

**Form E – Guarantee of Performance**

**GUARANTEE OF PERFORMANCE**

For value received, \_\_\_\_\_, a  
(the “Guarantor”), located at \_\_\_\_\_, absolutely and  
unconditionally guarantees to assume the duties and obligations of \_\_\_\_\_  
, located at \_\_\_\_\_ (the  
“Franchisor”), under its franchise registration in each state where the franchise is registered, and  
under its Franchise Agreement identified in its \_\_\_\_\_ Franchise Disclosure Document, as it may  
be amended, and as that Franchise Agreement may be entered into with franchisees and amended,  
modified or extended from time to time. This guarantee continues until all such obligations of the  
Franchisor under its franchise registrations and the Franchise Agreement are satisfied or until the  
liability of Franchisor to its franchisees under the Franchise Agreement has been completely  
discharged, whichever first occurs. The Guarantor is not discharged from liability if a claim by a  
franchisee against the Franchisor remains outstanding. Notice of acceptance is waived. The  
Guarantor does not waive receipt of notice of default on the part of the Franchisor. This guarantee  
is binding on the Guarantor and its successors and assigns.

The Guarantor signs this guarantee at \_\_\_\_\_, \_\_\_\_\_ on the  
day of \_\_\_\_\_

**Guarantor:**

**By:**

**Name:**

**Title:**

**Instructions for Preparing  
Form E - Guarantee of Performance**

The Guarantee of Performance form must be used if the franchisor's parent or affiliate will be guaranteeing the franchisor's performance under the Franchise Agreement. Personal guarantees of individuals are not acceptable.

1. In the opening lines, insert the correct legal name of the guarantor, its state of formation and form of the entity (*e.g.*, a Delaware corporation), and its principal business address.
2. Insert the correct legal name of the franchisor and its principal business address.
3. Insert the year corresponding to the issuance date of the Franchise Disclosure Document.
4. Insert the city and state where the Guarantee of Performance is executed and date of execution.
5. In the signature block, insert the correct legal name of the guarantor and print or type the name and title of the authorized signer. The authorized signer should sign in the "By:" line.
6. Attach a copy of the signed Guarantee of Performance to the financial statement exhibit of the Franchise Disclosure Document.