



STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

**Requirements and Instructions for Incorporating
a New Mexico Marketing Cooperative Association
(76-12-7 NMSA 1978)**

Filing Fees: Maximum of \$85 (\$50 formation, \$10 certified copy and a prorated fee for the annual license). The annual license fee is \$25 which shall be prorated by the number of days between the registration date and fiscal year end date for the initial license. Please make the check or money order payable to New Mexico Secretary of State or NMSOS.

Filing: The incorporators of the association shall file with the Secretary of State:

1. Articles of Incorporation drawn up based on the attached statute, 76-12-7 NMSA 1978, and signed by five incorporators, one of which must sign in front of a Notary Public.
2. A check or money order in the amount of the calculated filing fee being a maximum of \$85.00 made payable to NMSOS.

Please refer to the New Mexico Cooperative Marketing Associations Act 76-12-1 to 76-12-23 NMSA 1978 for the complete statutes governing a Marketing Cooperative Association. The Business Services Division can only act in an administrative capacity. We cannot offer you legal advice or opinion on your particular filing. We recommend that you consult with your own attorney and accountant during the process of incorporating as an association.

Please mail the entire packet to:

New Mexico Secretary of State

Business Services Division

325 Don Gaspar, Suite 300

Santa Fe, NM 87501

325 DON GASPAR, SUITE 300 | SANTA FE, NEW MEXICO 87501
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76-12-7. Articles of Incorporation

The incorporators of an association to be formed under the Cooperative Marketing Association Act must prepare and file articles of incorporation setting forth:

- A. The name of the association, which may or may not include the word “cooperative”;
- B. Its purposes;
- C. Its duration;
- D. Its principal place of business in the state;
- E. The name and post office address of each of the incorporators;
- F. The names and addresses of those who are to serve as incorporating directors for the first term or until the election and qualifications of their successors;
- G. If organized without capital stock, whether the property rights and interests of each member are to be equal or unequal; if unequal, the general rule applicable to all members by which the property rights and interests respectively of each member shall be determined; and provision for the admission of new members who shall share in the property of the association in accordance with the general rule;
- H. If organized with capital stock, the amount of such stock and the number of shares into which the capital stock is to be divided, whether all or part of the capital stock shall have par value and, if so, the par value thereof; and if there is to be more than one class of stock created, a description of the different classes, the number of shares in each class, the relative rights, interests and preferences each class shall represent and the dividends, which may be cumulative not exceeding eight percent per year, to which each share shall be entitled; and
- I. In addition to the foregoing, the articles of incorporation may contain any provision consistent with law with respect to management, regulation, government, financing, indebtedness, membership, the establishment of voting districts and the election of delegates for representative purposes, the issuance, retirement and transfer of its stock, if formed with capital stock, or any provision relative to the way or manner in which it shall operate with respect to its members, officers or directors and any other provisions relating to its affairs.

The articles of incorporation must be subscribed by the incorporators and acknowledged by one of them before an officer authorized by the state to take and certify acknowledgments of deeds and conveyances and shall be filed with the secretary of state. When filed, the articles of incorporation or certified copies thereof shall be received in all courts of the state as prima facie evidence of the facts contained therein and of the due incorporation of the association.

History: Laws 1937, ch. 152, § 7; 1941 Comp., § 48-1307; 1953 Comp., § 45-14-7; 2013, ch. 75, § 49.



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Document Delivery Instruction Form

Please fill out in its entirety

Contact Name: _____

Contact Phone Number: _____

Attention: _____

Mailing Address: _____

City State Zip code

Email Address: _____

All documents will be emailed to the email address listed. If an email address is not provided the documents will be mailed to the address listed.

check if you choose to pick up your documents

Documents listed for pick up must be picked up within five business days or documents will be emailed.

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