

**FACTS****WHAT DOES ACRES CAPITAL, LLC DO WITH YOUR PERSONAL INFORMATION?**

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| <b>Why?</b>  | Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.   |
| <b>What?</b> | The types of personal information we collect and share depend on the product or service you have with us. This information can include: <ul style="list-style-type: none"> <li>▪ Name, Social Security number, date of birth and other identifiers</li> <li>▪ Address, e-mail address and phone number</li> <li>▪ Credit history, credit scores, and other information from your credit report and credit lines</li> <li>▪ Account balances, account transactions and transaction history</li> <li>▪ Wire transfer instructions and investment experience</li> <li>▪ Device information such as IP address, MAC address and other identifiers</li> </ul> |
| <b>How?</b>  | All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons ACRES Capital, LLC chooses to share; and whether you can limit this sharing.  |

| Reasons we can share your personal information   | Does ACRES Capital, LLC share? | Can you limit this sharing? |
|--|--------------------------------|-----------------------------|
| <b>For our everyday business purposes –</b><br>such as to process your transactions, maintain your account(s), respond to court orders and legal investigations, or report to credit bureaus | Yes                            | No                          |
| <b>For our marketing purposes –</b><br>to offer our products and services to you   | No                             | We do not share             |
| <b>For joint marketing with other financial companies</b>  | No                             | We do not share             |
| <b>For our affiliates' everyday business purposes –</b><br>information about your transactions and experiences   | Yes                            | No                          |
| <b>For our affiliates' everyday business purposes –</b><br>information about your creditworthiness   | No                             | We do not share             |
| <b>For our affiliates to market to you</b>   | Yes                            | Yes                         |
| <b>For our nonaffiliates to market to you</b>  | No                             | We do not share             |

|                             |   |
|-----------------------------|---|
| <b>To limit our sharing</b> | <p><b>Mail the form below</b></p> <p><b>Please note:</b><br/>If you are a <i>new</i> customer, we can begin sharing your information 30 days from the date we sent this notice. When you are <i>no longer</i> our customer, we continue to share your information as described in this notice.</p> <p>However, you can contact us at any time to limit our sharing.</p> |
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|-------------------|---------------------|
| <b>Questions?</b> | Call (516) 882-1662 |
|-------------------|---------------------|



| Mail-in Form  |   |                    |
|---|---|--------------------|
| <p>If you have a joint account, your choice will apply to everyone unless you mark below.</p> <p><input type="checkbox"/> Apply my choices only to me</p> | <b>Mark any/all you want to limit:</b>  |                    |
|   | <input type="checkbox"/> Do not allow your affiliates to use my personal information to market to me. |                    |
|   | <b>Name</b>   | <b>Mail to:</b>    |
|   | <b>Address</b>  | ACRES Capital, LLC |
| <b>City, State, Zip</b>   | Attn: Chief Compliance Officer  |                    |
| <b>Account #</b>  | 865 Merrick Avenue, Suite 200S  |                    |
|   | Westbury, NY 11590  |                    |

| Who We Are  |   |
|---|---|
| <b>Who is providing this notice?</b>  | ACRES Capital, LLC and its subsidiaries and affiliates (collectively, “ACRES”)  |
| What We Do  |   |
| <b>How does ACRES protect my personal information?</b>                                    | To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings.   |
| <b>How does ACRES collect my personal information?</b>                                    | <p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"> <li>▪ Open an account</li> <li>▪ Give us authorization to pull your credit report</li> <li>▪ Seek advice about your investments</li> <li>▪ Provide account information</li> <li>▪ Enter into an investment advisory contract</li> <li>▪ Make a wire transfer</li> </ul> <p>We also collect your personal information from others, such as affiliates or other companies.</p>  |
| <b>Why can't I limit all sharing?</b>   | <p>Federal law gives you the right to limit only</p> <ul style="list-style-type: none"> <li>▪ sharing with affiliates' everyday business purposes---information about your creditworthiness</li> <li>▪ affiliates from using your information to market to you; and</li> <li>▪ sharing for nonaffiliates to market to you</li> </ul> <p>State laws and individual companies may give you additional rights to limit sharing. See below for more on your rights under state law.</p> |
| <b>What happens when I limit sharing for an account I hold jointly with someone else?</b> | Your choices will apply to everyone on your account -- unless you tell us otherwise.  |

### Definitions

|                        |   |
|------------------------|---|
| <b>Affiliates</b>      | <p>Companies related by common ownership or control. They can be financial and nonfinancial companies.</p> <ul style="list-style-type: none"> <li>▪ <i>Our affiliates include companies with an ACRES name; financial companies such as ACRES Capital Corp., ACRES Loan Origination, LLC, ACRES Commercial Mortgage, LLC, ACRES Commercial Mortgage Holdings, LLC; and nonfinancial companies, such as ACRES Capital Servicing, LLC.</i></li> </ul> |
| <b>Nonaffiliates</b>   | <p>Companies not related by common ownership or control. They can be financial and nonfinancial companies.</p> <ul style="list-style-type: none"> <li>▪ Nonaffiliates we share with can include various service providers to assist in the administration of the investment funds and accounts advised by ACRES and its subsidiaries and affiliates.</li> </ul>   |
| <b>Joint marketing</b> | <p>A formal agreement between nonaffiliated financial companies that together market financial products or services to you.</p> <ul style="list-style-type: none"> <li>▪ <i>ACRES does not jointly market.</i></li> </ul>   |

### Other important information

**NV:** If you are a consumer with a Nevada mailing address, we are providing you this notice under state law. If you prefer not to receive marketing calls from us, you may be placed on our internal Do Not Call List by contacting us at 516-882-1662; [privacy@acrescap.com](mailto:privacy@acrescap.com); 865 Merrick Avenue, Suite 200S, Westbury, NY 11590. You may also contact the Nevada Attorney General's office: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; telephone number: 1-702-486-3132; email [BCPINFO@ag.state.nv.us](mailto:BCPINFO@ag.state.nv.us) or [AgInfo@ag.nv.gov](mailto:AgInfo@ag.nv.gov).

### Who is providing this notice?

ACRES Capital Corp., ACRES Capital, LLC, ACRES Loan Origination, LLC, ACRES Commercial Mortgage, LLC, ACRES Commercial Mortgage Holdings, LLC, and ACRES Capital Servicing, LLC.