

## INCORPORATION

A mission and its sponsoring church should **plan to incorporate the mission** at the same time that the **mission is constituted** as a church. An unincorporated church is referred to as an "**unincorporated association**." Incorporating has many advantages including but not limited to the following:

1. It identifies **who the church is**.
2. It identifies **how the church goes about doing business**.
3. It provides an easier way to of **securing a loan**.
4. Its individual members will not be named in a lawsuit directed primarily against the church — whereas a member of an "unincorporated association" can be held **individually and severally liable** for all indebtedness incurred in the business for which it was organized.
5. It can hold title to property — whereas an "unincorporated association" has no legal existence that will permit it to hold property by purchase or as a gift. The property is deemed to belong to the members as **tenants in common**.

Upon request, Mr. Edgar Dwire, legal counsel for the KNCSB, will assist any mission to incorporate and will provide all the forms and documents necessary for filing with the Secretary of State. In addition, a helpful notebook will be provided to assist the leadership.

Kansas churches are encouraged to **name the KNCSB as the Resident Agent**, 5410 SW 7th Street, Topeka, KS 66606 in order that any legal process service will be handled promptly. KNCSB will contact the local church so that the leadership of the church is notified for any necessary response. The address is officially referred to as the "Registered Office."

Every church should check its papers of incorporation. Under certain circumstances those papers must be renewed. Simply look at the papers of incorporation to see if there is any mention of **time limitation**. If in doubt, have an attorney give an opinion.

Annual reports for Kansas churches are due on or before "**the 15th day of the sixth month following the close of the tax period**" and must be sent to the Secretary of State at the address below. A \$20 privilege fee must accompany the report.

Failure to file reports with the Secretary of State will cause forfeiture of the corporate charter by the Secretary of State.

Reports for Nebraska churches are filed biennially, every odd year, on or before **June 1**. The report must be sent to the Secretary of State at the address below and accompanied by a \$20 fee.

For information on incorporation, contact:

Kansas: Secretary of State, First Floor, 120 SW 10th Avenue, Room 100  
Topeka, KS 66612-1240, (785) 296-4564

Nebraska: Secretary of State, Room 2300, State Capitol Building  
Lincoln, NE 68509-4608, (402) 471-4079