# CORPORATIONS

"NOTE, REPER TO THE STATE OF OF EACH HURINGS TWO TO DETERMINE THE APPLICATION OF THE RMICA CONCEPTS IN THIS OF THISE

## PREINCORPORATION

## INTRODUCTION

### PRINTERS THE COLV

- 1. Legal entity decated by Statute and separate from this white proph and investage it.
- 2. Floridania Parpose of conducting business.
- Can very an becaused, can own property, etc.
- Managed by officers and disputers Recommend by those who deal with it
- Exists perpenually until dissolved

#### Shanes (bloogh) transferable CHARACTERISTICS

- Sharcholders' kability limited to imperment
- 2. Formation and operation: Filled with Scoretary of State and compliance with regulatory requirements
- Tuned as expected entity

   After-tan profits may be distributed to Standardion as

   describerable
- St. Stanfordhambler St. Claren.
  - a finance of parts treated as given income of Sharpholdon, which proub double mauries
  - h. Applies to Federal income ion.
  - 100 or Sover elegationides limited to individuals, these

  - ii. One clear of stock outstanding in. Consuming concert of shareholders in Fide with IRS (not automatic)

## RECOLLATION.

### REVISED MODEL BUSINESS CORPORTIONS. ACTO PROMING NOT

- a. Starie for cosp. intended of more than half forest. 2. Epidenal - Tanco and Securities regulation.
  - **FORMATION**

### \* STATE OF INCORPORATION

- LiGenorality, where business is conducted 2. Belaware Statute asymptomic most hoogisuble
- as Wellfreld level, predictable body of law.
  - b. Special counts to deal with compount issues.
- Internal Affairs Rules Law of sone of incorporation

### STATUTORY REQUIREMENTS

- 1. Filling of Articles of Incorporation with Scordary of State - Conclusion proof of incorporation [2,00]
- 2. Recorporators Proming the executed Articles
- Governillo, no ago or revidency requirement
   Contratt of Articles of Incorporation
- Compound manufacture parents by already in used
   Principal officer Phineipal officer.
- Number of states authorized, climary and rights
- Preventible eligible deplace to long up a propositional interest when term distance instead?
   Name and additions of registered office and agent
- Purpose: Service of Process
- Authorization of south incomparation
- C. Distartion: Perpetual uniters otherwise stand-
- g. Purposes: Le., engaging in any familial business. Brown, and Ultra View.
- - a. Proper to do all things moreovary and convenient to curry out business (\$485)
  - Purpose to authorize actions that are lawful and
- b. Goldstally, powder to sail and be said, to own property, to real-controls, to bonus and lend money, he purchase or epidomi shares

  2. Office View Acts in answer of parents

  1. Control Last Units View transaction is work
- since exeporation lades person to once into
- is. Modern Manager Namely absoluted in all participations 5. Completing Formation
  - a Propension of By-Laws Rafes governing com/s internal affairs file, that he aroual marriage, manufact of discovering
  - May be amonded by Board or Sturchelders.
  - A. Articles of Incorporation control where conflict mark Bland, mark

the fights received. We have of the publication stay to expended on a fathermost strain, form in the art, research to the publication of the first first for the publication of the first first

Notice for deather this place found has expedient to a spale reference path to expect to the Day to be continued from a fit there as that they are also always for the part continued for the fitter of the continued for the part of the

## TRANSACTIONS

### - PERSONNELLE BROWN

- faither inneaton and personnel for corp. Fiduciary duty to act in good faith
- May not pursue two profit in cosp.'s expense.
- Pro-Shermanisher Constructed
- a. Personally fiable for contract made with brawledge that corp. not set formed [2,64]. In Contract closs our assumptically hard corp. when
- no corps adopte it by resolution of by acand distillating the sact.
- Navadistic Specific agreement between costs. Promoter, and full planty to telesce Promoter from permand liability and band ones.

## DEFECTIVE INCORPORATION

- DE JUHE COMPORATION
- Sufficient compliance with statute Incorporator electroned from hability from everyone and business South

### DE ENCIRO COMPORATION

- I. Unpursecuted attempt to incorporate due to technical Audion's
- 2. Common Law: Incorporator could still be sheltered from liability them everyone but State if good faith
- 3. Mindays: Statutos: Generally, Dellisto dectrino shotshed and personal Rability imposed when knowledge of no incorporation [7,64]
- CORPORATION BY EXPORTED.
  - Del party who deals with fusiness, believing it to be corporation, is estupped from denying its corp. status the property and property and

## PIERCING THE CORPORATE VEIL ICREDITOR SEEKS TO REACH STOCKHOLDERS PERSONALLY

- SHARES HELD BY INDIVIDUALS
- Company Code: Manufacturistics and factor for come to determ
- MARKET CHIEFLY
  - But is Courts more milling to place because to
  - element of voluntary dualing fraud Cours more Warls to plence
  - Inadopeate Capitalization Creditor must show corp. and not have enough capital for its furnishments burntons needs and Creditor had no way of determining down Block
  - Fullian to follow corp. Securities (i.e., shows never on the Supplier Supplier managed and and The street, street balls
- PURENT LUBBLITY FOR SUBSTIBLURY
- Compatilly purped not liable.

  May be furtle for failure to maintain clear reparation or If alread flactions proposed

### ENTERPRISE LIABILITY

- L Gotzenilly Court may went all pieces as belonging to one congruent from which condition may be unted ad-EQUITABLE SUBDISIDEACHOR BEEF ROCK DOCURING
- Busicipacy Court may disaflow insider's claim entirely or make claim subundance to claims of non-insiders

## FINANCING

## STOCKS & BONDS

- FIGUREY CAPITAL outle. Smallered restricted to
- 2. Authorized number of shares set forth in Articles of componentian (RMBC v 280han7), RMBC v 4400)
- Arbitrary radius assigned devery State All Property and a second line
- Winness Sharps Imued for loss than pur a. Remedien Creditions regioner from shareholder the dell'estate between private and attended actually paid board on:
  - Misopopopopolism (heliding out)

- Refunce Liable to confines subsequent to enturing iii. Tout Fund All credition recover on theory that stated capital constitutes a trust fund
- Manuscript Colonians Corp. V right to sae shartholder for capacid belance that on dance
   Censideration Carl, property or setvices
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  - Preferred Albanes Peterity over common as to dividends and or liquidation and generally no voting
  - Non-Participating Parterred No faring marker treatment without conflict tend may marely
  - ii. Participating Preferred Participates, with common shares in additional distribution
  - in Connectible Preferred Connectible into commun-is, Connectative Union divisionals, carry, even de-
  - following your and are paid prior to that of common to Nonremediative Unpaid distributed do not necessarily supplied to the paid of the
  - of Partially Connectative Rolls over as long as these have been carnings; limited to carnings of that year.
- 7. Birdenigelien a. Rediremed charge are suncefled a Stated capital is
- reducted.
- 5. Parpurchase hancs remain to "incovery about" - Stated capital is med additionable

### DEBUT RUNAWCING

- Ellisables, National Science Bonds and Debourages - Long-town obligation to per house a specific amount in a fature date.

  - Bonds - Natured abbiguitors
- Believe Uncovered obligations.
  Note: Short-term togetable
  representing promise to pay Misort-Lamin staged above inschromodel
- 2. Advantages Final Sectors devidends on weekhelders
   Late, text
- r Tan advantages Third Purp Debt creates become
- Debt Equity Ratio Ratio between comp's labelities and shadebildar's equity
   This Capitalization Capital madequate in relation
- to obligations

## DIVIDENDS & DISTRIBUTIONS

### District Control of Control

- Projector out of carnings by cosp. to sharchelders of such property or additional shares of stack
- DISTRIBLE DRIVE

### PROTECTION OF CREDITORS.

- Maintain sufficient assets to cover claims.
- PERSONAL PROPERTY. I. Legal Stated Capital . Amount restributed by
- and the Lines Earned Surplus – Generated from profits.
- Understanded not profits after deducting longs.
   Capital Sanday Assets recent hallotines and stated. CHICAGO IN
- A languagement of Capital statutes allow payment of should from asserted or uncertaint supplies that, Declaration and N. V. a.

### RMIRCA TESTS FOR DISTRIBUTION.

- Equity Insolvency Test Ability to pay debte as they become due in the without years of humans (0.4964).
   Balancer Shart Test Described on problems of access less
- their featisficiars, place that mended to calculy begundation rights. DIRECTOR LIABILITY

- a Exception (Rail Fieth where divided known to be improper - Corp. have light to moreor from director within 2-year Stange of Londonians (8,301).
- b. Cooling may our On, who negligently approved
  SHAREHOLDER LIABILITY

- Common Law Required to remain improper dividend if comp intelligent or disordioxide larger dividend was improper 2. Danyelson, higher its operating term than chardeology.
- Dr. At Address Conf.

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**Chao Zhang** 

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# **Table of Contents Quick Study Corporations Quickstudy Law**

- 1. Understanding the eBook Quick Study Corporations Quickstudy Law
  - The Rise of Digital Reading Quick Study Corporations Quickstudy Law
  - Advantages of eBooks Over Traditional Books
- 2. Identifying Quick Study Corporations Quickstudy Law
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
- 3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Quick Study Corporations Quickstudy Law
  - User-Friendly Interface
- 4. Exploring eBook Recommendations from Quick Study Corporations Quickstudy Law
  - Personalized Recommendations

- Quick Study Corporations Quickstudy Law User Reviews and Ratings
- Quick Study Corporations Quickstudy Law and Bestseller Lists
- 5. Accessing Quick Study Corporations Quickstudy Law Free and Paid eBooks
  - Quick Study Corporations Quickstudy Law Public Domain eBooks
  - Quick Study Corporations Quickstudy Law eBook Subscription Services
  - Quick Study Corporations Quickstudy Law Budget-Friendly Options
- 6. Navigating Quick Study Corporations Quickstudy Law eBook Formats
  - ∘ ePub, PDF, MOBI, and More
  - Quick Study Corporations Quickstudy Law Compatibility with Devices
  - Quick Study Corporations Quickstudy Law Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Quick Study Corporations Quickstudy Law
  - Highlighting and Note-Taking Quick Study Corporations Quickstudy Law
  - Interactive Elements Quick Study Corporations Quickstudy Law
- 8. Staying Engaged with Quick Study Corporations Quickstudy Law
  - o Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Quick Study Corporations Quickstudy Law
- 9. Balancing eBooks and Physical Books Quick Study Corporations Quickstudy Law
  - Benefits of a Digital Library
  - $\circ\,$  Creating a Diverse Reading Collection Quick Study Corporations Quickstudy Law
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Quick Study Corporations Quickstudy Law
  - Setting Reading Goals Quick Study Corporations Quickstudy Law
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Quick Study Corporations Quickstudy Law
  - Fact-Checking eBook Content of Quick Study Corporations Quickstudy Law

- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
- 14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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