

## INTAKE: Choosing a Business Form

Choosing a business form requires weighing a variety of ownership, tax, liability, and financing factors. This form will help your lawyer determine what business form most closely fits your goals for your business.

Primary Contact Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Mobile: \_\_\_\_\_ E-mail: \_\_\_\_\_

### **Who Will Control The Business?**

How many individuals will operate the business? \_\_\_\_\_

If more than one, will each share equal decision-making power? \_\_\_\_\_

Will any other entities (partnerships, corporations, etc.) have ownership in the business? \_\_\_\_\_

If yes, describe: \_\_\_\_\_

Do you expect that the business will ever issue voting stock to investors? \_\_\_\_\_

If yes, describe your expectations: \_\_\_\_\_

Do you expect that the business will ever issue voting stock to employees? \_\_\_\_\_

Do the business organizers intend the business to survive their departure? \_\_\_\_\_

## **Business Goals**

Type of business: \_\_\_\_\_

Is the business primarily intended to provide professional services? \_\_\_\_\_

If yes, what kind? \_\_\_\_\_

Is the business intended to primarily provide advocacy, education, or public services? \_\_\_\_\_

If yes, what kind? \_\_\_\_\_

Will the business operate mainly locally, nationally, or internationally? \_\_\_\_\_

If nationally or internationally, describe: \_\_\_\_\_

How many employees will the business have? \_\_\_\_\_

What is the expected yearly revenue or loss for the business

For the first two years? \_\_\_\_\_

For two to ten years from now? \_\_\_\_\_

For ten to twenty years from now? \_\_\_\_\_

What are the greatest risks associated with the business? \_\_\_\_\_

## **Business Finances**

Will principals contribute their own assets to the business? \_\_\_\_\_

If yes, describe: \_\_\_\_\_

Do you expect to initially generate capital from investment or from sales? \_\_\_\_\_

How much of the business's debts will principals have to personally guarantee? \_\_\_\_\_

Do principals desire to limit their personal liability for business debts? \_\_\_\_\_

Will the business issue stock of any type to anyone other than the principals? \_\_\_\_\_

If yes:

To whom? \_\_\_\_\_

What kind(s) of stock? \_\_\_\_\_

Might the company decide to become publicly traded? \_\_\_\_\_

How long will it likely be before the business becomes profitable? \_\_\_\_\_

**Principals' Salaries and Taxation**

Will each principal be due an equal share of profits? \_\_\_\_\_

How will the amount of income or salary due each principal be determined? \_\_\_\_\_

Will earnings be distributed to owners immediately, or will they be accumulated by the business for future investment? \_\_\_\_\_

Do the principals want tax liability to pass through to them (i.e., they pay tax on income from the business on their personal tax returns) or do they wish the business itself to be taxed as well as any income it pays them? \_\_\_\_\_