**CERTIFICATE REGARDING APPLICATION OF APPROPRIATED FUNDS**

The undersigned (the “**Department**”) has been appropriated funds (“**Appropriated Funds**”) by the New Mexico Legislature described on Exhibit A to fund projects (“**Projects**”) for certain recipients (“**Recipients**”). Appropriated Funds are proceeds of bond or note issues (“**Bonds**”) of the New Mexico State Board of Finance (the “**Board**”). The Department has provided certification(s) with respect to the Projects, copies of which are attached as Exhibit B (“**Certificates**”). Among the conditions to the release and application of Appropriated Funds is approval by bond counsel to the Board. To provide approval, bond counsel requires confirmation that Appropriated Funds have been or are to be used and applied in a manner consistent with questionnaire responses and certifications previously provided by the Department in connection with the initial issuance of the Bonds (“**Initial Certifications**”). Therefore, the undersigned on behalf of the Department, hereby certifies to the best knowledge and belief of the undersigned following reasonable inquiry, as follows:

1. The Appropriated Funds have been or are to be delivered by the Department to the Recipients and have been or are to be used and applied by the Recipients to the various Projects in a manner consistent with the Certificates and the Initial Certifications.

2. The Projects consist of publicly owned infrastructure which is available for use by the general public; no private person or entity has any ownership interests in, exclusive use of, or other rights to use (such as a lease, management contract or other special legal entitlement) any portion of any of the Projects.

3. Appropriated Funds were or are to be allocated by Recipients to expenditures for Projects within three (3) years of the date of the associated issue of Bonds.

DATED this \_\_ day of \_\_\_\_\_\_\_\_, 20\_\_\_.

[DEPARTMENT NAME]

By:

Name:

Title:

**Exhibit A**

**Appropriated Funds**

**Exhibit B  
Department Certificate(s)**