



Grand Lodge of Free & Accepted Masons of the State of New York
COMMITTEE ON LODGES AND BUILDING

169 South Main Street #464 • New City, NY 10956

April 15, 2002

Dear Brother:

Many Lodges have inquired of the Committee about the protection afforded Lodges by the BENEVOLENT ORDERS LAW. We have prepared this report for you so you will have a basic understanding of what the Law provides in way of liability protection for your Lodge and it's members as well how to find out if your Lodge has filed and is covered under the Law. We have also enclosed a copy of the form that you can use to qualify under the Law.

In the Benevolent Orders Law we find:

Section 3-a. [Subordinate bodies as corporate entities; liability of officers and members for obligations]

A subordinate lodge, chapter, post, council, commandery, temple, court or other organization entitled to file a certificate of election of trustees under section two of the benevolent orders law shall, while the warrant or charter for said lodge, chapter, post, council, commandery, temple, court or other organization, is in force so as to entitle it to operate as a subordinate body of the grand lodge or other body under whose jurisdiction it operates, be deemed to be a corporate entity for the purpose of making contracts, incurring liabilities, and acquiring rights, and of suing and being sued in the courts of this state in its own name, but may not take, hold, lease, mortgage, convey or otherwise dispose of real property unless it shall have filed the certificate required in section two of the benevolent orders law. In the absence of fraud or bad faith, the members, officers and trustees of a lodge, chapter, post, council, commandery, temple, court or other organization, enumerated in section two of the benevolent orders law, shall not be personally liable for its debts, obligations or liabilities. Added L.1937, c.262, §1, eff. April 26, 1937.

From our Grand Lodge Constitution we find the following section, which is one of many that refer to the Law and how they apply to your Lodge.

[§870] c. Lodges Organized Under Benevolent Orders Law – (I) In General. A Lodge organized under the Benevolent Orders Law may acquire and manage property, but it is exceedingly doubtful whether it can delegate its powers to any special committee or to any officer other than the Trustees. It may use its funds, pledge its credit, if necessary, and issue its notes, to purchase land upon which to erect a Masonic Hall, or to pay its pro rata share for the acquisition of land for that purpose, title to which is thereafter to vest in the Trustees, under Section 7 of the Benevolent Orders Law.

We encourage you, as a Leader in your Lodge, if you have not all ready done so, to review the various Sections of the Grand Lodge Constitution that refer to the BENVOLENT ORDERS LAW and also to read the section in the book, 'MASONIC LAW OF NEW YORK', that shows the portions of the Law that is applicable to our Lodges.

Many of our members have asked 'Who should file?' 'How do we know if the Lodge has previously filed because we cannot find any records showing that we have? and 'How do we file?'

WHO SHOULD FILE:

- If your Lodge has been Newly Constituted.
- All Lodges that own Real Estate
- If the Lodge receives, or expects that they will receive any Wills or Estates in the future
- If your Current Lodge is a result of a Merger or Consolidation of one or more Lodges.
- All Lodges that do not know if their Lodges have filed previously.
- All Lodges that want to protect its members from being personally liable for the debts obligations or liabilities of their Lodges.

HOW DO WE FIND OUT IF WE HAVE FILED:

If you have access to the Internet, you can visit the New York State Department of State' website at: <http://www.dos.state.ny.us>. Read down the page until you see the 'SEARCH FOR CORPORATIONS HERE'. Click on the box and enter in the box marked 'Entity Name' your Lodge name. The box marked 'Name Type' should have the word 'All' appearing in it before you click the 'Search the Database' box. If a filing has been made, the screen will show you the details of the registration that was made. Print a copy of it, for your files, and forward one to the Committee at the address above.

Note: It may take you several attempts of putting in your Lodge's name in order for any information to appear. (i.e. Any Lodge #2345 – may be entered into the database as Any Lodge, Any Lodge No. 5, Anylodge #4, etc.)

If the website does not provide you with a positive response that your Lodge has filed, then:

HOW DO WE FILE:

Make a copy of the enclosed form, fill in all the information requested, have it properly signed by the required officers, have it notarized and then mail it to the following address:

NYS Department of State
Division of Corporations
41 State Street
Albany, NY 12231-0001

There is currently a \$30.00 Fee required when registering under the Law.

In a few weeks you will receive a Receipt by mail. File the receipt in a safe place and send a copy to the Committee at the above address. We will be digitizing the receipt or the page you downloaded from the Internet site so that a backup record of your Lodge having registered will be made.

Being covered under the Law is very important to your Lodge and the filing (or research to find out if you are) is easy and very inexpensive.

We encourage you to review this matter as soon as possible and file the forms required, if it is needed.

Sincerely and fraternally,

Neal Bidnick
Chairman

cc: Grand Master, Deputy Grand Master, District Deputy Grand Master, Grand Secretary, Master, Senior Warden, Junior Warden, Secretary and Trustees (through the Lodge Secretary)