

Opinion No. 43-4250

March 10, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Mr. Don R. Casados, Commissioner, State Corporation Commission, Santa Fe, New Mexico

Re: East Side Water Users Association

OPINION

In your letter dated March 9, 1943, you enclose a copy of the Articles of Incorporation of the East Side Water Users Association, organized under Chapter 150 of the 1929 Compilation. You request an opinion relative to the fee which should be charged this association for filing their Articles of Incorporation.

Chapter 150 appears as Sections 77-160 to 77-1609 inclusive of the 1941 Compilation. This Chapter does not provide for fees to be paid by associations organized thereunder. However, from the Articles of Incorporation, it is apparent that the association is for the mutual benefit of the members without capital stock, and would, therefore, come under the definition of a non-profit organization.

The fee for filing a Certificate of incorporation for a non-profit corporation is fixed at \$ 5.00, under Section 54-1001, Sub-section 13 of the 1941 Compilation.

I am returning herewith the two checks in the sum of \$ 15.00, and the two copies of the Articles of Incorporation enclosed with your letter.

By C. C. McCULLOH,

First Asst. Atty. General