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Attorney General**

State of Oklahoma
State Capitol, Oklahoma City, Oklahoma
OK 73105



APPLICATION FOR LICENSE TO HOLD CLOSING OUT SALE

Oklahoma law (15 O.S. 1981, § 766 et seq.) requires that a license be obtained from the Court Clerk of the district Court in a County where a closing out sale will take place. There is an exception to the license requirement if the sale in anticipation of the termination of business can be and is conducted within sixty (60) days.

A closing out sale is defined by law “as any offer to sell, or actual sale, to the public of goods, wares or merchandise on the implied or direct representation that such sale is in anticipation of the termination of a business at its present location, or that the sale is being held other than in the ordinary course of business.” It may be called other than a closing out sale.

To apply for such a license, each applicant should provide the necessary information below as required by law. This completed application form should be taken to the Court Clerk of the District Court in the applicant’s county. The applicant will also need to make a signed affidavit that all facts below are true. In addition, a \$25 fee is required to be paid to the Clerk.

What is the name and address of the owner of the goods, wares or merchandise to be sold?

Please describe the place of business where the sale is to be held:

What is the name and address of the person holding or conducting the sale?

What is the nature of the occupancy of the place where the sale is to be held; is it held by lease or otherwise?

When does the occupancy terminate?

Please give a full and complete statement of the facts regarding the proposed sale. What is the reason for the sale?

How will the sale be conducted?

What is the beginning and ending dates of the sale?

Please attach to this application a complete and detailed inventory of the goods, wares, or merchandise to be offered at the sale. In lieu of this, you may attach a statement of both the cost and retail value of the inventory to be offered at the sale. Whichever you attach, it must be based on the physical inventory used for the most recent federal income tax returns adjusted for sales, purchases and markdowns, which must be shown on a monthly basis.

Any person making a false statement in this application shall be guilty of a felony.

This application may be denied if:

The applicant was granted more than one license for such a sale within one (1) year preceding the date of filing of the application,

The applicant's inventory includes merchandise purchased or added to the stock in contemplation of this sale,

The applicant misrepresented the value or original retail price of the goods when ticketing the merchandise, or

The applicant made any false representation in this application.

If the application has been approved and a license issued, certain conditions must be followed at sale or the license can be revoked by the county district attorney. Please see the attached copy of the applicable statute for these conditions and the applicant's right to appeal a revocation.

(DATE)

(SIGNATURE OF APPLICANT)

Subscribed and sworn to before me this _____ day of
_____, 19_____.

(NOTARY PUBLIC)

(seal)
My commission expires: _____

AFFIDAVIT

I hereby swear that I am _____, the applicant who signed the attached application for a license to hold a sale in anticipation of the termination of business. I also swear that I have the legal ability to apply for this license through an ownership interest in the business, the delegation of this responsibility to me by action of the Board of Directors of this company or agreement of the owners, and/or some other proper and legal course of action.

Under penalty of law, I swear that all of the information above and that provided in the application is true to the best of my knowledge and that I am in a position of responsibility to have this knowledge.

(DATE)

(SIGNATURE OF AFFIANT)

Subscribed and sworn to before me this _____ day of _____, 19____.

(NOTARY PUBLIC)

(seal)
My commission expires: _____

CLOSING OUT SALE LICENSE

The undersigned Court Clerk of the District Court of _____ County finds that the statements of _____ in an application for a Closing Out Sale License are true and that the proposed sale is of the character represented therein; that the application is in full compliance with the terms and conditions of the law; that the required license fee has been paid; that the ten day waiting period has expired with no objections being filed by the District Attorney and that a license is issued.

This license is issued to _____

To advertise and conduct a closing out sale at a place of business described and located as:

With the sale to commence on _____

And terminate on _____

This license is subject to the following conditions:

Only the goods, wares, and merchandise included in the inventory attached to the application shall be sold at the sale;

Upon the commencement of the sale and for its duration the license shall be prominently displayed in the place of sale by the licensee;

1. All advertisement of discount prices shall indicate that the prices are discounted from the manufacturer's suggested retail price and the manufacturer's suggested retail price shall be accurately displayed in such advertisements or all advertisements of discount prices shall indicate that the prices are discounted from the regular sales prices at which the merchandise has been offered at the location of the sale for a least sixty (60) days prior to the sale and such regular prices shall be accurately displayed in advertisements where discount prices are advertised by specific dollar amounts or percentage amounts of savings;
2. No closing out sale shall be held at any location other than the regular place of business of the licensee and the licensee shall have conducted business at such location for a period of at least six (6) months; and
3. The licensee shall keep suitable books during the sale, at the location at which the sale is conducted. Daily entries shall be made in said books showing;

dollar amount of retail sales, and
dollar amount of markdowns; for the purposes of the Oklahoma Consumer Protection Act, the term "markdowns" is the difference between retail and wholesale price of goods wholesaled by the licensee, and
dollar amount, both retail and cost price, of goods on back order received, and
dollar amount of wholesales sale.

DATED this _____ day of _____, 19_____.

COURT CLERK

BY _____
DEPUTY

OKLAHOMA CONSUMER PROTECTION ACT

(CLOSING OUT SALES)

PROCEDURES FOR CLOSING OUT SALES

Anyone advertising for, or conducting a closing out sale is required to have a license. The following procedures are provided to the law, which requires such a license be issued.

Provide the applicant with a copy of the “Application with Affidavit”, which was sent to you by the Attorney General.

Request the applicant to complete the application, sign it, and have it properly notarized.

The application with Affidavit will be file-stamped and entered in your License Docket Book or docket sheet. It will be given the next numerical numbers, i.e. COL-83-15.

A license fee of \$25.00 shall be collected and a receipt written.

Send file-stamped copy of the “Application of Affidavit” to the District Attorney.

If no objection is filed by the District Attorney within ten (10) days from the filing of the “Application with Affidavit” then issue license to applicant.