

Welcome to “The Tax Jungle”™

Your Host James Harnsberger, Enrolled Agent

www.WealthandTaxGuru.com

35-0012-01

Podcast FREE COURSE

“Form your own corporation”

INTRODUCTION

Why this topic?

Most small businesses are operated as sole proprietorships and the business owner very often does not know how to improve their business financial circumstances by operating a more formal structure such as that of a corporation. This course will provide a brief look into the world of closely held small business corporations as one alternative to being self employed. The goal of this short course is to educate about advantages of using small business corporations as a business tool for financial success.

What you will learn?

You will learn WHO among business owners are deciding to use corporations
You will learn WHAT important considerations must be given before you incorporate
You will learn WHEN is the best time to consider forming your own small business corporation
You will learn WHERE opportunities are for keeping more of your money using a corporation
You will learn WHY business owners and wealthy clients use small business corporations

Also – you will learn differences between a “C” and “S” corporation
You will learn basic tax strategies for the corporation
You will learn how to take money out of the corporation correctly

BONUS Introduction on How to obtain and secure \$50,000 in new corporate credit INCLUDED in Course

Why is a corporation so important for your business?

This is important for two main reasons;

Keeping more of your money through effective planning strategies
Protecting your assets while you accumulate and preserve wealth

What benefits will you receive from this FREE course?

How corporations allow for efficient management of taxes
How corporations provide many financial benefits
How corporations allow you to establish credit with no personal guarantees
How corporations provide an effective means of protecting what you own

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About your Host.....

James Harnsberger is an Enrolled Agent admitted to practice before the Internal Revenue Service in all 50 states and is an expert in many areas of federal and state tax law. Mr. Harnsberger provides business tax planning, consulting, and representation before the IRS to many highly successful business owners including some of the biggest names in the Network Marketing Industry.

Some of the clients who turn to Mr. Harnsberger operate corporations in many other countries, and have significant tax issues regarding their ability to accumulate and preserve their wealth.

Mr. Harnsberger represents many highly successful clients from Hollywood California, to Washington D.C. and stops in between, all who have made a commitment to manage their taxes by having full understanding and control over every aspect of taxation, and these clients have made significant gains in wealth accumulation as a direct result of the strategies employed through strategic planning.

Mr. Harnsberger is the Host of “The Tax Jungle” Podcast and is a celebrity in his own right rubbing elbows with some of the most successful business clients from many industries. A graduate in paralegal studies, a Phi theta Kappa alumni member, and an academic honors recipient Mr. Harnsberger has a burning desire for knowledge that continues today as he completes his Fellowship Program for the NTPI Fellow, and prepares to take the admissions examination in 2016 to be admitted to practice in the US Tax Court as a non attorney.

Now without further delay, your host, and instructor; your Wealth and Tax Guru, James Harnsberger Enrolled Agent

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Podcast FREE COURSE

“Form your own corporation”

INTRODUCTION TO FREE MINI-COURSE

In today’s ever changing economy many small business owners are turning to using corporations and LLC’s but unfortunately for the wrong reasons. As we begin this Special Mini-Course I want to take time and cover some basic principals about operating a business using a corporation and bust any myths you may have heard so I can speak frankly and get to the bottom line.

Myths

- *If I incorporate I do not have to pay self employment taxes*
- *If I incorporate I can deduct my car as a company car*
- *If I incorporate I can take my profits free of SE taxes*
- *If I incorporate I will full protect all my assets*
- *If I incorporate in Nevada or Delaware I can hide and not be traced*
- *If I incorporate in Nevada my business will have no taxes to pay*

ABOUT THIS MINI COURSE

This course is an opportunity for me to earn your trust as a tax expert in the field of business taxation and to introduce you to who I am and what I do. It is also a means for me to give you straight talk and not candy coat it or dance around the political correctness police and be concerned about your “feelings”; we are talking about your money, the IRS, and helping you do things correctly. If you want nice call your mother.

This e-Guide is a compliment to the Podcast that accompanies this course; they go hand-in-hand. You will read the concepts and information in the e-Guide but hear the full scope of the topic on the Podcast. Feel free to take notes, mark in the margins, even underline special points to come back to that may be on point to your issues. Feel free to call our offices or send me an email with questions as there is never a fee to help answer your question. Finally I want this to be a valuable asset in helping you do things correctly, avoid compliance problems, and keep more of your money.

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WHO among business owners are using corporations?

The vast economic changes we are experiencing have created a major shift in how small businesses are formed, created, and launched. For existing businesses it is clear that with growing regulation, higher taxes, weak economic performance, and many small business are turning to incorporating to help them deal with many financial issues.

IT professionals	Creative Arts	Personal Services
Solo Medical Prof.	Small family farms	Network Marketing
Writers, Editors	Real Estate Sales	Financial Services

The continued changes in our economy are forcing many people to consider alternatives to traditional employment. Many have joined the independent contractor world to sell their skills and talents to as many buyers as possible, thus creating a growing trend of small business owners. It is in these areas where the status of self employed is changing.

There are an even greater number of existing small businesses who have decided that it may be better to incorporate in order to cut costs and reduce taxes. The challenge here of course is the numerous and varied misleading statements you see in the market place especially on the topic of taxes. When you incorporate for example and you elect to use a “S” corporation; while it is true that your profits are not subject to self employment tax; it is not true that you do not have to pay these taxes.

Every owner of an “S” corporation who provides services for the corporation is required to take compensation from the corporation in the form of taxable wages; taxable wages have with them the requirement of FICA and Medicare tax; the same taxes you would pay on SE profits.

WHAT DID WE LEARN AND IMPORTANT POINTS TO REMEMBER

- Many people incorporate who are unaware of some of the complex rules
- Many falsely believe they do not have to pay SE taxes when incorporating
- Many business owners who incorporate do not know about taking a salary/wage
- When you incorporate you must take compensation in the form of taxable wages
- You must take a wage/salary that is not unreasonably low or high; it must be reasonable
- Your compensation must be determined using a standard to ensure it meets this test

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WHAT important considerations must be given before you incorporate?

In making the decision to incorporate your business there are many factors that must be considered before one simply jumps off the cliff and forms a corporation. Here is but a small list of important considerations that my FULL COURSE will offer in making the decision to incorporate:

Is the business a start up or an existing corporation?

How many owners will have stock in the corporation?

How many shareholders (stock owners) will work in the corporation?

Will the stock be owned by a husband and wife?

If yes, is there an issue with marital assets?

How will the corporation be set up; “C” corporation or “S” corporation?

Will the corporation be involved in interstate or intrastate business?

Will the corporation have inventory?

Will the corporation have other employees?

If the corporation involves an existing business how will assets transfer to the corporation?

What are the costs to incorporate the business?

Three primary costs include

state required filing fees

the fees for the service provider to incorporate

annual franchise fees or state corporate taxes

WHAT DID WE LEARN AND

IMPORTANT POINTS TO REMEMBER

- There are many factors that must be considered before incorporating
- There are at least three main costs associated with incorporating
- The type of corporation will decide how it is taxed for federal taxes
- There is a difference between a start up and an existing business deciding to incorporate
- You should have a business organization plan before incorporating to consider all factors

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WHEN is the best time to consider forming your own small business corporation?

The timing of when to incorporate can in many cases be a critical issue that can have significant impacts on taxation. Again depending upon the issue of an existing business incorporating or a new start up business incorporating, timing is everything. Part of the consideration of when to incorporate is determined by analyzing what the main objectives are for incorporating in the first place. If your main objective is to create a formal business structure for reducing costs, managing your taxes, and helping you to accumulate wealth and establish a retirement plan then I would say the sooner the better. If on the other hand your reasons to incorporate are for succession planning, legacy planning, estate planning or other long term planning objectives, then I would say you have more time to consider the intricate details of when it is the best time to incorporate. Some of the factors that help decide WHEN to incorporate include;

Is it a new start up or existing business?

Do we have large value in equipment and fixtures?

Do we own real estate in connection with the business?

Do we have other assets that are at risk that a corporation would allow for asset protection?

How many employees will work for the corporation including owners?

Is there a current payroll for the business that will need conversion?

Are there any existing lawsuits involving the business before incorporating?

Do the business owners have any judgments before incorporating?

Is there a pending marriage or divorce?

Is there a recent death in family?

Unfortunately many business owners take little or no time to take into consideration all factors that must be viewed before rushing off to the internet and clicking their way off into corporation land. Timing is everything especially WHEN to incorporate.

WHAT DID WE LEARN AND IMPORTANT POINTS TO REMEMBER

- Many factors can influence the decision of WHEN to incorporate
- We must look to our overall objectives of WHY in order to decide WHEN
- We must ensure we are not creating a successor or transferee liability issue
- We must look to our overall business objectives when deciding WHEN to incorporate

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WHERE opportunities are for keeping more of your money using a corporation?

When we discuss the issue of opportunities to keep more of your money by using a corporation, we are simply referring to the many strategies and planning tools that can be employed in developing a sound plan for the corporation. Some of these “Opportunities” may include;

Retirement planning enhanced planning

Compensation planning

Benefit planning

Deferred compensation planning

Legacy and succession planning

Using shifting techniques as part of compensation or benefit planning

Profits vs dividends

Passive vs active income

A corporation allows for more advanced type of planning when it comes to compensation, benefits, and overall retirement planning objectives. The formal structure of a corporation is better suited for this more formal type of strategic planning.

Retirement planning as one example can be an area where a corporation would allow us to enhance the overall effectiveness of keeping more money by using a corporation and establishing a defined benefit plan. The corporation could also allow us to create a situation where the income from the corporation falls into more than a single bucket or type of income thus allowing for more effective management of how the income is taxed.

WHAT DID WE LEARN AND IMPORTANT POINTS TO REMEMBER

- Where possible opportunities may be when deciding to incorporate
- These opportunities could influence the WHEN and WHY as to incorporating
- These opportunities may actually create enhancements for our wealth accumulation
- The opportunities may create a comprehensive compensation and benefit plan opportunity

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WHY business owners and wealthy clients use small business corporations?

“Why” a business owner or wealthy client decides to incorporate is as varied as the number of business clients and wealthy clients who are incorporating. The simple truth is that the WHY can be multifaceted and can include a wide range of reasons one would decide to incorporate. The larger question and more critical point is that successful clients who incorporate ALWAYS have a strategic objective in mind for the decision to use a corporation. Here is a short list of some important WHY’s:

Change in ownership

Legacy planning

Succession planning

Asset protection

Reduce overall taxes

Ability to manage estate valuation

Divorce planning

Prenuptial planning

Bankruptcy planning

Disposition or sale of business planning

The point here is that the WHY can be as varied as the number of people using a corporation. The more important point is that YOU have the WHY answered for your circumstances and reasoning behind the decision to incorporate.

WHAT DID WE LEARN AND

IMPORTANT POINTS TO REMEMBER

- We should answer and decide our own “WHY” to incorporate
- We should write down all the reasons we want to incorporate
- We should write down all the objectives we think the corporation will provide us
- We should have a clear objective in mind, business reorganization planning; before incorporating

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The differences between a “C” and “S” corporation

Every corporation begins its life as a normal “C” corporation and then one must “Elect” the special “S” status to convert it to an “S” corporation.

“C” Corporation Tax Issues

When you operate the business as a “C” corporation the primary distinction is that profits are taxed at the corporate tax rates and then if paid to you as dividends are taxed again at your individual tax rates; in effect creating a double-taxation impact on the same profits. Dividends once paid to you by the corporation are NOT a deduction for the corporation as the corporation must pay corporate taxes on those profits.

The other primary consideration in using a C corporation is there are no restrictions on who can be a shareholder in a C corporation as in the case of S corporations; and you can have more than one type of stock issued by the corporation unlike the “S” corporation where there are restrictions on who and how many shareholders can be part of an “S” corporation and the “S” corporation can only have one form of stock.

“S” Corporation Tax Issues

The “S” in S corporation refers to Sub Chapter S of the Internal Revenue Code (IRC) adopted by congress. An “S” corporation is considered a pass-through entity whereby profits and certain tax items pass-through to be reported at the shareholder level on their individual tax return. The law limits WHO can be a shareholder in an S corporation and the law limits the number of shareholders who may own stock in the corporation. The law also strictly limits the type of stock to only one type that can be issued to shareholders, and the “S” corporation is not subject to the corporate taxes such as in the case of a “C” corporation on the profits. There are some minor exceptions such as built in gains taxes where this may not be true.

WHAT DID WE LEARN AND IMPORTANT POINTS TO REMEMBER

- C corporations are taxed differently than “S” corporations
- C corporations have few restrictions on who can be a shareholder and the type of stock issued
- S corporations do not pay taxes
- S corporations are pass-through entities
- S corporations have strict limits on number of shareholders and type of stock it may issue
- There are big differences in selecting a C versus an S corporation for your business

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Basic tax strategies for the corporation

There can be significant variation in the strategies employed between a “C” corporation and an “S” corporation when it comes to certain topics.

Compensation

Benefits

Deferred compensation

Retirement planning

Profits vs dividends

Passive income vs Active Material Participation

Losses of the corporation the differences between “C” and “S” corporation

It does require some general planning objectives and review of certain business financial information in order to make a decision as to if a “C” or an “S” corporation would provide one with the best overall performance to meet objectives.

How one is taxed depends largely on how one operates their business. Each type of business structure has with it a unique set of tax laws and rules that define and guide the issues concerning how it will be taxed. Some careful consideration must always be afforded in making the decision as to operating the business either as a “C” or an “S” corporation.

WHAT DID WE LEARN AND

IMPORTANT POINTS TO REMEMBER

- Profits from an “S” corporation are taxed at shareholder level and no SE taxes
- Profits from a “C” corporation are taxed at corporate rates, then again at shareholder rates
- Losses from an “S” corporation are limited to “Basis”
- Losses from a “C” corporation remain at the corporate level
- Profits from an “S” corporation could be divided in passive and active depending on factors
- Compensation and benefits are treated differently between “C” and “S” corporations

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How to take money out of the corporation correctly

This is the one area that with any corporation if you do not follow the rules, you will be dealing with the IRS in ways that can only be described as “not good”. Operating a corporation for your business requires that you follow formal rules in legal terms and in terms of tax law. While you own the corporation and the corporation has the money, and technically it is your money, you would be advised to make sure you are careful in how you take money from your corporation.

In General – You only take money from the corporation in the following ways

Compensation in the form of taxable wages

Certain benefits as long as they follow the tax rules

Expense reimbursements so long as you follow the tax rules

Profit distributions from an “S” corporation

Dividends from a “C” corporation

Loans from the corporation to its shareholders so long as you follow the rules

Any other form of taking money from the corporation will result in dealing with tax problems in an IRS audit that could likely result in significant tax, interest and penalties for improper treatment. Having the corporation pay for expenses on your behalf when they are personal or having the corporation pay your meal and travel expenses can be problematic, and having the corporation pay you in ways that are not allowed, or documented

WHAT DID WE LEARN AND

IMPORTANT POINTS TO REMEMBER

- You have specific rules when taking money out of your corporation
- These rules can vary between a “C” corporation and an “S” corporation
- You may not have the corporation pay personal expenses on your behalf
- You must always take a reasonable salary in the form of taxable wages
- The type of money you take has with it different tax impacts

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Why is a corporation so important for your business?

This is important for two main reasons;

Keeping more of your money through effective planning strategies

The corporation allows you to keep more of your money through effective planning in that you are able to define and set up to manage your various compensation and benefits as well as make use of effective tax strategies that reduce taxes in some instances. Profits versus dividends as we have learned are taxed in very different ways and the corporation allows you to better manage these impacts within the tax system while at the same time results are that you keep more of your money. Finally corporations allow for more formal operational control because you must have formal books, a formal accounting system and you must follow corporate compliance rules. This in itself will provide a unique new discipline that in it will result in better fiscal controls and as a result allow you to keep more of your money.

Protecting your assets while you accumulate and preserve wealth

One of the chief benefits of a corporation when setting up a retirement plan, and when using a defined benefit plan is that the contributions are equal to your annual salary subject to limits that are in excess of \$200,000 per year. So you take a \$200,000 salary as example, and make a \$200,000 contribution to your defined benefit plan and you get a \$400,000 tax deduction. The funds in a defined benefit plan are unique in that a civil lawsuit and judgment cannot touch your plan funds, and no creditor including the IRS can ever take that money from your plan.

Corporations provide protection of assets in the sense that the corporation provides you a veil of protection from any of your personal assets being at risk. We always suggest you speak with a qualified lawyer to have him/her review your corporation to ensure you have no issues that would allow some bottom feeder from taking your money or property.

WHAT DID WE LEARN AND IMPORTANT POINTS TO REMEMBER

- Corporations allow better control over fiscal management
- Corporations allow more effective use of retirement planning
- Defined benefit plans are protected from civil judgments including the IRS
- The corporation provides a veil that allows your personal assets to remain out of target
- Because of formality requirements your corporation provides more direct control over money

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BONUS

Introduction

How to obtain and secure \$50,000 in new corporate credit

Your corporation is legally a separate person!

As such it is allowed to sign contracts, enter agreements, and engage in business just like you!

Your corporation is also allowed to establish its own credit apart from your personal credit.

Your corporation can;

- *Have its own credit cards*
- *Have its own gas cards*
- *Have its own merchant cards like Staples*
- *Have its own line of credit (LOC)*
- *Have its own equipment loan*
- *Have its own unsecured business loan*
- *Have its own vehicle loans*
- *Have its own credit score*
- *Have its own Dunn and Bradstreet D&B number*

Before you rush off and begin the process of establishing new corporate credit you may want to go through the pre-credit checklist and make sure you have all the information correctly identified and ready and that you have done the tasks ahead of applying. In our FULL COURSE “Form your own corporation” we have a SPECIAL BONUS PACKAGE that will place you with our preferred vendor to begin the process of establishing your new corporate credit. The normal retail fee of \$745 will be reduced by a \$200 DISCOUNT you receive when you order the FULL COURSE.

OUR VENDOR WILL PROVIDE GUARANTEED RESULTS WITH NO PERSONAL GUARANTEES

ESTABLISH CORPORATE FUNDING READINESS

PERFORM CORPORATE CREDIT COMPLIANCE EVALUATION

SET UP DNB & EXPERIAN CORPORATE PAYDEX SCORES

OPEN 5 (10 Net 30 vendor accounts with NO personal guarantees)

OPEN 1 to 5 Revolving Retail Credit Accounts of \$1K to \$10k EACH

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BONUS

Introduction

How to obtain and secure \$50,000 in new corporate credit

When using corporate credit you will want to make sure that you take advantage of the tax benefits in equipment purchases, as well as other business expenses paid for using corporate credit. We also want to ensure that you meet the “At-Risk” rules of the tax laws when deducting expenses paid with corporate credit.

Our full course will include an entire section on At-Risk rules to help you navigate the tax laws in the manner in which you report these items on your corporate tax return.

WHAT DID WE LEARN AND

IMPORTANT POINTS TO REMEMBER

- The corporation is a legal separate person
- The corporation can establish its own credit
- The corporation can establish its own credit score
- The corporation can immediately apply for new credit
- There is a reliable vendor that will offer a \$200 DISCOUNT to start the corporate credit
- The corporation can open at least 5 new vendor accounts
- The corporation can open 1 to 5 retail accounts with credit limits of \$1K to \$10K each
- There is NO personal Guarantees required
- There may be tax benefits in purchasing equipment and expenses using corporate credit

SIGN UP TODAY FOR THE FULL COURSE – “How to form your own corporation” and receive BONUS of “Set up your own corporate credit”

SEE FOLLOWING PAGES FOR EXAMPLE OF INFORMATION YOU NEED TO FORM YOUR OWN CORPORATION AND IN THIS COURSE WE WILL EXPLAIN EACH OF THESE SECTIONS. IN ADDITION IF YOU DESIRE YOU CAN HIRE A THIRD PARTY TO DO ALL THE INITIAL PAPERWORK AND FORM THE CORPORATION FOR \$48 PLUS STATE FILING FEES

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What's Included:

- Name Availability Check
- Preparing and Reviewing Articles of Incorporation
- Filing Articles with State
- Shipping of Documents
- Electronic forms like bylaws, minutes and notifications. *These forms are necessary for running your corporation and are not provided by the state. *Free for our clients*
- EIN obtainment assistance (self service online or by phone)

Optional Services Include (additional cost):

- Resident Agent Service
- Corporate Kit including a minute book, 20 custom certificates, transfer ledger, and more!
- EIN filing (We do it for you)
- Certificate of Good Standing

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Order Your New Corporation Now!

Select State of
Formation: State:

Company Name Information:

For corporations, the name must end with:
Corporation, Incorporated, Limited or
abbreviations thereof.

1st Choice

for
Company
Name:

2nd

Choice for
Company
Name:

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Business Address:

This will be listed as the legal address of the business on any filing documents, if required by the state.

Address 1:

Address 2:

City:

State/Province:

Zip:

Business
Phone:

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Contact Information:

All preliminary shipments for your order will come to this address. We will also contact this person if there are any questions regarding the processing of this order.

Name:

Email:

Address 1:

Address 2:

City:

State/Province:

Zip:

Day Phone:

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Registered Agent Information:

You can act as your own registered agent if you have address in your state of formation. The usual requirement is that someone should be available at this address during regular business hours.

Check here if you would like to order Registered Agent Service or provide your information below

(Use Contact Information)

Name:

Email:

Address 1:

Address 2:

City:

State/Province:

Zip:

Day Phone:

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Initial Director/Member Information:

Collecting the Director information allows The Incorporator, to transfer the company to its actual owners.

Director 1:

Title:

Director 2:

Title:

Director 3:

Title:

Director 4:

Title:

* One Director name is required, additional are optional

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Optional Services:

- \$89 First year Resident Agent Service
- Save time and money by purchasing your discounted renewal today!

- \$25 EIN Filing Service - We do it for you, if you prefer this option over our Do-It-Yourself Instructions. (If choosing this service, you will be contacted for further information.)
- \$55 Corporate Kit (Price includes shipping)

Please submit your information here and you will be contacted for your payment information and receive an invoice showing your exact charges

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