



“Delaware Limited Liability Companies offer owners and managers around the world broad contractual **flexibility, protection from personal liability,** and the certainty of a market-tested statute.”

Robert L. Symonds, Jr. and  
Matthew J. O'Toole,  
Partners at Potter Anderson &  
Corroon LLP

# HOW TO FORM A DELAWARE BUSINESS

## FORM AN LLC IN 4 STEPS:

### 1 CHOOSE A BUSINESS NAME

Check online to see if the company name you want is available. You can reserve the name for a \$75 fee.

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### 2 APPOINT A REGISTERED AGENT

Delaware requires that you appoint a registered agent to receive service of process and other state correspondence on behalf of your company.

You can act as your own agent if you have a Delaware address (as opposed to a post office box). You can appoint someone else, such as your attorney or your accountant, or use a registered agent service company. The cost for a registered agent service company can range from \$50 to more than \$300. You can find a list of registered agent service companies [here](#).

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### 3 COMPLETE AND FILE A CERTIFICATE OF FORMATION

Delaware's Certificate of Formation includes the name of the LLC, the name and address of its registered agent, and any other information that the members choose to include. You can find a draft certificate [here](#). The standard filing fee for forming a Delaware LLC is \$90. Processing time for standard filing is generally measured in days, rather than weeks or months. Expedited filing is available for overnight or even same-day service.

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### 4 REMAIN IN GOOD STANDING

Delaware LLCs are required to pay an annual alternative entity tax of \$300. Payment is due by June 1 every year. You have the option to pay your alternative entity tax [online](#).

## ADDITIONAL CONSIDERATIONS:

### OBTAIN AN EIN OR ITIN

You must obtain a federal Employer Identification Number (EIN) or Individual Tax Identification Number (ITIN) from the Internal Revenue Service if you plan to hire employees or open a bank account in your company's name.

### OPEN A BANK ACCOUNT

A U.S. banker may ask to see your organizational documents, such as a certificate of incorporation, in order to verify the name and nature of your business. You will also need to provide proof that your business is registered with the IRS, and that you are authorized to open the account.