



## **INSTRUCTIONS FOR FILLING OUT APPLICATION** *(For An Incorporated Post of The American Legion)*

**TYPE THE FORM IN TRIPLICATE.** Keep one copy for post records and send two copies to the department headquarters. Copies should be typed to assure they are legible. This application must be endorsed by the Department Headquarters before it can be acted upon by National Headquarters.

### **Instructions for filling out the numbered paragraphs on the application**

1. Enter the charter name of the post as carried on present post charter. Original post number will be retained.
2. Enter the corporate name of the post as carried on the Certificate of Incorporation, issued by the state.
3. If possible, give the permanent mail address of the post home.
4. Enter the date the post was incorporated.

Attach a copy of the Certificate of Incorporation, as issued by the State

# UNDERSTANDING THE SUPPLEMENTAL CHARTER APPLICATION

Posts should incorporate to limit the liability of its members. The post name, as entered on the charter application, received by The American Legion and the name on the corporate charter issued by the state, should be the same (usually by the Secretary of State's Office; although some states like Maryland are different). If they are not the same, some lawyers may claim both a corporation and an unincorporated association is in existence. This means many of the benefits of incorporation can be lost.

The American Legion National Office issues a Supplemental Charter to conform to the corporation name. ***It must be exactly the same as the corporate name.***

The application must contain the legal name of the post as the present charter name and the Articles of Incorporation must contain the same name as the legal name of the post except for adding the "Inc.", or similar

words to the name. **NOTE: YOU CANNOT CHANGE THE LEGAL NAME OF THE POST WITH THE SUPPLEMENTAL CHARTER.**

For example:

- ✎ When you file for a permanent charter, that name is entered as the legal name of the post.
- ✎ When you file for an EIN from IRS, you put the **Legal post name on the papers** to obtain an EIN.
- ✎ When you file for incorporation with your state, you enter the **Legal post name on the papers** to incorporate the post and protect the individual members from being included on any lawsuits.

For example:

- ✎ Temporary Charter came in as *Lester Paul Post 42*.
- ✎ Permanent Charter came in as *Casey Jones Post 42*.

***The Legal name of the Post is – Casey Jones Post 42.***

When the Post incorporates, it needs to file as Casey Jones Post No. 42, Inc. unless a change of name has been filed; in which case the correct name should be used. The American Legion will issue, when the proper

papers are filed, a Supplemental Charter to Casey Jones Post No. 42, Inc., which is now the legal name. An officer of the post fills out the form SS-4.

On line (1) one with the ***Legal name of the Post – Casey Jones Post No. 42, Inc.*** So now we have all the records agreeing and **there is only one entity**. The post will want to become incorporated to protect all the individual members from any possible lawsuits. The officers should contact an attorney to fill out Articles of Incorporation to be filed with the state of residence. The Articles of Incorporation state: ***Articles of Incorporation for Casey Jones Post No. 42, Inc.*** Now they all agree as to the **legal name of the post**.

The Adjutant of the post now fills out the application for Supplemental Charter.

- ✎ Line 1. Present Charter: Casey Jones Post No. 42
- ✎ Line 2. Incorporated Name: Casey Jones Post No. 42, Inc.

Everything agrees and we still have the same entity we started with. The post is now protecting all the individual members.



## Application for Supplemental Charter (For Use of Incorporated Post of The American Legion)

*Please read the instructions before filling in the blanks--form to be TYPED in  
TRIPLICATE*

To The American Legion, Department of \_\_\_\_\_

\_\_\_\_\_ (DATE)

We, the members of \_\_\_\_\_ Post No. \_\_\_\_\_ having functioned under a regular charter of The American Legion, hereby request the issuance of a supplemental charter in our corporate capacity.

Since the issuance of said original charter, this Post has incorporated under the state laws of \_\_\_\_\_ for the sole purpose of protecting individual members thereof from liability in the event of litigation against said Post.

This Post has since its incorporation continued its allegiance to the National Constitution and By-Laws of The American Legion and the \_\_\_\_\_ Department thereof, and the National organization of The American Legion and the \_\_\_\_\_ Department have continued to recognize said Post as a subordinate unit of The American Legion and of said Department regardless of its incorporation.

The said Post in its corporate capacity makes application for a supplemental charter and by said application it acknowledges and will continue to be bound by all the provisions of the Constitution and By-Laws of The American Legion and the Department of \_\_\_\_\_ and any and all amendments thereof, and supplements thereto, or repealers thereof, now existing or which in the future may be adopted, as well as all the rules, regulations and orders heretofore, or hereafter, promulgated in pursuance thereof.

1. Present Charter Name \_\_\_\_\_  
Old EIN \_\_\_\_\_ - \_\_\_\_\_ Post No. \_\_\_\_\_
2. Incorporated Name \_\_\_\_\_  
New EIN- \_\_\_\_\_ Post No. \_\_\_\_\_
3. City or Town in which Post is located \_\_\_\_\_
4. Date of Incorporation of Post \_\_\_\_\_
5. Attach a copy of the Certification of Incorporation.

Please include the new name, \_\_\_\_\_, in its application to

*Incorporated Name*

the Department of Internal Revenue for a group exemption so that this Post may be exempt from the payment of Federal Income Tax under the provisions of Section 501 (c)(19) of the Internal Revenue Code of 1954, as amended.

ATTEST:

\_\_\_\_\_  
Post Adjutant

\_\_\_\_\_  
Post Commander

To be completed by the Department. Approved with recommendation that charter be issued.

\_\_\_\_\_  
Date

\_\_\_\_\_  
*Department Commander or Adjutant*

Department of \_\_\_\_\_

To be completed by National. Approved with recommendation that charter be issued.

\_\_\_\_\_  
Date

\_\_\_\_\_  
*National Adjutant*

