

May 6, 1946

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George M. Sterling
Judge Advocate
14th Floor, Luhrs Tower
Phoenix, Arizona

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Mr. Sterling:

This will acknowledge receipt of your letter of April 24, 1946, asking our opinion on the following:

"The American Veterans of World War II (Amvets), Post No. 6, Phoenix, Arizona are desirous of obtaining an official opinion as to whether they are required, upon incorporating, to pay the fees provided by law, or whether or not, by virtue of Section 53-302, A.C.A. (1939), they are exempt from the payment of such fees. The status of this organization, at the present time, is that their charter is pending before the Congress of the United States."

Sec. 53-302, A.C.A. 1939, as far as pertinent to your question, reads as follows:

" * * * local units in Arizona of war veterans associations chartered by the Congress of the United States shall not be required to publish articles of incorporation." * * *

A further provision in the above-quoted section reads as follows:

" * * * * No fees shall be charged by the corporation commission or the county recorder for the filing, recording, and issuing of any papers in the incorporation of local units in this state of war veterans associations, chartered by the Congress of the United States."

From the above-quoted sections and the fact that your charter is still pending before Congress, it is our opinion that the corporation commission and the county recorder are without authority to waive the fees, as specified by the law, until your organization has been duly chartered by the Congress of the United States.

Trusting the above answers your question satisfactorily, we are

Very truly yours,

JOHN L. SULLIVAN
Attorney General

MAURICE BARTH
Assistant Attorney
General

MB:jm

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