

INSURANCE: Articles of Incorporation of Empire Security Life Insurance Company

OPINION NO. 325

August 16, 1965



Honorable Robert D. Scharz
Superintendent, Division of Insurance
Jefferson Building
Jefferson City, Missouri

Dear Mr. Scharz:

By letter dated August 9, 1965, you requested an opinion from this office as to whether documents submitted by Empire Security Life Insurance Company are in accordance with Chapter 376 of the statutes and are not inconsistent with the Constitution and laws of this state and the United States. These documents consist of an executed copy of the Declaration of Intention of the original incorporators of Empire Security Life Insurance Company, a copy of the Articles of Incorporation of such corporation to be formed under the provisions of Chapter 376 RSMo 1959, and the Publisher's Affidavit as to publication of said Articles as required by Sections 376.-050 and 376.070 RSMo 1959.

An examination of the documents referred to in the preceding paragraph has been made as required by Section 376.070 RSMo 1959. It is noted that the Notary Public before whom the Publisher's Affidavit of Publication was executed failed to indicate the expiration date of her commission. Such omission does not invalidate the affidavit; *New v. Corrough*, 370 S.W.2d 323. However, the omission should be supplied to prevent the question arising in the future as to whether or not the Notary Public's commission was in effect at the date of the execution of the Affidavit of Publication.

It is the opinion of this office that the documents referred to in the first paragraph hereof are in accordance with the provisions of Chapter 376 RSMo 1959 and are not inconsistent with the Constitution and laws of this state and the United States.

Honorable Robert D. Scharz

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The foregoing opinion which I hereby approve was prepared by my Assistant, Thomas J. Downey.

Very truly yours,

NORMAN H. ANDERSON
Attorney General

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