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S A M P L E

PETITION FOR CERTIFICATE OF INCORPORATION

TO THE REGENTS OF THE UNIVERSITY OF THE STATE OF NEW YORK:

We the undersigned, all being persons of not less than eighteen years of age, desiring to form a corporation under the Education Law, do hereby apply to the Regents of The University of the State of New York for a certificate of incorporation to be granted pursuant to the provisions of section 216 of such law, and do make, sign, and acknowledge the following statement:

First: The name of the proposed corporation is *(insert corporate name)*.

Second: The purposes for which such corporation is to be formed are: *(list the planned activities of the proposed corporation, i.e., why it is being formed)*.

Third: The proposed corporation is to be a nonstock corporation organized and operated exclusively for educational purposes, and no part of the net earnings of the corporation shall inure to the benefit of any individual; and no officer, member, or employee of the corporation shall receive or be entitled to receive any pecuniary profit from the operations thereof, except reasonable compensation for services.

Fourth: The institution to be maintained by the proposed corporation is to be located at *(street address, city or town, county--indicate if there is also a different mailing address)*.

Fifth: The number of trustees is to be not less than five nor more than twenty-five.

Sixth: The names and post office addresses of the first trustees are as follows: *(give names in full, including any middle initial; use a married woman's own first name rather than that of her husband)*.

Seventh: The Commissioner of Education is designated as the representative of the corporation upon whom process in any action or proceeding against it may be served.

Eighth: Notwithstanding any other provision of these articles the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law).

Ninth: No substantial part of the activities of the corporation shall be devoted to carrying on propaganda, or otherwise attempting to influence legislation, (except to the extent authorized by Internal Revenue Code section 501(h) as amended, or the corresponding provision of any future United States Internal Revenue Law, during any fiscal year or years in which the corporation has chosen to utilize the benefits authorized by the statutory provision) and the corporation shall not participate in or intervene (including the publishing or distribution of statements) in any political campaign on behalf of, or in opposition to, any candidate for public office.

Tenth: Upon dissolution of the corporation, the board of trustees shall, after paying or making provision for the payment of all the liabilities of the corporation, dispose of the remaining assets of the corporation exclusively for one or more exempt purposes, within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future Federal tax code), or shall distribute the same to the Federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by order of the Supreme Court of the State of New York in the judicial district where the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, organized and operated exclusively for such purposes, as said Court shall determine.

In witness whereof, we have made, signed, and acknowledged this application on this day of _____, 20__.

(Signatures of at least five of the trustees listed in Article Six; may be signed in counterparts with separate notary acknowledgments. Any trustee [beyond the minimum of five] named in Article Six who does not sign the petition will not be named as an incorporator and must submit a separate, notarized consent to serve as an initial trustee.)

STATE OF NEW YORK)
 ss.
COUNTY OF _____)

On this ____ day of _____, 20__, before me personally came (*insert names of all applicants who signed the petition*), to me known to be the persons described in and who executed the foregoing application, and they severally duly acknowledged to me that they executed the same.

(Typed name, stamp and signature of notary public)