

AFFIDAVIT REGARDING RECORDED GOVERNING OR CHARTER DOCUMENT UNDER CORPORATIONS & ASSOCIATIONS ARTICLE, §1-201.1

I, _____, hereby certify:

1. I am eighteen years of age or older, have personal knowledge and sufficient experience to testify to the matters stated herein and am competent to be a witness in a legal proceeding.

2. The following information concerns the filing that is the subject of this affidavit:

- Name of Entity for which filing was recorded: _____
- Department Identification Number of Entity: _____
- Date filing at issue was recorded at SDAT: _____

3. I am (check one):

A Person Described in Corporations & Associations Article, 1-201.1(b)(1). I believe a governing or charter document either was not authorized by at least one individual whose name is included in the entity name or otherwise does not conform to state law. I believe the filing described above is prohibited.

A Resident Agent or Other Authorized Person Described in Corporations & Associations Article, §1-201.1(b)(2). I am responding to an affidavit alleging a filing was recorded in violation of the law. I believe the filing at issue is not prohibited.

4. The factual basis for my belief indicated above is as follows:

5. Documents are attached which support the factual basis for my belief indicated above.

- a) _____
- b) _____
- c) _____
- d) _____
- e) _____

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of this Affidavit are true.

Signature

Date

OR

I solemnly affirm under the penalties of perjury the contents of this Affidavit are true to the best of my information, knowledge and belief.

Signature

Date

Printed Name and Address of Person Signing Affidavit:

Instructions for completing the Prohibited Filing Affidavit

IMPORTANT NOTE: This form is used to either challenge a filing that has been recorded by SDAT or to respond to allegations that a filing was recorded by SDAT in violation of the law. This form is not used to challenge the existence of a business, the right of a business to operate in Maryland or to resolve private disputes such as alleged trademark infringements or contract breaches.

INSTRUCTIONS: Complete the entire form. If the form is incomplete, it will be returned to you and SDAT will take no action as a result of your affidavit. You are strongly encouraged to consult with an attorney before filing this affidavit; SDAT staff cannot assist you in completing this form or provide any other legal advice.

Heading: Insert the name of the person completing the form

1. This statement must be true about the person completing the form.
2. Insert the name of business entity for which the allegedly prohibited filing was made. Insert the Department Identification Number for the business. Insert the date the allegedly prohibited filing was filed with SDAT.
3. If you are using this form to challenge a document recorded with SDAT because you believe it was recorded in violation of the law, check the first box. If you are using this form to respond to an allegation that a filing was recorded in violation of the law, check the second box.
4. State the factual basis for your belief that the document at issue was either recorded in violation of the law or that the document was not recorded in violation of the law. You may attach additional paper if necessary or continue your statement on the back of the paper. SDAT will not consider statements that are not part of this affidavit in making a decision about whether to void a filing. If there is a statement you believe SDAT should consider in making this determination, it must be included here. You must have firsthand knowledge of the statements made in this affidavit.
5. If you are attaching supporting documentation, check this box. Briefly describe each attachment. You may continue on the back of the paper or attach additional sheets of paper to describe your supporting documentation if necessary. Do not use this section to continue your statement from paragraph 4.

Please print, sign and mail to:

State Department of Assessments and Taxation,
ATTN: Charter Legal Prohibited Filing Allegation
301 W. Preston Street; 8th Floor
Baltimore, MD 21201-2395

Or

Print, sign and e-mail to: sdatt.charterhelp@maryland.gov with Charter Legal Prohibited Filing Allegation in the subject line.