

## CONFIDENTIALITY AGREEMENT

|  |  |                      |                         |              |
|--|--|----------------------|-------------------------|--------------|
| To   | "The Agent"<br>Finebay Holdings Pty Ltd – Licensee for Statewide Business Brokers  |                      |                         |              |
| Confidential Information   | Business Precip, Financial Statements, Budgets, Management Information, Product Information, Marketing Plans, Business Strategies, Supplier Agreements, Property & Lease Information, Staff/Plant/Vehicles Schedules |                      |                         |              |
| The Business   | Earthmoving Business #1095   |                      |                         |              |
| Date   |  |                      |                         |              |
| Recipient's Full Name  |  |                      |                         |              |
| Street Address   |  |                      |                         |              |
| Phone Number   |  |                      |                         |              |
| Email Address  |  |                      |                         |              |
| Recipient's Current Industry                                       |  |                      |                         |              |
| Recipient's Current Business Name                                  |  |                      |                         |              |
| Funding required if purchasing business<br>(circle or tick one)    | None   | Under \$250,000      | \$500,000 - \$1,000,000 |              |
|  | \$250,000 - \$500,000  |                      | Over \$1,000,000        |              |
| Where did you see/hear about the business?<br>(circle or tick one) | Statewide Website  | Statewide Newsletter | businessesview.com.au   | bsale.com.au |
|  | The West   | Google               | businessesforsale.com   | Linkedin     |
|  | Farm Weekly  | Word of Mouth        | hospitalitytrader.com   | Facebook     |
|  | Countryman   | Prior Client         | anybusiness.com.au      | Instagram    |
|  | The Phoenix  | Accountant/Advisor   | businessnews.com.au     | Other:       |

### ACKNOWLEDGEMENT AND CONFIRMATION:

Statewide Business Brokers are acting for the Seller regarding the sale of the business referred to above and will provide various business information, financial figures, and other confidential information to the Recipient. The information has been prepared with the Seller's instructions and the Seller has agreed to make the information available to the Recipient upon agreement with the terms and conditions contained herein. All the information given; oral, written or electronically transmitted, is hereinafter referred to as the "Confidential Information".

1. The Recipient agrees that it will keep the Confidential Information, confidential to itself for the sole and exclusive purpose of evaluating the business or property, inclusive of all discussion.

2. The Recipient agrees not to make any use of the Confidential Information for personal gain or for any purpose that would damage the Seller's Business.
3. In the event the Recipient decides not to continue with their investigation of the business following the due diligence period, the Recipient undertakes to ensure all the Confidential Information will not be used against the Seller or for personal gain for a period of 5 years and will destroy all Confidential Information received.
4. The Recipient will not copy the Confidential Information and will, at the request of the Agent at any time, return all of the Confidential Information to the Agent.
5. The Seller has requested there be no direct contact with themselves, their staff, clients/customers, landlord or suppliers without prior arrangement with Statewide Business Brokers.
6. Neither Statewide Business Brokers or their associated companies or businesses, employees or officers make any representation, promise or warranty, express or implied, as to the accuracy, reliability or completeness of the Confidential Information. The Recipient must make their own due diligence and independent enquiries regarding any historical or projected financial information, value of plant & equipment, zoning, shire/statutory authorities, lease conditions/terms/reviews, property easements, tax or GST legislation, transmission of staff and employee commitments, etc, and will commit to seek their own professional advice.
7. Statewide Business Brokers shall not be liable for any claim, loss, damage or any injury suffered by any organisation or persons directly or indirectly, or any third party to whom the Confidential Information is given, as a result of its reliance on anything contained in or omitted from the Confidential Information.
8. In the event the Recipient makes an offer on the business please note that if Statewide Business Brokers, or any of its agents, comment on or assist you in completing an Offer/Agreement to Purchase the business, such comment and/or assistance shall not constitute a representation as to the terms of the Offer or Agreement or their nature or effect.
9. The information provided by the Recipient on this agreement may be used to customise marketing content delivered to the Recipient. The Recipient signals their agreement to this by signing this agreement and/or receiving the Business Précis or Financial Information. The Recipient may access and review the Statewide Business Brokers [Privacy Policy here](#).
10. In the event that the Recipient breaches this Agreement, the Agent and the Seller of the Business shall be entitled to recompense by way of liquidated damages and/or other damages as may be ascertained.

All persons viewing the Confidential Information, including a business partner or spouse, must sign and be bound by this agreement.

**I/We, the Recipient/s, understand and agree to the conditions of this confidentiality agreement.**

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**Recipient 1**

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**Recipient 2 (if required)**

Statewide Business Brokers  
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