

Unincorporated Nonprofit Association Act

Frequently Asked Questions

Here are some answers to questions we receive frequently from the public about unincorporated nonprofit associations. We provide this for informational purposes only. It does not constitute legal advice.

Please READ THIS:

DO NOT include personal identifying information within any document you file with us. Examples of personal identifying information are: date of birth, Social Security Number or Federal Identification Number (also called an EIN) and your residential address (unless that address will be the registered agent office address of the entity), date of birth, Social Security Number or Federal Identification Number (also called an EIN).

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1. What is an Unincorporated Nonprofit Association?

First, obviously it is not incorporated. Second, it is a not-for-profit entity. Third, it has at least 2 members who agree to join together in an association for a common not-for-profit purpose.

There are some things which can't be an unincorporated nonprofit association:

1. An incorporated entity
2. A one person entity
3. A limited liability company (LLC)
4. An entity formed for a for-profit purpose.

2. How do I create an Unincorporated Nonprofit Association?

We can't answer that question. We can tell you that the law doesn't have a requirement to file a creation document with us. If your nonprofit association will do things like sign contracts or buy property, consider consulting an attorney.

3. What is a Statement of Authority?

If your unincorporated nonprofit association wants to transfer an estate or property, you can file a Statement of Authority. It's a legal document that sort of puts the world on notice about your transfer. You file it with the Register of Deeds. You can file a Statement of Authority if your association is transferring:

- An estate,
- An interest in real property, or
- An interest in personal property.

4. What do we have to put in a Statement of Authority?

The law lists what you have to include in your Statement of Authority. [Click here](#) to read the law. You should talk with the Register of Deeds where you'll transfer the property to get more information. You may also want to consult a lawyer.

5. We're an unincorporated nonprofit association. Do we have to file anything with your office?

No, you aren't required to file anything with the Secretary of State's office. If you want to, you can file a statement with us appointing someone to receive service of process for your association. "Process" means legal documents that have to be delivered in a way set out in North Carolina law. [Click here to read the law about appointing a process agent.](#)

You do not have to appoint a process agent. There may be good reasons to appoint a process agent. You may want to consult a lawyer to help you decide if you need to appoint a process agent and who it should be.

6. If we appoint a process agent, what does the agent have to do?

The process agent would have to do 2 things for your unincorporated nonprofit association:

- (1) Receive legal notices, demands and process served on the association, and
- (2) Forward the documents to the last known association address.

7. How do appoint an agent for service of process?

There are several steps you have to go through. You have to:

1. Select someone to be the process agent. Make sure the agent agrees to serve and is located in North Carolina.
2. Fill out our form. [Click here to find our forms list.](#) You want the Form Number NA-01 under Unincorporated Nonprofit Associations.
3. You have to get 2 signatures on the form:
 - * The person signing (executing) the appointment statement,
 - * The agent accepting the appointment.
4. Submit the form to us along with a payment of \$5.00

8. Are there any requirements for who can sign the statement for our association?

The law says that the 1st signature has to be someone who is authorized to manage the association's affairs.

9. Can an agent resign or be changed?

Yes, you can change who your agent is. Your agent can also resign.

If you want to change your agent, you'll need to file either an amendment or a cancellation form and pay a \$5.00 fee. [Click here for the forms.](#)

If your agent wants to resign, there are 2 steps:

1. File a resignation form with us. [Click here for the forms.](#)
2. Give your association written notice at its last known address.

10. What are the fees for filing at the Secretary of State's Office?

The document type, form number and fees are in the chart below.

NA-01	\$5	Statement appointing an agent to receive service of process
NA-02	\$5	Amendment of statement appointing an agent
NA-03	\$5	Cancellation of statement appointing an agent
NA-04	No Fee	Agent's statement of resignation
		Corporations cover letter

11. How do I contact and mail documents to the Secretary of State's Office?

Telephone	919-807-2225
Fax	919-807-2063
E-mail	corpinfo@sosnc.com
US Postal Service	NC Department of the Secretary of State ATTN: Document Compliance Unit PO Box 29622 Raleigh, NC 27626-0622
Hand Delivery or Delivery Service	NC Department of the Secretary of State ATTN: Document Compliance Unit 2 South Salisbury Street Raleigh, NC 27601

12. Where do I find a cover letter to go with my filing?

A cover letter can be found [here](#).

13. We have an unincorporated nonprofit association. Can we be a 501(c)(3) charity so that donations are tax deductible?

We don't decide that. The IRS decides if you can qualify as a 501(c)(3) charity. The IRS website has a lot of information about who has to apply for that designation and how to apply. It also tells you the rules you have to follow if you become a 501(c)(3) charity. This link will take you to the IRS website: [Filing Information For Charities & Non-Profits](#)