

# Inix | BUSINESS BROKERS

5119 Highland Rd, #275 • Waterford MI 48327

Phone: (248) 425-2129 Fax (248) 419-1748

[www.inixbiz.com](http://www.inixbiz.com)

## **Non-Disclosure and Confidentiality Agreement**

Our agreement with the seller requires that we obtain a nondisclosure and confidentiality agreement and evidence of financial ability before disclosing the name and location of his business. This information will be kept confidential. In compliance with the above, please read and complete the following nondisclosure and confidentiality agreement.

I, the undersigned potential investor, in consideration for the principals, associates, agents, or employees of Inix Consulting and Brokerage, LLC hereinafter "The Company," providing me with information on businesses offered for sale, understand and agree:

That information provided on businesses by The Company is sensitive and confidential and that its disclosure to others would be damaging to the businesses and to the broker's fiduciary relationship with the seller.

That I will not disclose any information regarding these businesses to any other person who has not also signed and dated this agreement, except to secure their advice and counsel, in which case I agree to obtain their consent to maintain such confidentiality. "Information" shall include the fact that the business is for sale, plus other data. The term "information" does not include any information, which is, or becomes, generally available to the public or is already in your possession. All information provided to review the business will be returned to The Company without retaining copies, summaries, analyses, or extracts thereof in the event the review is terminated.

That all correspondence, inquiries, offers to purchase, and negotiations relating to the purchase or lease of any business presented to me, or companies I represent, by The Company, will be conducted exclusively through The Company. No contact with the Seller, Employees, Suppliers, Customers, Franchisor, or Landlord, etc. is permitted without direct authorization of the Company.

That I will not use, seek to use, or otherwise take unfair advantage of any trade secrets or other confidential information for my own benefit or for the benefit of any third party, and all information received will be used only for the purpose of investment and purchase of the business shown.

That all information is provided by the seller and is not verified in any way by The Company. The Company is relying on the seller for the accuracy and completeness of said information, has no knowledge of the accuracy of said information, and makes no warranty, express or implied, as to such information.

The Company does not give tax, accounting, or legal advice. That, prior to finalizing an agreement to purchase a business, it is my responsibility to make an independent verification of all information. I agree that The Company is not responsible for the accuracy of any information I receive, and I agree to indemnify and hold The Company harmless from any claims or damages resulting from its use. I will look only to the seller and to my own investigation for all information regarding any business offered by The Company.

That, should I enter into an agreement to purchase a business which The Company offers for sale, I grant to the seller the right to obtain, through standard reporting agencies, financial and credit information concerning myself or the companies or other parties I represent; and I understand that this information will be held confidential by the seller and The Company and will be used only for the purpose of the seller extending credit to me.

I understand that the violation of this Agreement could subject me to legal action by the Company and/or Seller. I agree to pay for all reasonable court costs, damages, and legal fees incurred to enforce this Agreement or if the Company named herein is joined in any litigation arising out of this agreement.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
For: Business opportunity

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## **Broker Services Acknowledgement**

1. The Buyer acknowledges that Inix Consulting and Brokerage, LLC hereinafter "The Company," is acting as agent of the Seller and all fees due the Company, are, will be, the responsibility of the Seller. A seller's agent is an agent who acts under a listing agreement with the seller and acts as the agent to the seller only. A seller's agent has affirmative obligations to the seller including the fiduciary duties of loyalty, obedience, disclosure, confidentiality, reasonable care and diligence and accounting in dealing with the seller. In addition, a seller's agent has affirmative obligations to the Buyer and Seller of honest dealing and disclosure.
2. The parties agree that the business broker is to receive copies of all documents pertaining to this sale. The parties agree to instruct their respective legal advisor or escrow holder to include the business broker in the distribution of documents pertaining to the sale.
3. The buyer agrees that if he or she buys, leases, becomes a manager of, or becomes connected in any way, with any of the businesses presented as being available for sale, he or she will protect the business broker's right to a commission. The buyer should understand that if he or she interferes in any way with the business broker's right to a commission from the seller, he or she may be personally liable for the payment of the commission.
4. The buyer should understand that the business broker may furnish information on the various businesses offered for sale. The business broker does not make any representation or warranty as to its accuracy or completeness.
5. Business opportunities by their very nature carry risk. Some of these risks include obsolescence or reduced demand for service or product, regulatory laws, ineffective management, changes in the local or national economic condition, and many others. Due to the risks inherent in business opportunities, a buyer could incur a loss, including, but not limited to, their entire investment. The Buyer acknowledges that they understand these risks and that the Company cannot, and does not in any way, warrant or guarantee the future vitality or prospects of any business.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Name of the broker or broker's agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
For: Business opportunity