

**Form 706—General Information
(Appointment of Statutory Agent)**

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

This form has been promulgated to comply with the provisions of the Texas Business Organizations Code (BOC) as well as other applicable law regarding a statement of appointment of a statutory agent authorized to receive service of process on behalf of a Texas financial institution under section 201.103 of the Texas Finance Code, an unincorporated nonprofit association under section 252.011 of the Texas Business Organizations Code, and a defense base development authority under section 379B.004(b) of the Texas Local Government Code.

The entity making the appointment may file with the secretary of state an amendment to the appointment to name a new agent, change the agent's address, or add or change a federal employer identification number. The entity also may file with the secretary of state a cancellation of the appointment. The appointed agent may resign by filing a notice of resignation with the secretary of state and giving notice to the entity that made the appointment.

Consent: Effective January 1, 2010, a person designated as the registered agent of an entity must have consented, either in a written or electronic form, to serve as the registered agent of the entity. By signing this statement, the person designated as agent is accepting the appointment and consenting to serve as an agent to receive service of process on behalf of the entity. *The liabilities and penalties imposed by sections 4.007 and 4.008 of the BOC apply with respect to a false statement in a filing instrument that names a person as the registered agent of an entity without that person's consent.* (BOC § 5.207)

Instructions for Form

- **Items 1–4—Entity Information:** The appointment must state the name of the entity, its federal employer identification number, the type of entity, the statute under which the appointment is made and the address of the entity in Texas or elsewhere.
- **Item 5—Agent Authorized to Receive Service of Process:** Complete this section with information regarding the agent. The agent can be either (option A) a Texas entity or a foreign entity that is registered to do business in Texas or (option B) an individual resident of the state. Note that the entity may not serve as its own agent and may not appoint the secretary of state as its agent.

Item 5C must include the street address of the agent where service of process may be delivered or mailed. The registered office must be located at a street address where service of process may be personally served on the entity's registered agent during normal business hours. Although the registered office address is not required to be the entity's principal place of business, the registered office may not be solely a mailbox service or a telephone answering service (BOC § 5.201).

- **Execution:** The appointment of statutory agent for service of process filed by a *Texas financial institution or defense base development authority* must be signed by an authorized officer of the financial institution or defense base development authority. The appointment of statutory agent for

service of process filed by an *unincorporated nonprofit association* must be signed by a person authorized to manage the affairs of the nonprofit association.

In addition, the appointment must also be signed by the person named as the entity's appointed agent. If the appointed agent is a corporation or other legal entity, the appointment must be signed by an officer or other duly authorized representative of the agent. By signing the appointment, the agent is accepting the appointment and consenting to serve as an agent to receive service of process on behalf of the entity.

The appointment need not be notarized. However, before signing, please read the statements on this form carefully. *A person commits an offense under section 4.008 of the BOC if the person signs or directs the filing of a filing instrument the person knows is materially false with the intent that the instrument be delivered to the secretary of state for filing. The offense is a Class A misdemeanor unless the person's intent is to harm or defraud another, in which case the offense is a state jail felony.*

- **Payment and Delivery Instructions:** The filing fee for an appointment by a Texas financial institution or an unincorporated nonprofit association is **\$25**. There is no fee for the appointment of an agent by a defense base development authority. Fees may be paid by personal checks, money orders, LegalEase debit cards, or American Express, Discover, MasterCard, and Visa credit cards. Checks or money orders must be payable through a U.S. bank or financial institution and made payable to the secretary of state. Fees paid by credit card are subject to a statutorily authorized convenience fee of 2.7 percent of the total fees.

Submit the completed form in duplicate along with the filing fee. 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. If a document is transmitted by fax, credit card information must accompany the transmission (Form 807). 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 05/11