

## PROCEDURES FOR ORGANIZING A MUSCOGEE (CREEK) NATION LIMITED LIABILITY COMPANY

This outline is intended as an aid to organizing a Muscogee (Creek) Nation limited liability company pursuant to the provisions of the Muscogee (Creek) Nation Limited Liability Company Act in Title 3, Chapter 2 of the Muscogee (Creek) Nation Code Annotated. **PLEASE CONSULT THE CODE CAREFULLY.**

It may be to your benefit to contact the INTERNAL REVENUE SERVICE concerning federal tax requirements prior to filing with the Secretary of the Nation and Commerce.

### **FILING PROCEDURE:**

1. **Prepare and file** with the Secretary of the Nation and Commerce two signed copies of the articles of incorporation.
2. **Pay** to the Secretary of the Nation and Commerce a filing fee of **\$100.00**. (Title 3, Section 2055)
3. **Make checks payable** to the Muscogee (Creek) Nation Secretary of the Nation and Commerce. Instruments may be mailed or delivered in person. **The address of the Secretary of the Nation and Commerce is P.O. Box 580, Okmulgee, OK 74447.**

### **INSTRUCTIONS FOR PREPARING ARTICLES OF INCORPORATION:**

1. **NAME** - The name **SHALL** contain either the words **limited liability company** or **limited company** or the abbreviations **LLC, LC, L.L.C. or L.C.** The word limited may be abbreviated as Ltd. and the word company may be abbreviated as Co. (Title 3, Sec. 2008)

The name shall be such as to distinguish it upon the records in the office of the Secretary of the Nation and Commerce from the names of: (1) corporations, both domestic and foreign, then existing or which have existed at any time during the preceding three (3) years; or (2) then existing domestic and foreign limited partnerships; or (3) then existing domestic and foreign limited liability companies; or (4) trade names or fictitious names; or (5) corporate, limited partnership or limited liability company names reserved with the Secretary of the Nation and Commerce.

You may check the **availability** of a name in advance by telephoning the Secretary of the Nation and Commerce at **(918) 549-2607**, coming in person or by written request. Prior to organizing a limited liability company, a name may be **reserved** for a period of sixty (60) days by filing a name reservation application and paying a fee of **\$10.00**.

2. **PRINCIPAL PLACE OF BUSINESS** - The street address of its principal place of business, wherever located.
3. **RESIDENT AGENT AND OFFICE** - Every limited liability company must continuously maintain a resident agent and registered office within the Nation. The resident agent for service of process may be the domestic limited liability company itself, an individual resident of this Nation, or a domestic or qualified foreign corporation, limited liability company or limited partnership. Each registered agent shall maintain a business office identical with the registered office which is open during regular business hours to accept service of process and otherwise perform the functions of a registered agent. (Title 3, Sec. 2010)
4. **DURATION** - Term of the existence of the limited liability company which may be perpetual.
5. **EXECUTION** - At least one person, who need not be a member of the limited liability company, must sign the articles of incorporation. One or more persons may form a limited liability company. Person means an individual, a general partnership, a limited partnership, a limited liability company, a trust, an estate, an association, a corporation or any other legal or commercial entity. (Title 3, Sec. 2004).