

Application for a reservation of corporate name

PREVIEW

1. Section 5.101 to 5.106 of the Texas Business Organizations Code (BOC)* govern the reservation of corporate names for the following entities: corporation, professional association, cooperative association, limited liability company, limited partnership or other filing entity.

*(The former citation was article 2.06 of the Texas Business Corporation Act).

a. A name may be reserved for 120 days.

b. The name may be renewed by filing a new application during the 30 day period preceding the expiration of the current reservation.

2. Section 5.02 of the BOC and the secretary of state's name availability rules provide that a proposed name cannot be reserved if it is the same as, deceptively similar to, or similar to that of any existing domestic or foreign filing entity, or any name reservation or registration filed with the secretary of state.

a. The administrative rules adopted for determining entity name availability (Texas Administrative Code, title 1, part 4, chapter 79, subchapter C) may be viewed at www.sos.state.tx.us/tac/index.html.

b. The attorney can contact the secretary of state to provide a preliminary determination on name availability; call (512) 463-5555, dial 7-1-1 for relay services, or e-mail the name inquiry to corpinfo@sos.state.tx.us.

c. A final determination cannot be made until the document is received and processed by the secretary of state. The attorney should not make financial expenditures or execute documents based on a preliminary determination.

d. The authorization to use a name or the issuance of a certificate of reservation or formation under a name does not authorize the use of a name in violation of another person's rights to the name.

f. The corporate name:

1. Must include one of the following words or abbreviations: Company, Corporation, Incorporated, Co., Corp., or Inc.,

2. May not include any word or phrase that implies a purpose not included in the Certificate of Formation,

3. A corporation and limited partnership cannot both use the same name if the only difference is the entity designation, i.e. Inc and LP.

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For instance the following is not allowed:

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ABC, Inc. and ABC 1, LP

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5. For instance the following is allowed:

ABC, Inc. and ABC 1, LP

3. The following abbreviations may be used for entity names:

a. For-profit Corporation: Corporation, Incorporated, Company, Limited Corp., Inc., Co., Ltd.

b. Nonprofit Corporation: Use of an organizational designation is not required for a nonprofit corporation.

c. Professional Corporation: The same as for-profit corporations as well as Professional Corporation or abbreviation P.C.

d. Professional Association: Professional Association, Association, Associated, Associates, Assoc., or Assn. P.A.

e. Cooperative Association: Cooperative, Coop, Co-Op

e. Limited Liability: Company, Limited Liability Company, Limited Company, L.L.C., L.C., Ltd., Co.

f. Professional Limited Liability: Company, Professional Limited Liability Company, P.L.L.C.,

g. Limited Partnership: Limited Partnership, Limited L.P., Ltd.

Note that abbreviations may be used with or without punctuation.

4. The attorney should check with the Secretary of State's office to ascertain if the desired corporate name is available.

5. State the type of entity in the reservation letter.

a. The form may be used to reserve all forms of business entities from corporations to limited partnerships, etc.

6. The filing fee for an application for name reservation is \$40.

a. The filing fee for the renewal of an existing name reservation is \$40.

7. The form, if mailed must be submitted in duplicate along with the filing fee.

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a. The form may be mailed to P.O. Box 13547, Austin, Texas 78711-3697; faxed to (512) 463-5709; or delivered in person to the James Earl Rudder Office Building, 1019 Brazos, Austin, Texas 78701.

b. If a document is transmitted by fax, credit card information must accompany the transmission.

c. On filing the document, the secretary of state will return the appropriate evidence of filing to the submitter together with a file-stamped copy of the document, if a duplicate copy was provided as instructed.

8. The applicant or applicant's attorney or agent must sign the application for name reservation.

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a. A person commits an offense under section 4.008 of the BOC if the person signs or directs the filing of a filing instrument the person knows is materially false with the intent that the instrument be delivered to the secretary of state for filing. The offense is a Class A misdemeanor unless the person's intent is to harm or defraud another, in which case the offense is a state jail felony.

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Form: Application for a reservation of corporate names

PREVIEW

<p align="center">APPLICATION FOR RESERVATION OR RENEWAL OF A CORPORATE NAME</p>	<p>This space reserved for SOS office use</p>
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1. This application is [a new application or a renewal of a prior application].

[If the application is for a renewal of a prior application state the date and file number for the reservation being renewed. Date _____ File No. _____].

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The applicant requests that the following entity name be reserved [or renewed] for a period of 120 days.

2. The entity name to be reserved or renewed is for a

[Select the appropriate entity: Domestic For-profit Corporation, Domestic Professional Corporation, Foreign Limited Liability Co., Foreign For-profit Corporation, Foreign Professional Corporation, Domestic Limited Partnership, Domestic Nonprofit Corporation, Professional Association, Foreign Limited Partnership, Foreign Nonprofit Corporation, Domestic Limited Liability Co., or Other]

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(The name must contain an appropriate organizational designation for the type of entity for which the name is to be reserved).

3. The applicant's name is [State the individual's or entities' name that is requesting the reservation].

4. The applicant's name and address is [Address include city, state and country].

A check in the amount of \$40 is enclosed for the filing fees.

The undersigned has executed this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument in:

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Date _____.

Signature of applicant, applicant's attorney or agent

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Filing Letter if on form is mailed:

Office of the Secretary of State
Statutory Filings Division
Corporations Section
P. O. Box 13697
Austin, Texas 78711-3697

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Dear Intake Division:

Enclosed please find an application for a reservation of a corporate name.

I have enclosed a check for the filing fee in the amount of \$40.00.

[If special handling is requested, change the amount to include an additional \$25 for the special handling fee and state:

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Special handling is also requested and the fee is enclosed.]

Your expeditious cooperation is appreciated and I thank you in advance.

Very truly yours,

[Name of attorney]

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Form to use for filing by fax:

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FOR CUSTOMER USE ONLY (PLEASE PRINT OR TYPE)

Cardholder Name:		
Address:		
City :	State:	Zip:
Phone No.: ()	Fax No.: ()	
TYPE DOCUMENT TO BE FILED:		ENTITY NAME(S):
SHIP TO ADDRESS: <i>(if different than Address above)</i>		EXPEDITED HANDLING REQUESTED: <input type="checkbox"/> YES <input type="checkbox"/> NO <i>(Additional charge of \$25 for expedited service)</i>

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SELECT PAYMENT TYPE AND PROVIDE REQUESTED INFORMATION

Charge to: Secretary of State Client ID No.: <i>(if applicable)</i>	
Charge to: <input type="checkbox"/> VISA® <input type="checkbox"/> MasterCard® <input type="checkbox"/> Discover®	Charge to: <input type="checkbox"/> LegalEase SM
* Fees paid by credit card are subject to a convenience fee (currently 2.7%) of the total fees incurred. * For information about LegalEase SM , call 1-800-253-5749	
Card No.: - - -	Card No.: 5 0 0 6 7 9 - - -
Expiration Date: / (MO/YR)	Client No.: Case No.:
Signature:	Signature:

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	AMOUNT	BATCH NUMBER:
FILING FEE	<h1>THANK YOU</h1>	
EXPEDITED HANDLING FEE		
TOTAL AMOUNT		

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