

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1987

A N A C T

REINSTATING AND RESTORING FORFEITED  
OR REVOKED CORPORATE CHARTERS

Introduced By: Senator Patterson

Date Introduced: February 5, 1987

Referred To: Senate Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. The revocation of the charters of those business cor-  
 2 porations enumerated in section 3 hereof, which are required by law to  
 3 file annual reports with the secretary of state, shall be vacated.  
 4 Said corporations shall be entitled to all the privileges, benefits,  
 5 and powers, and shall be subject to all of the same duties and liabil-  
 6 ities as though no revocation of their charters had taken place if, on  
 7 or before December 31, 1987, said corporations shall (1) file any cor-  
 8 poration tax returns as may be required; (2) pay all taxes which were  
 9 due or should have been due to the state; (3) file with the secretary  
 10 of state a certificate signed by the tax administrator that such tax  
 11 returns have been filed and such taxes have been paid; and (4) also  
 12 file all reports and pay all fees which may be required by the secre-  
 13 tary of state.

14 SECTION 2. The forfeiture or revocation of the charters of those  
 15 nonprofit corporations enumerated in section 3 hereof, which are re-  
 16 quired by law to file biennial and/or annual reports with the secre-  
 17 tary of state, shall be vacated. Said corporations, subject to chapter

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1 7-6, as amended, of the general laws, entitled the "Rhode Island non-  
2 profit corporation act" notwithstanding any provision of the law to  
3 the contrary, shall file all reports and pay all fees which may be re-  
4 quired by the secretary of state, and shall also pay to the general  
5 treasurer for the use of the state such sum as the attorney general  
6 shall decide should be paid by said corporations, as a compromise of  
7 the penalty or penalties for such failure to file such reports.

8 SECTION 3. The provisions of this act shall apply to the follow-  
9 ing corporations:

10	Sen. Revens	14	STAR CREATION, INC.	1969	business
11	Sen. Revens	15	TOTAL LEASING, INC.	1976	business
12	<del>Sen. Pedegzani</del>	<del>16</del>	<del>WALNUT PROPERTIES, INC.</del>	<del>1981</del>	<del>business</del>
13	Sen. Revens	17	Austin's Plantarama, Inc.	1964	business
14	Sen. Revens	18	FOX REALTY LTD.	1982	business

15 SECTION 4. This act shall take effect upon its passage.

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RE141  
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S. 87 194

H.

AN ACT

REINSTATING AND RESTORING FORFEITED OR REVOKED CORPORATE CHARTERS

Presented by

IN HOUSE OF REPRESENTATIVES  
**FEB 12 1987**  
 REFERRED TO COMMITTEE ON CORPORATIONS  
*Ernest J. White*

**FEB 25 1987**  
 5/194  
*James H. Council*

IN HOUSE OF REPRESENTATIVES  
**FEB 25 1987**  
 Read and Passed in Concurrence  
 Clerk

EXECUTIVE DEPARTMENT,  
 Received **FEB 25 1987**  
 NO ACTION TAKEN BY THE GOVERNOR  
 GOVERNOR

RECEIVED FROM THE GOVERNOR  
 WITH ORIGINAL SIGNATURE  
 EXECUTIVE **MAR 4 1987**  
 IN ACCORDANCE WITH THE PROVISIONS OF  
 CHAPTER 101, TITLE 10, OF THE CONSTITUTION OF THE STATE

IN THE SENATE: **FEB 5 1987**  
 Read and referred to the Committee on CORPORATIONS  
*Robert F. White*  
 Reading Clerk

IN SENATE: **FEB 11 1987**  
 THE COMMITTEE ON CORPORATIONS RECOMMENDS THE PASSAGE OF THE WITHIN BILL  
*Robert F. White*  
 FOR THE COMMITTEE

IN THE SENATE: **FEB 11 1987**  
 Ordered to be placed upon the consent calendar  
*Robert F. White*  
 Reading Clerk

ON THE MESSAGE: **FEB 13 1987**  
*Robert F. White*  
 Read and **PASSED**  
 Reading Clerk

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
INTER-OFFICE MEMO


TO: Honorable Kathleen Connell  
DEPT: Secretary of State  
FROM: R. Gary Clark, Tax Administrator  
DEPT: Administration - Taxation  
SUBJECT: WALNUT PROPERTIES INC.

DATE: April 7, 1987

Dear Madam:

As of this date, the above taxpayer has made payment and filed all Business Corporation Tax Returns required with the intention of complying with the provisions of 87--S194 which became effective on March 4, 1987 without the signature of the Governor.

Very truly yours,

  
\_\_\_\_\_  
R. Gary Clark  
Tax Administrator

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Susan L. Farmer  
Secretary of State



State of Rhode Island and Providence Plantations  
OFFICE OF THE SECRETARY OF STATE  
STATE HOUSE  
PROVIDENCE  
02903

MAR 26 1986

GENTLEMEN:

You are hereby notified that the name WALNUT PROPERTIES, INC.

appears upon the list of corporations, this day duly certified and filed in this office by the Tax Administrator, as one of those corporations whose CHARTER or ARTICLES OF ASSOCIATION has been FORFEITED FOR NON-PAYMENT OF FRANCHISE TAXES, in accordance with the provisions of Chapter 44-12 of the General Laws.

Your attention is hereby directed to the following excerpts from §§44-12-8 to 44-12-10 (inclusive) of the General Laws: —

"§44-12-8 . . . and any such corporation or any stockholder, officer, or agent thereof, continuing to act thereafter under any charter or articles of association forfeited as aforesaid, except as provided in §7-1.1-98, or pending an appeal from said forfeiture as hereinafter provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000) for each offense.

"§44-12-9 The secretary of state shall forthwith publish in one or more of the daily public newspapers printed in the city of Providence, the names of all such corporations whose charters or articles of association have been forfeited as aforesaid. Such forfeiture shall be vacated as to any such corporation which shall pay all taxes and all interest then due thereon to the tax administrator within sixty (60) days of the date of such publication.

"§44-12-10 Any such corporation, by any stockholder or officer thereof, aggrieved by the forfeiture of the charter or articles of association of such corporation may appeal from such forfeiture, within thirty (30) days from the date of such publication, to the superior court, and said court shall thereupon proceed as soon as may be to hear such appeal after the manner of equitable causes; and if such appellant shall show to the satisfaction of said court that the forfeiture of the charter or articles of association of any such corporation was erroneous under the provisions hereof, or that the tax assessed was improper or erroneous in whole or in part, and in such case if such appellant shall pay all taxes and all interest then due hereunder, then said court shall sustain said appeal and shall vacate such forfeiture as to such appellant corporation, or, upon failure to show error in said forfeiture under the provisions thereof, or to pay all taxes and all interest then due hereunder, said court shall dismiss said appeal and confirm such forfeiture. Upon the sustaining of such appeal of any such corporation the clerk of the district court shall, within ten (10) days, file with the secretary of state and with the division of taxation an attested copy of the decree vacating such forfeiture as to such appellant corporation. A party aggrieved by a final order of the court may seek review thereof with the supreme court by writ of certiorari in accordance with the procedures contained in §44-35-16."

This notice is given pursuant to the further provisions of §44-12-8 of the General Laws.

Very truly yours,

FOR INFORMATION CALL  
DIVISION OF TAXATION - 277-3061

*Susan L. Farmer*  
Secretary of State

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