

Chapter 61

Nonprofit Corporations; Reports on Solicitations of Funds

61.005 to 61.950

ATTY. GEN. OPINIONS: Reinstatement of dissolved corporation, 1962-64, p 288.

61.005

NOTES OF DECISIONS

I. Under former similar statute

Where persons in good faith attempted to comply and exercise corporate powers, but failed there could be a de facto corporation. *Brown v. Webb*, (1912) 60 Or 526, 120 P 387, Ann Cas 1914A, 148.

On payment of the organization fee, a corporation having capital stock could be formed for charitable purposes. *Carson v. Schulderman*, (1916) 79 Or 184, 154 P 903.

Eleemosynary, religious and educational institutions were exempt from liability for their acts of negligence. *Gregory v. Salem Gen. Hosp.*, (1944) 175 Or 464, 153 P2d 837.

FURTHER CITATIONS: Trustees of Methodist Episcopal Church v. Adams, (1870) 4 Or 76; Philomath College v. Hartless, (1876) 6 Or 158, 25 Am Rep 510; *Liggett v. Ladd*, (1888) 17 Or 89, 21 P 133; The Santiam Fish & Game Assn. v. State Tax Comm., (1962) 229 Or 506, 368 P2d 401.

ATTY. GEN. OPINIONS: Authority to borrow money for corporate purpose, 1920-22, p 7; application of workmen's compensation laws to charitable corporation engaged in hazardous occupation, 1920-22, p 347; determinations of status of organizations under former section, 1922-24, pp 428, 812, 1926-28, p 39, 1928-30, p 469, 1938-40, pp 321, 364, 402, 415, 469, 485, 513, 562, 596, 738; dissolution procedure for nonprofit corporation organized under former statute, 1922-24, p 567; determination of nonprofit status, 1922-24, p 812; authority to revoke certificate by Corporation Commissioner, 1930-32, p 701; authority of nonprofit organization to act as trustee, 1942-44, p 55; whether filing is mandatory where unlawful purpose does not appear on the face of the articles, 1942-44, p 396, 1944-46, p 55; incorporation of improvement company as being within section, 1942-44, p 396; whether corporation to operate telephone exchange is within section, 1942-44, p 450; filing of articles of incorporation which do not show on their face an unlawful purpose, 1942-44, p 396, 1944-46, p 145; incorporation of research organization under this section, 1944-46, p 55; formation of corporation to provide death and medical plan to membership under former similar statute, 1958-60, p 274; "profit purposes" interpreted under a former similar statute, 1958-60, p 274.

LAW REVIEW CITATIONS: 16 OLR 357, 363; 39 OLR 127-128.

61.055

NOTES OF DECISIONS

This section, in part, was not intended to grant an ecclesiastical corporation immunity from tort liability, but to prevent it from engaging in business. *Gregory v. Salem Gen. Hosp.*, (1944) 175 Or 464, 153 P2d 837.

When a church incorporates it succeeds to the rights of the unincorporated body including the title to land held by church trustees. *Presbytery of Willamette v. Hammer*, (1963) 235 Or 564, 385 P2d 1013.

FURTHER CITATIONS: *O'Neill v. Odd Fellows Home*, (1918) 89 Or 382, 174 P 148.

ATTY. GEN. OPINIONS: Whether nonprofit organization when in hazardous occupation is subject to workmen's compensation laws, 1920-22, p 347.

61.061

NOTES OF DECISIONS

Under former similar statute the trustees of an unincorporated benevolent society that was de facto could hold title to realty and sue to protect it. *Trustees of Methodist Episcopal Church v. Adams*, (1870) 4 Or 76, 81; *Brown v. Webb*, (1912) 60 Or 526, 533, 120 P 387, Ann Cas 1914A, 148.

Under former similar statute power to make bylaws was vested in the incorporators and not the membership at large. *Kaski v. Kempainen*, (1924) 110 Or 362, 367, 222 P 1104.

FURTHER CITATIONS: *Liggett v. Ladd*, (1892) 23 Or 26, 31 P 81.

ATTY. GEN. OPINIONS: Authority of nonprofit corporation to borrow and mortgage, 1920-22, p 7; execution of contract by corporators or their successors of charitable corporation, 1922-24, p 188; procedure necessary for voluntary dissolution of nonprofit corporation organized under a former statute, 1922-24, p 567; whether group transacting insurance business is fraternal benefit society, 1928-30, p 469; whether certificate of incorporation of nonprofit corporation can be revoked, 1930-32, p 701.

61.065

CASE CITATIONS: *Schaefer v. West Lawn Memorial Cemetery*, (1960) 222 Or 241, 352 P2d 744.

61.095

NOTES OF DECISIONS

Under former similar statute power to make bylaws was vested in the incorporators and not the membership at large. *Kaski v. Kempainen*, (1924) 110 Or 362, 367, 222 P 1104.

61.311

CASE CITATIONS: *Brown v. Webb*, (1912) 60 Or 526, 120 P 387, Ann Cas 1914A, 148; *Kaski v. Kempainen*, (1924) 110 Or 362, 222 P 1104.

ATTY. GEN. OPINIONS: Articles of incorporation as evidence of facts specified therein, 1926-28, p 39.

61.321

ATTY. GEN. OPINIONS: Articles of incorporation as evidence of fact of being a charitable corporation and tax exempt, 1926-28, p 39.

61.525 to 61.600

ATTY. GEN. OPINIONS: Procedure necessary for voluntary dissolution of nonprofit corporation organized under a former statute, 1922-24, p 567.

61.530

CASE CITATIONS: *Oregon Methodist Homes, Inc. v. State Tax Comm.*, (1961) 226 Or 298, 360 P2d 293; *Friendship Manor v. State Tax Comm.*, (1966) 247 Or 94, 420 P2d 77.

LAW REVIEW CITATIONS: 4 WLJ 516.

61.565

CASE CITATIONS: *Friendship Manor v. State Tax Comm.*, (1966) 247 Or 94, 420 P2d 77.

LAW REVIEW CITATIONS: 4 WLJ 516.

61.655

ATTY. GEN. OPINIONS: Whether foreign marketing associations are within section, 1922-24, p 428, 1922-24, p 599;

legacies to religious body corporate as exempt from taxation, 1938-40, p 479.

61.755**NOTES OF DECISIONS**

Under a former similar statute, an agreement between lot purchaser and association requiring purchaser to buy marker through association was valid. *Schaefer v. West Lawn Memorial Cemetery*, (1960) 222 Or 241, 352 P2d 744.

Under a former similar statute, conveyance of a cemetery lot did not vest in the grantee a fee simple, but conveyed a right therein of burial exclusive of others and a right to express respect and affection for the dead. *Id.*

FURTHER CITATIONS: *Eugene Pioneer Cemetery Assn. v. Spencer Butte Lodge No. 9*, (1961) 228 Or 13, 363 P2d 1083.

61.760**NOTES OF DECISIONS**

Under a former similar statute, an agreement between lot purchaser and association requiring purchaser to buy marker through the association was valid. *Schaefer v. West Lawn Memorial Cemetery*, (1960) 222 Or 241, 352 P2d 744.

61.765

ATTY. GEN. OPINIONS: Approval of plat by planning commission before recordation, 1930-32, p 586.

61.770

ATTY. GEN. OPINIONS: Condemnation of land owned by a cemetery association, 1948-50, p 414.

61.930

ATTY. GEN. OPINIONS: Gravestone as subject to writ of execution and subsequent sale, 1926-28, p 453.