

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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1989 DEC -2 AM 8:46
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: SECRETARY OF STATE TITLE NUMBER: 153
RULE TYPE: PROCEDURAL; CITE AUTHORITY WV CODE 47-9A-1, 31-1-67
AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: SERIES 19

TITLE OF RULE BEING PROPOSED: Procedures for Filing for Authorization to do Business by Voluntary Associations and Business Trusts

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON January 3, 1989 AT 4:30 pm

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Secretary of State
Attn: Don Wilkes
State Capitol
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Ken Hechler

Ken Hechler

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

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TITLE 153
PROCEDURAL RULES
SECRETARY OF STATE

OFFICE OF THE SECRETARY OF STATE

SERIES 19
PROCEDURES FOR FILING FOR AUTHORIZATION TO DO BUSINESS BY
VOLUNTARY ASSOCIATIONS AND BUSINESS TRUSTS

§153-19-1. General.

1.1. Scope. -- This rule provides guidelines by which applications by business trusts and voluntary organizations to do business in West Virginia will be handled.

1.2. Authority. -- WV Code §47-9A-1 et seq. and §31-1-67.

1.3. Filing Date. --

1.4. Effective Date. --

§153-19-2. Definitions.

2.1. Business Trust. A voluntary association established for the purposes of doing business of carrying out a business transaction pursuant to the terms and provisions of a declaration or trust or any other agreement of association.

2.2. Massachusetts Trust. Any business trust formed under the agreements commonly designated as a Massachusetts Trust.

2.3. Voluntary Organization. Any association formed for the purposes of doing business in West Virginia.

2.4. Any of these organizations which purchases, acquires, holds, disposes, encumbers or any other way holds real or personal property in the state must reg-

ister with the Secretary of State and the county clerk of the county in which the property is located.

§153-19-3. Filing Procedure.

3.1. Any organization defined in §47-9A-1 of the code shall follow the following procedure:

3.1.1. The declaration of trust or articles of agreements shall be filed. This document shall include:

a. name(s) of the parties involved

b. address of organization

c. a clause stating the purpose(s) of the organization

d. a clause providing that all parties agree to abide by the laws of the State of West Virginia.

e. signature(s) and address(es) of the parties involved

f. appropriate notarial acknowledgement of this signature

g. person to whom notice of process is to be sent.

3.1.2. A filing fee of ten dollars (\$10.00) must be included.