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Nonprofit Corporation Formation Questionnaire

1. GENERAL INFORMATION

Who will be the contact person to answer questions about the proposed nonprofit corporation?

(Please provide name, telephone number, fax number and email)

Name: _____

Address: _____

Tel.#: _____

Fax #: _____

Email: _____

Please provide the name and contact information of the accountant, if any, who will be assisting with the formation of the nonprofit corporation.

Name: _____

Address: _____

Tel.#: _____

Fax #: _____

Email: _____

2. SELECTION OF A CORPORATE NAME

(Please provide 3 names for the nonprofit corporation in order of preference. The corporate name must be checked for availability with the Secretary of State to determine that your corporate name is not the same or confusingly similar to the name of an existing South Carolina corporation or qualified or registered out-of-state corporation.

First Choice: _____

Second Choice: _____

Third Choice: _____

3. SELECTION OF TYPE OF NONPROFIT ENTITY

(There are three major types of South Carolina nonprofit corporations: public benefit, mutual benefit or religious. Please provide the following information to assist us in determining which of the three types of nonprofit corporations is best suited to your proposed organization.)

1. **Public Benefit Corporation** is a corporation formed for public or charitable purposes and may not make any distribution of corporate assets to members at any time, and must distribute the assets to a similar corporation on dissolution. It is subject to extensive governmental regulation and supervision.

2. **Mutual Benefit Corporation** is a corporation organized for the benefit of its members and may be formed for any lawful purpose, may make distributions of corporate assets to members on dissolution but not before. This type of nonprofit corporation is subject to less stringent state regulation and supervision but is ineligible for a charitable income tax exemption .

3. **Religious Corporation** is a corporation formed primarily or exclusively for religious purposes and may not make any distribution of corporate assets to members at any time. This type of nonprofit corporation is subject to less stringent state regulation and supervision.

Which of the three types of corporations described above best describes the nonprofit corporation that is being formed? _____

4. ARTICLES OF INCORPORATION AND FORMATION DOCUMENTS INFORMATION

What will be the principal address of the corporation? _____

What will be the purpose or purposes of the corporation? i.e. will they be public purposes?

Please describe each purpose. _____

Will the assets be irrevocably dedicated to an exempt purpose and on dissolution distributed to an exempt organization for an exempt purpose? Yes or No

Who will be the agent for service of process of the corporation. Please provide the following information.

Name: _____

Address: _____

Tel.#: _____

Fax #: _____

Email: _____

Will the corporation seek tax -exempt status as a private foundation or public charity? (See Paragraph 8 below) Yes or No

Do you want Williamson Law Office, PA to apply for the federal employer identification number for the nonprofit corporation? Yes or No

What will be the fiscal year of the corporation? _____

5. MEMBERS

Will the corporation have members? (Any of the three types of nonprofit corporations may, but need not, have members.) Yes or No

*** If the corporation is to have members, please also answer the following additional questions.

Will the corporation have more than one class of members? (If the corporation has members they may have one or more classes of statutory members, if desired.) Yes or No

What, if any, qualifications will be required for membership? _____

What will be the rights of members and will the memberships be transferable? _____

Will the organization charge membership fees or dues? _____

6. DIRECTORS

Will there be a set number of directors or will there be a minimum and maximum number with the board or members to set the exact number within those limits? (SC law requires a minimum of 3 directors) _____

If there are no members, will the directors be chosen by individuals serving on the board? _____

Will all or any portion of the directors authorized in the bylaws hold office by virtue of designation? _____

Who will be the initial directors of the corporation? (Please provide name(s) and address(es) below)

Will there be any qualifications for directors? If so, please specify the qualifications.

What will be the term of office for directors? _____

7. OFFICERS

Who will be the initial President or Chairman of the Board, Secretary and Treasurer?

President: _____

Chairman of the Board: _____

Secretary: _____

Treasurer: _____

Will there be officers in addition to the President or Chairman of the Board, Secretary and Treasurer? If so, what officers. _____

What will be the term of office for the officers? _____

8. QUALIFICATION AS A CHARITABLE ORGANIZATION UNDER IRC § 501(c)(3)

(To qualify as a tax exempt charitable organization an entity must be organized and operated primarily for exempt purposes, no part of its net earning may inure to the benefit of any private shareholder or individual, and must refrain from electioneering and substantial lobbying activities. 501(c)(3) includes organizations organized and operated exclusively for purposes that are charitable, religious, scientific, testing for public safety, literary, educational, fostering amateur sports competition , or preventing cruelty to children or animals).

Will the nonprofit corporation apply for tax exempt status with the IRS? Yes or No

If so, will the organization be organized and operated for one or more of the exempt purposes described above? Yes or No

Please describe whether the purpose will be charitable, educational, scientific (i.e. if its research is in the public interest and available to the public on a nondiscriminatory basis or is directed toward benefiting the public) or religious.

What will be the initial funding of the nonprofit corporation? _____

What will be the primary source(s) of financial support? i.e. contributions from the founder and his or her relatives, contributions from a large number of unrelated people, gross receipts from the operation of an exempt activity, fund-raising activities, or grants (private or governmental). _____

9. INFORMATION NEEDED FOR PREPARATION OF FEDERAL AND STATE TAX EXEMPTION

APPLICATIONS AND CHARITABLE TRUST FILINGS

If you decide to pursue tax exempt status, you may be required to provide the following information at a future date.

1. Employer Identification number
2. Corporation's background, and specific proposed activities
3. Names, addresses and brief biographies of proposed officers and directors of the corporation
4. Proposed compensation, if any, of officers and directors.
5. Does the corporation have a special relationship with any other organization? If so, please describe.
6. If the corporation has members, provide information regarding the membership structure.
7. What assets will the corporation use in its activities.

8. What benefits and products or services will the corporation provide relative to its exempt function?
9. What will the corporation charge, if anything, for its services or products
10. If the corporation has members, will it limit its membership and if so, how?
11. Number of anticipated employees and their compensation
12. What are the proposed sources of funding?
13. What is the nature of the corporation's proposed fund-raising program?
14. Financial statements and/or a proposed budget i.e. balance sheet, income statement
15. Describe the nature and extent of any proposed political activities
16. Special schedules and supplemental information will be necessary if the corporation will operate a school, is a hospital or medical research organization, will operate a home for the aged, is a child care organization or the successor of a "for profit" corporation

Date

Signature

