

CERTIFICATE OF FORMATION

**HOMEOWNERS' ASSOCIATION (HOA)
DOMESTIC NONPROFIT CORPORATION**

STATE OF ALABAMA

PURPOSE: In order to form a Homeowners' Association (hereinafter HOA) under Title 35, Chapter 20 as a Nonprofit Corporation under Section 10A-1-3.05 and 10A-3-3.02 of the Code of Alabama 1975 this Certificate Of Formation, all required attachments, and the appropriate filing fees must be filed with the Office of the Judge of Probate in the county in which the development, or any part thereof, is located. **The information required in this form is required by Title 10A and Title 35.**

(For County Probate Office Use Only)

INSTRUCTIONS: Mail three (3) signed copies of this completed form and the appropriate filing fees to the Office of the Judge of Probate in the county in which the development, or any part thereof, is located. Contact the Judge of Probate's Office to determine the county filing fees. **Make a separate check or money order payable to the Secretary of State for the state filing fee of \$100.00** for standard filing (processed based on date of receipt and filing volume) **or \$200.00 for expedited service** (processed in less than 24 hours after date of receipt from the County Probate Office) and the Judge of Probate's Office will transmit the fee along with a certified copy of the Certificate to the Office of the Secretary of State within 10 days after the Certificate is filed. Once the Secretary of State's Office has indexed the filing the information will appear at www.sos.alabama.gov under the Business Services tab and the Homeowners' Associations link – you may search by entity name by using the Homeowners' Associations Electronic Database. Your notification of filing was provided by the Probate Judge's Office via a stamped copy which is evidence of existence (if it is certified by the Probate Office) according to 10A-1-4.04(c) and the Secretary of State's Office does not send out a copy. You may pay the Secretary of State fees by credit card if the county you are filing in will accept that method of payment. Your entity will not be indexed if the credit card does not authorize and will be removed from the index if the check is dishonored.

The information completing this form must be typed (for your convenience the information is fill-able on this computer form on the website above).

1. The name of the HOA: _____
2. **A copy of the Name Reservation certificate from the Office of the Secretary of State must be attached.**
3. Unless otherwise stated, this is a nonprofit corporation which has Members.

This form was prepared by: (type name and full address)

(For SOS Office Use Only)

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4. The name of the Registered Agent: _____

The entity ID # of the registered agent if the agent is an entity/organization/business – AL ID # _____ - _____
Satisfies requirement that entity/organization must be a registered business in Alabama per 10A-1-5.31.

5. Street (**No PO Boxes**) address in Alabama of Registered Agent (must be where registered agent is located):

Mailing address of Registered Agent in Alabama (if different from street address): _____

6. Purpose for which corporation is formed: Homeowners’ Association – Nonprofit Corporation; the purpose includes the transaction of any lawful business for which HOAs may be incorporated in Alabama under Title 35, Chapter 20 of the Code of Alabama.

7. Period of duration shall be perpetual unless stated otherwise by an attached exhibit.

8. The name of the Incorporator: _____

Address of Incorporator: _____

Attach a listing if more Incorporators need to be added (type “see attached” in the name line).

9. The number of Directors constituting the initial Board of Directors is _____. The initial Directors names and addresses must be listed in this Certificate of Formation.

Director’s Name: _____

Address of Director: _____

Director’s Name: _____

Address of Director: _____

Director’s Name: _____

Address of Director: _____

Attach listing if more Directors need to be added (type “see attached” in the name line for the first Director on this form).

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The filing of the Certificate of Formation of the HOA is effective immediately on the date filed by the Judge of Probate or at **the delayed filing date** (cannot be prior to the filing date of the Judge of Probate) specified in this filing. [10A-1-4.12] If a delayed effective date is not desired do not complete the information in this item.

The undersigned specify ____/____/____ as the delayed effective date (must be on or after the date filed in the office of the county Judge of Probate, but no later than the 90th day after the date this instrument was signed) and the time of filing to be ____:____ ____AM or ____PM. (cannot be noon or midnight – 12:00)

In addition to this Certificate of Formation, as required by Ala. Code 1975, §35-20-5(2) and the Administrative Rules adopted by the Secretary of State, you are required to file separately with the Secretary State the Supplement to Certificate of Formation and the following documents:

- 1. Articles of Incorporation (Certificate of Formation)**
- 2. By-laws, resolutions, or other governing documents of the association**
- 3. The original covenants, conditions, or restrictions adopted by the association.**
- 4. Other information or documents required by Alabama Code 1975 §35-20-5(c) and the Supplement to Certificate of Formation form.**

Additional Signatures May Be Attached

Date (MM/DD/YYYY)

Signature as required by 10A-1-3.04

Typed Name of Above Signature

Typed Title/Capacity to Sign under 10A-1-3.04

Secretary of State Credit Card or Prepaid Payment Option/Return/Hold Sheet: If you do not send an acknowledgement copy and a pre-addressed postage paid envelope with the filing or provide an email return on this form, you will not receive a credit card or prepaid account receipt from the Secretary of State's Office. Hold for pickup request will have the receipt attached. **Office personnel will not be able to search credit card or prepaid account transactions to help you balance your accounts.** Please do not use these options if you have problems collecting receipts from your filing agents. The document of record will be stamped showing the receipt of the filing fee and expedite fee but will not show convenience fees which will be charged by your card service provider (generally these fees are between 2% and 5% of the total charge).

Information MUST be typed or filing will be returned without review.

Entity Name: _____

Service Requested: _____ \$100.00 HOA formation filing fee
_____ \$100.00 Expedited Processing fee **(must be included with initial filing)**

Hold at Front Desk for Pick-up by: _____
(Service providers who run couriers for pick-up)
There is no notification service and there will not be a call for pick-up.

Return via email (only one email): _____
No paper copy will be sent if email is provided.

_____ Charge fees to prepaid account: Account Number _____
and Account Name _____

Typed Name & Signature of Authorized Individual on Account

_____ Credit Card Type: _____ (Visa, MC, Discover & AmEx)

Card Number: _____ Expiration Mo/Yr: ____/____ (MM/YY)

Card Holder Name: _____

Complete Billing Address: _____
Street or PO

_____ City State Zip

Signature of Card Holder: _____
MUST be Signature of Card Holder