

CORPORATIONS:  
ARTICLES OF INCORPORATION:  
CHARTERS:  
PROBATE COURT:  
EXECUTORS:  
ADMINISTRATORS:  
ADMINISTRATION:  
WILLS:

Executors named in will may as natural persons become incorporators of a corporation to carry on the business of decedent by order of the Probate Court under Section 473.300.

AUGUST 3, 1964

OPINION NO. 239

Honorable Warren E. Hearnes  
Secretary of State  
State Capitol Building  
Jefferson City, Missouri



Dear Mr. Hearnes:

This opinion is rendered in reply to your letter of June 19, 1964, reading as follows:

"Please find enclosed herewith copy of proposed Articles of Incorporation and copy of Probate Court Order in regard to same as received by this office under recent date.

"Pursuant to same, we respectfully request an opinion of your office as to whether an Executor acting in the capacity of an Executor can act as an incorporator under the provisions of Chapter 351, R.S.Mo. See specifically Section 351.050, as amended 1961, and Section 473.300(1)."

A review of Articles of Incorporation of the proposed Unique Art Glass Co. discloses that the corporation is to be formed for the specific purposes authorized by Section 473.300, RSMo 1959, and that the co-executors who are serving as original incorporators of the proposed corporation are natural persons as required by Section 351.050, RSMo 1959.

Honorable Warren E. Hearnes

CONCLUSION

It is the opinion of this office that executors named in a last will and testament, as natural persons, may become original incorporators of a corporation to carry on the business of decedent upon order of the Probate Court duly entered pursuant to Section 473.300, RSMo 1959.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, C. B. Burns, Jr.

Yours very truly,

*Thomas F. Eagleton*

THOMAS F. EAGLETON  
Attorney General