

Cherokee Nation Code Annotated

Title 18: Corporations

Chapter 1: Cherokee Nation General Corporation Act

Article 16: Miscellaneous Provisions

§ 142. Filing and other service fees

Cite as: 18 CNCA § 142

A. The Office of the Principal Chief or his authorized representative, for services performed in the Office of the Principal Chief or his authorized representative and for expense of mailing, shall charge and collect the following fees:

1. For any report, document, or other paper required to be filed in the Office of the Principal Chief or his authorized representative, a fee of Twenty-five Dollars (\$25.00);
2. For reservation of corporate name, a fee of Ten Dollars (\$10.00);
3. For issuing extra copies of any certificate not requiring any extra filing of papers or documents of any kind, a fee of Ten Dollars (\$10.00);
4. For issuing any other certificate, a fee of Ten Dollars (\$10.00);
5. For receiving a filing or indexing the annual certificate of a foreign corporation doing business in Cherokee Nation, or both when filed together, a fee of Ten Dollars (\$10.00);
6. For preclearance of any document for filing, a fee of Fifty Dollars (\$50.00);
7. For each service of process made upon and accepted by the Office of the Principal Chief or his authorized representative, a fee of Twenty-five Dollars (\$25.00);
8. For preparing and providing a written report of a record search, a fee of Five Dollars (\$5.00);
9. For filing and issuing certificates of incorporation, the fee shall be one-tenth of one percent (1/10 of 1%) of the authorized capital stock of such corporation; provided, that the minimum fee for any such service shall be Fifty Dollars (\$50.00); provided further, that not for profit corporations shall only be required to pay a fee of Twenty-five Dollars (\$25.00);
10. For filing and issuing amended certificates of incorporation or certificates of consolidation, if the resulting corporation is a domestic corporation, merger, if the surviving corporation is a domestic corporation, restatement, reorganization, revival, extension or dissolution, the fee shall be Fifty Dollars (\$50.00). If an amendment shall provide for an increase in authorized capital in excess of Fifty Thousand Dollars (\$50,000.00), the filing fee shall be an amount equal to one-tenth of one percent (1/10 of 1%) of such increase;

11. For issuing a certificate to a foreign corporation to do business in Cherokee Nation, and filing a certificate and statement of such corporation required pursuant to the provisions of 18 CNCA § 130, the fee shall be one-tenth of one percent (1/10 of 1%) of the maximum amount of capital invested by such corporation in Cherokee Nation at any time during the fiscal year such certificate is issued to any such foreign corporation; provided, that the minimum fee for any such service shall be Three Hundred Dollars (\$300.00); provided further, that no such corporation shall be required to pay a fee on an amount in excess of its authorized capital;

12. For amended certificate of qualification of a foreign corporation, or certificate of consolidation, if the resulting corporation is a foreign corporation, merger, if the surviving corporation is a foreign corporation, or withdrawal to a foreign corporation doing business in Cherokee Nation, a fee of Two Hundred Dollars (\$200.00); provided, however, for a certificate solely reflecting a change of mailing address, a fee of Ten Dollars (\$10.00);

13. Every foreign corporation on the anniversary of its qualification in Cherokee Nation each year, shall cause to be filed with the Office of the Principal Chief or his authorized representative a certificate of its president, vice-president or other managing officers, in which shall be stated and shown the maximum amount of capital the corporation had invested in Cherokee Nation at any time subsequent to the issuance to it of a certificate to do business in Cherokee Nation and the amount of capital previously paid upon. If the amount of capital so invested as shown by said certificate exceeds the amount formerly paid upon, the corporation, at the time of filing said certificate, shall pay to the Office of the Principal Chief or his authorized representative an additional fee equal to one-tenth of one percent (1/10 of 1%) of the amount of such excess capital so invested by the corporation in Cherokee Nation; provided, that no such corporation shall be required to pay a filing fee on an amount in excess of its authorized capital, or to file the certificate provided for in this paragraph after it shall have paid a filing fee on its total authorized capitalization;

14. For acting as the registered agent, a fee of One Hundred Dollars (\$100.00) payable on the first day of July each year, and if not paid before the next ensuing September 1st, the Cherokee Nation Tax Commission shall suspend and forfeit the charter of the delinquent corporation pursuant to the procedures prescribed in 68 CNCA § 1212. The Cherokee Nation Tax Commission shall collect and audit the registered agent fee authorized pursuant to this paragraph in conjunction with the collection and audit of franchise taxes as provided for in 68 CNCA §§ 1201 through 1214. All monies received by the Office of the Principal Chief or his authorized representative pursuant to the provisions of this paragraph shall be paid to an account established by the Office of the Principal Chief or his authorized representative; and

15. For any response by means of telecommunications to inquiries regarding information required to be maintained by the Office of the Principal Chief or his authorized representative, a fee of Five Dollars (\$5.00), unless otherwise provided. Fees collected pursuant to this paragraph shall be deposited in an account established by the Office of the Principal Chief or his authorized representative.

B. Except as otherwise provided by law, fees paid to the Office of the Principal Chief or his authorized representative in accordance with the provisions of the Cherokee Nation General Corporation Act shall be properly accounted for and shall be deposited in an account established by the Office of the Principal Chief or his authorized representative.

C. For any certificate supplied by the Court Clerk, such Clerk shall receive a fee of One Dollar (\$1.00). Such fees shall be properly accounted for and shall be paid into an account established by the Office of the Principal Chief or his authorized representative.

D. In any court proceeding pursuant to the provisions of the Cherokee Nation General Corporation Act requiring the filing of any decree, order, report or other document the Office of the Principal Chief or his authorized representative, in addition to the usual court costs and the costs for filing in the office of the Clerk of the Court, fees equal to the amounts provided for in this section for such required filing shall be collected as costs in such proceedings and such amount shall be forwarded to the Office of the Principal Chief or his authorized representative.

E. The provisions contained in this section relating to the payment of incorporation fees by foreign corporations are not intended and shall not be construed to relieve such corporations, where applicable, of the payment of the annual corporate franchise tax to the Cherokee Nation Tax Commission.

F. For the purposes of computing the fees to be collected by the Office of the Principal Chief or his authorized representative pursuant to the provisions of this section, each share without par value shall be treated the same as a share with a par value of Fifty Dollars (\$50.00), and the fees thereon shall be collected accordingly.

G. Payments for any required fees except as otherwise provided by law may be made as follows:

1. By the applicant's personal or company check, cash, or money order;
2. By a nationally-recognized credit card issued to the applicant. The Office of the Principal Chief or his authorized representative may add an amount equal to the amount of the service charge incurred, not to exceed four percent (4%) of the amount of such payment as a service charge for the acceptance of such credit card. For purposes of this paragraph,

"nationally-recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services, or anything else of value on credit. The Office of the Principal Chief or his authorized representative shall determine which nationally recognized credit cards will be in the same manner as other fees collected by the clerk for the filing and recording of mortgages accepted; provided, however, the Office of the Principal Chief or his authorized representative must ensure that no loss of Cherokee Nation revenue will occur by the use of such card.

Historical Data

LA 16-96, eff. July 15, 1996.