

**16-6a-108 Effective time and date of filed documents.**

- (1)
  - (a) Except as provided in Subsection (2) and Subsection 16-6a-109(4), a document submitted to the division for filing under this chapter is effective:
    - (i) at the time of filing; and
    - (ii) on the date it is filed.
  - (b) The division's endorsement on the document as described in Subsection 16-6a-110(2) is evidence of the time and date of filing.
- (2)
  - (a) Unless otherwise provided in this chapter, a document, other than an application for a reserved or registered name, may specify conspicuously on its face:
    - (i) a delayed effective time;
    - (ii) a delayed effective date; or
    - (iii) both a delayed effective time and date.
  - (b) If in accordance with Subsection (2)(a), a delayed time, date, or both, is specified, the document becomes effective as provided in this Subsection (2).
  - (c) If both a delayed effective time and date are specified, the document becomes effective as specified.
  - (d) If a delayed effective time but no date is specified, the document is effective on the date it is filed, as that date is specified in the division's time and date endorsement on the document, at the later of:
    - (i) the time specified on the document as its effective time; or
    - (ii) the time specified in the time and date endorsement.
  - (e) If a delayed effective date but no time is specified, the document is effective at the close of business on the date specified as the delayed effective date.
  - (f) Notwithstanding the other provisions of this Subsection (2), a delayed effective date for a document may not be later than 90 days after the date the document is filed. If a document specifies a delayed effective date that is more than 90 days after the date the document is filed, the document is effective 90 days after the day the document is filed.
- (3) If a document specifies a delayed effective date pursuant to Subsection (2), the document may be prevented from becoming effective by the same domestic or foreign nonprofit corporation that originally submitted the document for filing delivering to the division, prior to the specified effective date of the document, a certificate of withdrawal:
  - (a) executed:
    - (i) on behalf of the same domestic or foreign nonprofit corporation that originally submitted the document for filing; and
    - (ii) in the same manner as the document being withdrawn;
  - (b) stating that:
    - (i) the document has been revoked by:
      - (A) appropriate corporate action; or
      - (B) court order or decree pursuant to Section 16-6a-1007; and
    - (ii) the document is void; and
  - (c) if a court order or decree pursuant to Section 16-6a-1007 revokes the document, the court order or decree was entered by a court having jurisdiction of the proceeding for the reorganization of the nonprofit corporation under a specified statute of the United States.

Enacted by Chapter 300, 2000 General Session