

**Form 908—General Information
(Foreign Corporate Fiduciary Probate Code Filing)**

The attached form is drafted to meet minimal statutory filing requirements pursuant to the relevant code provisions. This form and the information provided are not substitutes for the advice and services of an attorney and tax specialist.

Commentary

Under section 105A of the Texas Probate Code, a foreign corporate fiduciary must file with the secretary of state before qualifying or serving in any fiduciary capacity in the State of Texas. This form has been promulgated for the purpose of submitting the required filing.

Reciprocity: Section 105A requires that the jurisdiction of formation of the foreign fiduciary grant reciprocal authority to serve in a like fiduciary capacity to a corporate fiduciary formed under the laws of Texas. The secretary of state does not make the determination of reciprocity. The foreign fiduciary is responsible for the determination of reciprocity.

Instructions for Form

- **Fiduciary Information:** Provide the full legal name of the fiduciary as stated in its formation document and the state or territory under the laws of which the fiduciary was formed. If the entity is formed under federal law of the United States, indicate the jurisdiction as “United States.” The date of formation should be set forth; the fiduciary should select the appropriate organizational form for the fiduciary; and the principal office address should be provided. It is recommended that the federal employer identification number (FEIN) be entered in the space provided. The FEIN is a 9-digit number (e.g., 12-3456789) that is issued by the Internal Revenue Service (IRS). If the fiduciary has not received its FEIN at the time of submission, this should be noted by checking the applicable box.
- **Power to Act as a Fiduciary:** The filing should include an affirmation that the fiduciary has the corporate power to act in a fiduciary capacity in the state or territory of its formation or as a fiduciary under the laws of the United States.
- **Reciprocity:** Section 105A requires that the state or territory under which the foreign fiduciary is formed must grant reciprocal authority to serve in a like fiduciary capacity to a corporate fiduciary formed under the laws of Texas. Reciprocity is a precondition for filing under section 105A. The secretary of state does not determine reciprocity and relies on the affirmative statement made by the fiduciary.
- **Appointment of Agent:** The fiduciary must appoint the secretary of state as its agent for service of process.
- **Certificate of Designation:** The fiduciary must designate the name, title and address of the person to whom the secretary of state should forward any notice of process received by the secretary.
- **Formation Documents:** A copy of the charter, articles of incorporation or association or similar formation documents and all amendments thereto must be attached to the filing. The copy must be

certified by the secretary of the fiduciary and be issued under the corporate seal of the fiduciary if a seal has been adopted and is used by the fiduciary.

- **Execution:** An officer of the fiduciary must sign the filing. The filing need not be notarized. However, before signing, please read the statements on this form carefully. *The person signing the filing may be subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.*
- **Payment and Delivery Instructions:** There is no filing fee for filing the statement under section 105A of the Texas Probate Code on behalf of a foreign corporate fiduciary.

Submit the completed form in duplicate. The form may be mailed to P.O. Box 13697, Austin, Texas 78711-3697; faxed to (512) 463-5709; or delivered to the James Earl Rudder Office Building, 1019 Brazos, Austin, Texas 78701. On filing the document, the secretary of state will return the appropriate evidence of filing to the submitter together with a file-stamped copy of the document, if a duplicate copy was provided as instructed.

Revised 01/06

Form 908
(Revised 01/06)

Return in duplicate to:
Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
512 463-5555
FAX: 512/463-5709
Filing Fee: No fee



This space reserved for office use.

**Foreign Corporate
Fiduciary
Probate Code Filing**

Fiduciary Information

The foreign corporate fiduciary submits this filing under the provisions of section 105A of the Texas Probate Code. The name of the foreign corporate fiduciary is:

Its federal employer identification number is: _____

Federal employer identification number information is not available at this time.

It is formed under the laws of: _____
(State; foreign country or if federally chartered, United States)

and the date of its formation in that jurisdiction is: _____
mm/dd/yyyy

The fiduciary is a: (choose only one)

- | | |
|---|---|
| <input type="checkbox"/> Bank | <input type="checkbox"/> Federal Bank |
| <input type="checkbox"/> Savings Bank | <input type="checkbox"/> Federal Savings Bank |
| <input type="checkbox"/> Savings and Loan Association | <input type="checkbox"/> Federal Savings and Loan Association |
| <input type="checkbox"/> Credit Union | <input type="checkbox"/> Federal Credit Union |
| <input type="checkbox"/> Trust Company | |

The address of its principal office is:

Address

City

State

Country

Zip/Postal Code

Power to Act as a Fiduciary

The foreign corporate fiduciary has the corporate power to act in a fiduciary capacity in the state or territory of its formation or as a fiduciary formed under the laws of the United States.

Reciprocity

The state or territory under which the corporate fiduciary is formed grants authority to serve in like capacity to a corporate fiduciary in Texas.

Appointment of Agent

The corporate fiduciary hereby appoints the Secretary of State of Texas as its agent for service of process upon whom all notices and processes issued by any court of this state may be served in any action or proceeding relating to any trust, estate, fund or other matter within this state with respect to which such corporate fiduciary is acting in any fiduciary capacity, including the acts or defaults of such corporate fiduciary with respect to any such trust, estate or fund. This appointment is of indefinite duration and irrevocable.

Certificate of Designation

The name and address of the officer, agent or other person to whom any notice of process received by the secretary of state may be forwarded is:

First Name

MI

Last Name

Title

Address

City

State

Country

Zip/Postal Code

Formation Documents

Attached to this filing is a copy of the charter, articles of incorporation or of association of the corporate fiduciary and all amendments thereto, certified by its secretary under its corporate seal.

Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

Date: _____

Signature and title of authorized person on behalf of the foreign corporate fiduciary