

## Store and Forward Application Addendum

This Store and Forward Application Addendum (“Addendum”) to the Terms of Service is entered into as of the Effective Date by and among \_\_\_\_\_ (“Merchant”), **Elavon, Inc.**, referred to as Elavon or Servicer, as applicable (“Servicer”) and **Member**. Merchant, Servicer and Member are parties to that certain Terms of Service (“TOS”) and may be referred to collectively herein as the “Parties.”

WHEREAS, pursuant to the TOS, the terms and conditions for method of the acceptance of any additional Payment Devices shall be set forth in one or more addenda, which shall incorporate the TOS by reference; and

WHEREAS, Servicer has developed certain product applications which allow merchants to store transaction data in a point-of-sale terminal at the time of the sale if a communication channel for transmittal of authorization is not available, and forward such transaction data to Servicer at a later time when a communication channel is available (“Store and Forward Application”); and

WHEREAS, Merchant desires to utilize the Store and Forward Application in accordance with the terms and conditions set forth in this Addendum; and

WHEREAS, the Parties maintain that it is in their interest to enter this Addendum regarding Merchant’s utilization of the Store and Forward Application.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises of the Parties set forth below, the Parties, intending to be legally bound, hereby covenant and agree as follows:

### Section A – Definitions

#### 1. Additional Definitions.

- a. “Credit Card” means a valid and unexpired card issued by, and bearing the symbols of, Visa or MasterCard. When appropriate, the term also includes valid and unexpired cards issued by American Express, Diners Club, Discover Network, and JCB.
  - b. “Debit Card” means any device that primarily accesses a demand deposit account of the debit Cardholder.
  - c. “Transaction” means the purchase of goods or services from Merchant by use of a Credit Card. The term includes credit transactions and adjustments, when appropriate.
  - d. “Transaction Data” means all data regarding the Transaction including, without limitation, the Cardholder account number, dollar amount of the Transaction, and the information stored in the Card’s magnetic stripe.
  - e. “Proper Authorization” means receipt of an authorization approval code by use of the terminal product or the telephone authorization center provided for authorization referrals.
2. **Rules of Construction.** Capitalized terms used and not otherwise defined herein shall have the meanings ascribed to such terms in the TOS. Singular terms shall include the plural, and vice versa, unless the context otherwise requires. The words “hereof,” “herein,” and “hereunder,” and words of similar import when used in the TOS or this Addendum shall refer to the TOS or this Addendum as applicable and not to any particular provision of the TOS or Addendum. The word “day” shall mean “calendar day”, unless specifically stated otherwise. This Addendum incorporates the TOS by reference as if it were fully set forth herein. In the event of a conflict between the terms of this Addendum and the TOS, the terms of this Addendum shall prevail.

### Section B – Merchants Responsibilities

3. **Participation.** Once the Merchant has been approved to accept Transactions using the Store and Forward Application and their terminal has been programmed with the Store and Forward Application, Merchant may utilize the Store and Forward Application only when a communication channel for transmittal of authorization information cannot be obtained.
4. **Limitations.** Merchant will not utilize the Store and Forward Application to process PIN-based Online Debit Card Transactions or any type of PIN-based transactions, Electronic Gift Card Transactions or Electronic Check Transactions.
5. **Forwarding Transaction Data; Authorizations.** Merchant will forward Transaction Data to Servicer via a point-of-sale terminal within twenty-four (24) hours of the Transaction.

