

SUPPLEMENT TO CERTIFICATE OF FORMATION

STATE OF ALABAMA

**HOMEOWNERS' ASSOCIATION (HOA)
DOMESTIC NONPROFIT CORPORATION**

PURPOSE: Under Section 35-20-5 of the Code of Alabama 1975 this supplemental information (in addition to the Title 10A, Chapter 3 Certificate of Formation information) and the appropriate filing fees must be filed with the Office of the Alabama Secretary of State.

INSTRUCTIONS: Mail a signed copy of this completed form and the filing fee of \$50.00 (credit card, check, or money order) to the **Secretary of State, Business Services, P.O. Box 5616, Montgomery, Alabama, 36103-5616**. If you elect expedited processing completed in less than 24 hours after receipt by Secretary of State the fee is \$150.00 (a \$100.00 expedite fee plus the \$50.00 filing fee). If you would like an acknowledgement, include a copy and postage paid self-addressed envelope. The Supplement will not be registered if the credit card does not authorize and will be removed from the index if the check is dishonored (\$30 NSF fee). All processing instructions are complete in this form; cover letters are not necessary and will not be reviewed.



**The information completing this form must be typed.
FAX or Email submissions will not be acknowledged, processed, or returned.**

1. The name of the HOA from the Certificate of Formation:

2. The date the Certificate of Formation was filed in the county: ____ / ____ / ____ (format MM/DD/YYYY)

3. Check one of the following:

(a) ____ New Entity, or

(b) ____ If amending an existing entity provide Alabama Entity ID Number (Format: 000-000): _____

INSTRUCTION TO OBTAIN ID NUMBER TO COMPLETE FORM: If you do not have this number immediately available, you may obtain it on our website at www.sos.alabama.gov under the Business Services tab. Click on the Homeowners' Associations link, click on the Homeowners' Associations Electronic Database, enter the registered name of the entity in the appropriate box, and enter. The six (6) digit number containing a dash to the left of the name is the entity ID number. If you click on that number, you can check the details page to make certain that you have the correct entity – this verification step is strongly recommended.

4. The following items must be attached if they exist and were not included with the Certificate of Formation filed as stated above. You must check one of each of the three (3) sets of statements and attach documentation if such documentation exists outside of the recorded Certificate of Formation:

___ Articles of Incorporation other than the Certificate of Formation noted above are attached, **or**

___ No Articles of Incorporation other than the Certificate of Formation noted above exist.

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___ Bylaws, resolutions, or other governing documents of the HOA are attached, **or**

___ No bylaws, resolutions, or other governing documents other than those included with the Certificate of Formation noted above exist.

___ The original covenants, conditions, or restrictions adopted by the HOA are attached, **or**

___ No original covenants, conditions, or restrictions adopted by the HOA other than those included with the Certificate of Formation noted above exist.

5. REQUIRED ATTACHMENTS per Title 35, Chapter 20 – If not already provided in the Declaration or other organizational documents, this Supplement to Certification of Formation shall provide for all of the following:

- 1) methods of efficient communication with the members of the HOA unless a different method is required by Chapter 3, Title 10A, Code of Alabama 1975. **On an attachment list all types of communication such as emails, newsletters, meetings, posted signage, correspondence, etc.. Attach any section of the governing documents that pertains to required communication with the members.**
- 2) rules and regulations for the conduct of any meetings of the HOA- **Attach the appropriate section of the bylaws or governing documents detailing the conduct of meetings, if any.**
- 3) the compilation, organization, and maintenance of full and complete financial records of the HOA available to any member at a reasonable time and place upon the payment of reasonable associated costs - **Attach an example of the financial records that will be made available to members upon request and payment.**
- 4) reasonable rules and regulations for the use, maintenance, repair, replacement, or modification of any common areas, if any, including penalties for violations - **Attach copies of the appropriate rules and regulations.**
- 5) power to grant easements, leases, licenses, and concessions through or over the common areas, if any. **Attach a copy of the document(s) granting these powers.**
- 6) statements regarding the payment of dues and assessments to be provided to any person having an interest, upon the payment of reasonable associated costs – **Attach the appropriate statement and/or any document(s) requiring the statements.**
- 7) preparation and submission of the annual budgets of the HOA to the members – **Attach section of governing documents regarding annual budgets and reporting of same.**
- 8) **The undersigned certifies that the HOA will do any other act a nonprofit is required to do under the law.**

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6. In addition to the required items in item 5 of this document, **the organizational documents of a HOA may provide for the following – CHECK ALL THAT APPLY TO THIS HOA:**

- Indemnification and insurance for the HOA, its officers, and directors
- Fidelity bonds for any person or entity having custody or control of any funds of the HOA
- Periodic audits of the financial records of the HOA
- Power to acquire real and personal property for the benefit of the HOA and its members
- Power to hire and discharge managing agents and other employees, agents, and independent contractors

7. The undersigned certify that the HOA provided for by declaration and subject to the Alabama Homeowners’ Association Act shall be formed by this filing prior to the conveyance of any lot in the development by the declarant in accordance with the requirements of Title 35, Chapter 20.

8. Unless an attachment to this Supplement to Certificate of Formation provides that a change in the number of directors shall be made only by amendment to the Certificate of Formation, a change in the number of directors made by amendment to the bylaws shall be controlling. In all other cases, whenever a provision of Certificate of Formation is inconsistent with a bylaw, the provision of the Certificate of Formation shall be controlling. [Per 10A-3-3.02(c)]

9. If a conflict exists between the declaration and the governing documents of a HOA, the declaration prevails, except to the extent that the declaration is inconsistent with the Alabama Homeowners’ Association Act.

Attached are any other provisions that are not inconsistent with law relating to organization, ownership, governance, business, or regulation of the internal affairs of the HOA nonprofit corporation, including any provisions for distribution of assets on dissolution or final liquidation.

Additional Signatures May Be Attached

Date (MM/DD/YYYY)

Signature as required by 10A-1-3.04

Typed Name of Above Signature

Typed Title/Capacity to Sign under 10A-1-3.04

Secretary of State Credit Card or Prepaid Payment Option/Return/Hold Sheet: If you do not send an acknowledgement copy and a pre-addressed postage paid envelope with the filing or provide an email return on this form, you will not receive a credit card or prepaid account receipt from the Secretary of State's Office. Hold for pickup request will have the receipt attached. **Office personnel will not be able to search credit card or prepaid account transactions to help you balance your accounts.** Please do not use these options if you have problems collecting receipts from your filing agents. The document of record will be stamped showing the receipt of the filing fee and expedite fee but will not show convenience fees which will be charged by your card service provider (generally these fees are between 2% and 5% of the total charge).

Information MUST be typed or filing will be returned without review.

Entity Name: _____

Service Requested: _____ \$ 50.00 HOA Supplemental filing fee
_____ \$100.00 Expedited Processing fee **(must be included with initial filing)**

Hold at Front Desk for Pick-up by: _____
(Service providers who run couriers for pick-up)
There is no notification service and there will not be a call for pick-up.

Return via email (only one email): _____
No paper copy will be sent if email is provided.

_____ Charge fees to prepaid account: Account Number _____
and Account Name _____

Typed Name & Signature of Authorized Individual on Account

_____ Credit Card Type: _____ (Visa, MC, Discover & AmEx)

Card Number: _____ Expiration Mo/Yr: ____/____ (MM/YY)

Card Holder Name: _____

Complete Billing Address: _____
Street or PO

_____ City State Zip

Signature of Card Holder: _____
MUST be Signature of Card Holder