, and apt. or suite no.)   Requester's name and address (optional)     PO Box 23028   C City citype and ZID code   City citype and ZID code						
single-member LLC Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ► C Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. Other (see instructions) ► C						
표 등   □ Other (see instructions) ► (Applies to accounts metritatived outside the U.S.)						
5 Address (number, strest, and apt. or suite no.) Requester's name and address (optional)						
8 PO Box 23028						
6 City, state, and ZIP code						
Jackson, MS 39225-3028						
7 List account number(s) here (optional)						
Part 15 Taxpayer Identification Number (TIN)						
Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. 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 3.						
Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for Employer Identification number						
guldelines on whose number to enter.						
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
- 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; and
- 3. I am a U.S. citizen or other U.S. person (defined below); and
- 4. The FATCA code(s) entered on this form (If any) indicating that I am exempt from FATCA reporting is correct.

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 3.

	ns on page 3.	1						
Sign Here	Signature of U.S. person ► //		Hatther	$\checkmark$	 Date ►	-24-	17	
		. // –						

### General Instructions

Section references are to the Internal Revenue Code unless otherwise noted. Future developments. Information about developments affecting Form W-8 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

#### Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (TTN), adoption taxpayer identification number (ATTN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- . Form 1099-K (merchant card and third party network transactions)

• Form 1098 (home mortgage interest), 1098-E (student ioan interest), 1098-T (tuition)

- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN,
- If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.
- By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),

2. Certify that you are not subject to backup withholding, or

3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See What is FATCA reporting? on page 2 for further information. 1.3

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## **TEXAS SALES AND USE TAX RESALE CERTIFICATE**

TEXAS SALES AND USE TAX RESALE CERTIFICATE	
Name of purchaser, firm or agency as shown on permit	Phone (Area code and number)
Address (Street & number, P.O. Box or Route number)	
City, State, ZIP code	
Texas Sales and Use Tax Permit Number (must contain 11 digits)	
Out-of-state retailer's registration number or Federal Taxpayers Registry (RFC) number for retailers based in Mexico	
(Retailers based in Mexico must also provide a copy	of their Mexico registration form to the seller.)
I, the purchaser named above, claim the right to make a non-taxable purchase (for described below or on the attached order or invoice) from:	or resale of the taxable items
Seiler: Bryan & Bryan Asphalt, LLC	
Street address: PO Box 23028	
City, State, ZIP code: Jackson, MS 39225-3028	
Description of items to be purchased on the attached order or invoice:	
Description of the type of business activity generally engaged in or type of items normally s	old by the purchaser:
The taxable items described above, or on the attached order or invoice, will be resold, rente limits of the United States of America, its territories and possessions or within the geograph their present form or attached to other taxable items to be sold.	
l understand that if I make any use of the items other than retention, demonstration or display I must pay sales tax on the items at the time of use based upon either the purchase price or of time used.	

I understand that it is a criminal offense to give a resale certificate to the seller for taxable items that I know, at the time of purchase, are purchased for use rather than for the purpose of resale, lease or rental, and depending on the amount of tax evaded, the offense may range from a Class C misdemeanor to a felony of the second degree.

Purchaser	Title	Date
sign here		
		i · · · · · · · · · · · · · · · · · · ·

This certificate should be furnished to the supplier. Do not send the completed certificate to the Comptroller of Public Accounts.

## (Rev. 9-07/6)

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### **TEXAS SALES AND USE TAX EXEMPTION CERTIFICATION**

Name of purchaser, firm or agency	<u>+</u>	
Address (Street & number, P.O. Box or Route number)		
Address (Sueer & Humber, P.O. Box of Route humber)		Phone (Area code and number)
City, State, ZIP code		······
I, the purchaser named above, claim an items described below or on the attache		of sales and use taxes (for the purchase of taxable
Seller: Bryan & Bryan Asphalt, LLC		
Street address: PO Box 23028	c	ity, State, ZIP code: Jackson, MS 39225-3028
Description of items to be purchased or on th	ne attached order or invoice:	
·		
	:	
Purchaser claims this exemption for the follow	wing reason:	
l understand that I will be liable for payment o the provisions of the Tax Code and/or all appl		se taxes which may become due for failure to comply with
	sed in this certificate, and dep	e seller for taxable items that I know, at the time of purchase, ending on the amount of tax evaded, the offense may range
Purchaser Sign	Title	Date
NOTE: This certificate canno	ot be issued for the purchase	lease, or rental of a motor vehicle.

THIS CERTIFICATE DOES NOT REQUIRE A NUMBER TO BE VALID.

Sales and Use Tax "Exemption Numbers" or "Tax Exempt" Numbers do not exist.

This certificate should be furnished to the supplier. Do not send the completed certificate to the Comptroller of Public Accounts.

Ą	CORD	ERTI	FICATE OF LIA	BILITY INS	URANC		= (MM/DD/YYYY) 20/2017	
C B	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.							
[ If	MPORTANT: If the certificate holder SUBROGATION IS WAIVED, subject his certificate does not confer rights f	to the	terms and conditions of the	he policy, certain p uch endorsement(s	olicies may			
PRO	DUCER LOCKTON COMPANIES 5847 SAN FELIPE, SUITE 320 HOUSTON TX 77057			CONTACT NAME: PHONE (A/C. No. Ext): E-MAIL		FAX (A/C, No);		
	866-260-3538			ADDRESS:			NAIC #	
	17257 Bryan & Bryan Asphalt, LLC 2829 Lakeland Drive Flowood MS 39232			INSURER B: Nationa	ll Fire and N	Asurance Company Marine Insurance Co	22667 20079 42757	
				INSURER E : INSURER F :				
CO	VERAGES CER	TIFICA	TE NUMBER: 1477529	····	-	REVISION NUMBER: X	XXXXXX	
	HIS IS TO CERTIFY THAT THE POLICIES							
C	IDICATED. NOTWITHSTANDING ANY RE ERTIFICATE MAY BE ISSUED OR MAY XCLUSIONS AND CONDITIONS OF SUCH	PERTAIN	I, THE INSURANCE AFFORD	ED BY THE POLICIE	S DESCRIBE	D HEREIN IS SUBJECT TO ALL		
INSR LTR	TYPE OF INSURANCE	ADDL SU	BR /D POLICY NUMBER	POLICY EFF	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	X COMMERCIAL GENERAL LIABILITY		Y XSLG27866001	4/30/2017	4/30/2018	DAMAGE TO DENTED	000,000	
						MED EXP (Any one person) \$ X	XXXXXX	
	GEN'L AGGREGATE LIMIT APPLIES PER:						000,000	
						PRODUCTS - COMP/OP AGG \$ 2,	000,000	
A	AUTOMOBILE LIABILITY	Y	Y ISAH09055496 ISAH09055502	4/30/2017 4/30/2017	4/30/2018 4/30/2018		000,000	
	OWNED SCHEDULED					BODILY INJURY (Per accident) \$ X	XXXXXX XXXXXX	
	HIRED AUTOS ONLY AUTOS ONLY					[r cr createrin]	XXXXXX XXXXXX	
в	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE	Y	Y 42-UMO-302493-02	4/30/2017	4/30/2018		,000,000	
	DED RETENTION\$					\$ X	,000,000 XXXXXX	
A C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE		Y WLRC49114539 (AOS) WLRC64409530 (TN)	4/30/2017 4/30/2017	4/30/2018 4/30/2018	X PER OTH- STATUTE ER E.L. EACH ACCIDENT \$ 1.0	000,000	
	(Mandatory In NH) If yes, describe under	N/A				E.L. DISEASE - EA EMPLOYEE \$ 1,0	000,000	
						E.L. DISEASE - POLICY LIMIT \$ 1,0	000,000	
DESC	CRIPTION OF OPERATIONS / LOCATIONS / VEHICL	ES (ACO	RD 101, Additional Remarks Schedul	le, may be attached if mon	e space is requir	ed)		
	•.							
CEF		_		CANCELLATION	See Atta	chments		
1	14775292 Should any of the Above described policies be cancelled before   PO Box 790; Judges Office Should any of the Above described policies be cancelled before   Gilmer TX 75644-0000 Accordance with the policy provisions.							
				AUTHORIZED REPRESE		->Kelly		
L		•			88-2015 AC	ORD CORPORATION. All rig	the recorded	

The ACORD name and logo are registered marks of ACORD

All policies (except Workers' Compensation/EL) include a blanket automatic Additional Insured endorsement [provision] that confers Additional Insured status to the certificate holder <u>only if</u> there is a written contract between the named insured and the certificate holder that requires the named insured to name the certificate holder as an Additional Insured. In the absence of such a contractual obligation on the part of the named insured, the certificate holder is not an Additional Insured under the policy.

All policies include a blanket automatic Waiver of Subrogation endorsement [provision] that provides this feature only when there is a written contract between the named insured and the certificate holder that requires it. In the absence of such a contractual obligation on the part of the named insured, the Waiver of Subrogation feature does not apply.

## Named Insured Schedule

Ergon, Inc. Ergon - West Virginia, Inc. Ergon Refining, Inc. Ergon BioFuels, LLC Ergon BioSciences, Inc. Ergon Asphalt & Emulsions, Inc. Crafco, Inc. Paragon Technical Services, Inc. Paving Maintenance Supply, Inc. Telfer Pavement Technologies, LLC Ergon Terminaling, Inc. Ergon Oil Purchasing, Inc. Ergon - Baton Rouge, Inc. Ergon - Ironton, LLC Ergon - Knoxville, Inc. Ergon - St. James, Inc. Ergon - Texas Pipeline, Inc. Ergon Acquisition Corp. Ergon Foundation, Inc. Ergon Securities, Inc. Big Valley, LLC Ergon Properties, Inc. ISO Panels, Inc. Magnolia Marine Transport Company Ergon Marine & Industrial Supply, Inc. Ergon Trucking, Inc. Diversified Technology, Inc. LLWR, LLC M & L Properties, LLC Mirror Lake Building, LLC Mirror Lake Land Company Pearl Street Parking LLC PruGON Properties LLC Crafco (Wuxi) Pavement Preservation Equipment Co., Ltd. Ergon - Latin America, LLC

Ergon - Asia, Inc. Ergon Asia (Hong Kong) Limited Eraon Mexico S de R.L. de C.V. Ergon International, Inc. (Formerly Ergon Europe, MEA, Inc.) Bay Harbour Development, LLC Grand Harbour Development, LLC Specialty Process Fabricators, Inc. Ergon Energy Associates, LLC Ergon Energy Partners, LP Flowood Oil, LLC Ergon Exploration, Inc. Ergon Production, Inc. MSLATX Pipeline Company Kearney Park Farms, Inc. Lampton-Love, Inc. Lacox Propane Gas Company Blossman L. P. Gas Service, Inc. Harrell Gas, Inc. Lacox, Inc. Lampton-Love Gas Company Lampton-Love of Magee, Inc. Lampton-Love of Pelahatchie, Inc. Liquefied Petroleum Gas Management, Inc. Allgas, Inc. Allgas, Inc., of Montgomery Allgas, Inc., of TN Magnolia Gas, Inc. Natchez Butane, Inc. Petroleum Distributor of Jackson, Inc. Progas Inc. Southern Propane, Inc. Starkville L.P. Gas, Inc. Process Oils, Inc. Chemical Marketing Associates DBA Process Oils, Inc. Telfer Geosynthetics Telfer Highway Technologies, LLC Telfer Oil Company Continental Western Transportation Co., Inc.

Ergon-Frazier Development I, LLC Bunge-Ergon Renewable Energy, LLC Ergon Asphalt Products - Coolidge, Inc. (Dissolved 10/8/2010) Ergon Asphalt Products, Inc. Lampton-Love Trucking, Inc. Mainstreet Builders, Inc. (Corporation dissolved 6/30/10) Pearl Street Properties, Inc. (Dissolved 08/11/2010) Solquim, C.A. (Sold March 2007) Flowood Properties LLC (Dissolved 01/23/2007) Georgia Emulsions, LLC (dissolved 10/21/2010) Bunge-Ergon Vicksburg, LLC Ergon Ethanol, Inc. Ergon Asphalt & Emulsions, Inc. dba Ergon Armor Ergon Asphalt Holding, LLC Telfer Pavement Technologies (Southeast), LLC Ergon Moda St. James, LLC Ergon Oil (Singapore) Pte. Ltd Ergon Oil (Indonesia) Ergon Construction Group, Inc. Ergon Construction Group, Inc. dba Alliant Construction Ergon Construction Group, Inc. dba Ergon Maintenance Services Bryan & Bryan Asphalt, LLC TABB Management Services, LLC Trinity Asphalt, Ltd. BMR Transport, Inc. Ergon Construction Group, Inc. dba ISO Panels, Inc. Bryan & Bryan Trucking, LLC

Depart	December 2014) ment of the Treasury I Revenue Service	Request for Taxpayer Identification Number and Certifi	cation	ΒΥ	∰reqữ	este	n to ti r Do heilB	ņot	
	1 Name (as shown	on your income tax return). Name is required on this line; do not leave this line blank.	···		<u>с</u>	л		- 1-	
	Bryan &	Bryan Asphalt, LLC			È.	_	53	١ ا	
age 2.	2 Business name/d	Isregarded entity name, if different from above					E S S S S S S S S S S S S S S S S S S S	, D	
pe ons on p	3 Check appropriate box for federal tax classification; check only one of the following seven boxes; Inclividual/sole proprietor or Corporation S Corporation Partnership Trust/estate single-member LLC						opiy only Iduals; s	y to see	
Print or type Instruction:	Imited itability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ► C Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.					Exempt payee code (if any) 5 Exemption from FATCA reporting code (if any)			
	Other (see Instr	(Applies to r	(Applies to accounts maintained outside the U.S.)						
Print or type See Specific Instructions on page	5 Address (number, PO Box 6 City, state, and Zi		Requester's name	and addre	ss (optiona	 1)			
ŭ	Jackson								
	7 List account num	per(s) here (optionsi)					_		
Rar	Taxpay	er Identification Number (TIN)							
		ropriate box. The TIN provided must match the name given on line 1 to avo	21 <b>G</b>	ecurity nun	nber				
reside	nt allen, sole propri	ndividuals, this is generally your social security number (SSN). However, for etor, or disregarded entity, see the Part I instructions on page 3. For other er identification number (EIN). If you do not have a number, see How to get			□-				
	page 3.	· · · · · · · · · · · · · · · · · · ·	or						
Note.	If the account is in	more than one name, see the instructions for line 1 and the chart on page	4 for Employe	er identifica	ition num	ber		]	
guideli	nes on whose num	ber to enter.	82	- 1 7	99	9	9 8	]	
Part	II. Certific	ation	<u>`</u>	I,	• • • •				

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
- 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; and

3. I am a U.S. citizen or other U.S. person (defined below); and

4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

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 3.

Sign Here	Signature of U.S. person ►	MAD MA	athern	Date > ,	-24-1	7
<b>•</b> •••		0-0	· · · · · · · · · · · · · · · · · · ·		N 1000 E (atuale at la	

### **General Instructions**

Section references are to the internal Revenue Code unless otherwise noted, Future developments, information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/iw9,

#### Purpose of Form

An Individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), Individual taxpayer identification number (TTIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an Information return the amount paid to you, or other amount reportable on an Information return. Examples of Information returns include, but are not limited to, the following:

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- Form 1099-K (merchant card and third party network transactions)

 Form 1098 (nome mortgage interest), 1098-E (student loan interest), 1098-T (tultion)

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