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 impermore
- 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)

RECOULATION.

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 hoogisable
- as Wellfreld level, predictable body of law.
 - b. Special counts to deal with composate 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
- a. Compound manual partners by already in used b. Pringland of Pringland Phineipal officer.
- Number of stures 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 Ulina 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

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TRANSACTIONS

- PERSONNELLE BROWN

- faither inneative and personnel for seep. 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 not assumptionly 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
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ENTERPRISE LIABILITY

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- 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:
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- 7. Birdenigelien a. Rediremed charge are suncefled a Stated capital is
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- 5. Parpurchase hancs remain to "incovery about" - Stated capital is med additionable

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- 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

- Projection of carnings by corp. 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).
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- b. Cooling may our On, who negligently approved
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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
 - o 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
 - o 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
 - o Adjustable Fonts and Text Sizes of Quick Study Corporations Quickstudy Law
 - Highlighting and Note-Taking Quick Study Corporations Quickstudy Law
 - o Interactive Elements Quick Study Corporations Quickstudy Law
- 8. Staying Engaged with Quick Study Corporations Quickstudy Law
 - 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
 - o 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

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