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Rules of COMHAR CONNRADH NA BOIRNE TEORANTA

RULES FOR SOCIETIES REGISTERED UNDER THE INDUSTRIAL & PROVIDENT SOCIETIES ACTS 1893 – 2021

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RULES FOR SOCIETIES REGISTERED UNDER THE INDUSTRIAL & PROVIDENT SOCIETIES ACTS 1893 - 2021

1. GENERAL QUALIFICATION & INTERPRETATION

In construing these Rules, the following words and expressions shall have the meanings herein stated, provided that such meaning does not conflict with the subject matter of the Rule or the context.

- (i) Words importing the singular or plural number include the plural and singular numbers.
- (ii) Words importing the masculine gender shall include the feminine gender.
- (iii) "Member" shall mean an individual or a Society or other Body Corporate duly admitted to membership of the Society and holding the requisite number of shares.
- (iv) "The Society" shall mean the Society to which these rules refer.
- (v) The "Special Members" shall mean the signatories to the original application for registration of the Society.
- (vi) "The Board " shall mean the Board of Directors or Management Committee of the Society.

- (vii) "The Acts" shall mean the Industrial and Provident Societies Acts, 1893 to 2021 and any subsequent amendments thereof.
- (viii) "A Society" shall mean a Society registered under the Acts.
- (ix) The expression "he", "him", "they" and "person", shall include a society or other Corporate Body.
- (x) "Registrar" shall mean the Registrar of Friendly Societies for Ireland.
- (xi) "Special Resolution" shall mean a Resolution passed in accordance with Section 51 of the Acts of 1893.
- (xii) "ICOS" shall mean Irish Co-operative Organisation Society Limited.

2. NAME

The name of the Society shall be Comhar Connradh Na Boirne Teoranta.

3. REGISTERED OFFICE

The registered office of the Society shall be at Kilfenora, Co. Clare.

The registered office may be changed by the Board. Any such change shall be notified to the Registrar within fourteen days.

4. OBJECTS

The objects of the Society shall be to:

- (i) serve as the primary interpretative centre for the Burren area, fostering awareness and enhancing knowledge of the region's heritage and environment
- (ii) stimulate sustainable tourism and provide a rewarding experience for visitors to the Burren and to Kilfenora
- (iii) serve the local community and schools by providing a platform for education and social connectivity
- (iv) engage in the buying, processing, making and promoting of products for sale on the premises and virtually, with particular emphasis on local Burren connections
- (v) provide good quality and good value hospitality including food service
- (vi) engage in any business or transaction which may seem to the Society directly or indirectly conducive to the interests or convenience of its members
- (vii) ensure that the Centre is operated on behalf of shareholders as an efficient business, continuously improving and adapting to meet future challenges, providing a work environment that engages and develops employees, and strive to create sufficient profit to enable the Society to be self-sustaining over the long term.

5. MEMBERSHIP

The Society shall consist any persons, and other Societies or Companies registered under the Companies Acts or other bodies corporate incorporated under any other Act of the Oireachtas, such as

the Board may admit to membership. Applicants for membership shall subscribe for one or more shares in the Society as the Board may from time to time prescribe. Every Member, whether individual or corporate, will have one vote at General and Special Meetings of the Society, however many shares they hold.

No Member other than a Society registered under the Acts shall hold an interest exceeding € **50,000** in the shares of the Society.

6. EXPULSION

A Member may be expelled if found guilty of conduct detrimental to the Society, provided:

- (i) that he shall have received, in writing, one month previously, complete particulars of the charge alleged against him; and
- (ii) that two-thirds of the Members present and voting at a Special General Meeting vote for his expulsion
- (iii) the full amount paid for or credited upon the shares held by an expelled Member, less any money he owes to the Society, shall be paid to him on expulsion and a note of the cancellation of his shares shall be made in the Share Register
- (iv) an expelled member shall only be re-admitted by the vote of two-thirds of the Members present and voting at a General Meeting and on a motion of which fourteen days' notice has been given.

This rule applies to Societies or Companies in membership as if they were an individual.

7. CESSATION OF MEMBERSHIP

- (i) A person shall cease to be a Member of the Society if he:
 - dies
 - transfers all his/her shares to another person, subject to Rule 8 (iii)
 - is expelled under Rule 6 of these Rules.
- (ii) A Society or Company as described in Rule 5 shall cease to be a Member of the Society if it:
 - ceases to trade
 - is purchased by another company that the Board deems unsuitable for membership
 - transfers all of its shares to another person, subject to Rule 8 (iii)
 - is expelled under Rule 6 of these Rules.
- (iii) A Member shall not otherwise be entitled to withdraw from the Society.

8. SHARES

- (i) The Share Capital of the Society shall consist of ordinary redeemable shares to the nominal value of ten euro (€10) each, issued to persons, Societies or Companies upon admission to Membership of the Society. Each member shall hold at least one share and no member may hold more than the maximum permitted by law. The liability of Members shall be limited to the value of their shares.
- (ii) Application for admission to membership of the Society should be made to the Board on Form A or B given in the Appendix to these Rules or such form as the Board may decide. Each application shall be considered by the Board at their next ensuing meeting and notice of admission or otherwise shall be sent to the applicant as soon as possible.
- (iii) Shares shall be transferable but not withdrawable. A Member may, with the approval of the Board, transfer his/her shares to any other person, provided that the consideration shall not exceed the nominal value of the shares.
- (iv) An application to transfer shares should be made on Form C or D given in the Appendix to these Rules or such form as the Board may decide. On receipt of such application, the Board shall decide on the request and, on agreement, the Secretary shall note the transfer in the Share Register.

However, the Board shall not be bound to assign any reason for refusing to sanction any transfer of shares.

- (v) A Share Register book shall be kept by the Secretary in which shall be recorded all details regarding the allocation, ownership and transfer of shares.
- (vi) Members are responsible for notifying the Society of any change of their postal address and other contact details.
- (vii) The rate of interest on ordinary share capital and loan capital shall be determined from time to time by the Annual General Meeting of the Society on the recommendation of the Board, subject to any statutory limitations in regard to the rate of interest, but shall not be calculated on fractions either of €1.00 or of a calendar month. The liability of members shall be limited to their ordinary shares and loan guarantee shares.

9. INVESTMENT

The Board may invest any portion of the Society's capital as follows.

- (i) In any security in which Board are for the time being authorised by law to invest.
- (ii) In the shares of, or on the security of any other Society or Company provided such Society or Company shall be one with limited liability.
- (iii) In the shares of, and loans (secured on property) to, any other Society or Company which is a member of this Society provided such Society or Company shall be one with limited liability.

10. BORROWING

- (i) The Society shall, subject to the provisions of Section 6 of the Industrial and Provident Societies (Amendment) Act 1978, have power to borrow money for the purpose of the Society in whatsoever manner it may determine, including the issue of loan stock, to such an extent, on such conditions, against such security, for such periods and at such rates of interest as shall be authorised by a General Meeting from time to time.
- (ii) The Society may secure the repayment of any such loan and any interest thereon by a mortgage or charge on all or any of the physical assets of the Society or by the issue of Bonds, Agreements, or Promissory Notes.
- (iii) If the Society makes a loan agreement with any Member of the Society, that loan agreement shall set out the procedure to be followed if that Member becomes bankrupt or of unsound mind or if he dies.
- (iv) The Society shall not accept money on deposit from members and others within the meaning of deposit in the Acts (or otherwise defined), however the Society may accept monies in the form of down payment, instalment or security in relation to any transactions or activities incidental to its business subject to the acceptance of such monies in those circumstances being: (a) compliant with applicable legislation; and b) in such sums, at such rates of interest and on such terms as the Board may decide.

11. BOARD

- (i) The business and affairs of the Society shall be conducted by the Board of Directors, who shall have the control of all business carried on by or on account of the Society.
- (ii) The Board shall comprise of 11 Members of the Society, or of such other number as the Society may agree at a General Meeting.
- (iii) The Board members shall be elected at the Annual General Meeting or at a Special General Meeting called for that purpose. One-third of the Board shall retire each year, but retiring Board Members shall be eligible for re-election without nomination. Nominations for election to the Board other than retiring members shall be in writing and signed by two members and shall contain a statement by the member nominated, of his or her willingness to be elected. Such nominations shall be submitted directly to the secretary using the Company's Committee member nomination form at least five working days before the meeting.
- (iv) No Board member may serve for more than six consecutive years, after which he cannot be eligible for re-election until the election taking place in the year after the year of his retirement. Time served in a casual vacancy shall not be included for the purposes of this rule.

- (v) Only members of the Society shall be eligible to be Board Members. No person shall be entitled to act as a member of the Board who has been convicted on indictment of any legal offence of a nature that the majority of the Board agree would damage the reputation of the Society.
- (vi) Any casual vacancy occurring in the Board may be filled by co-option, but any person co-opted shall retain his office only until the next Annual General Meeting of the Society, when he shall retire, but shall be eligible for re-election as per Rule 11 (iii).
- (vii) Board members who absent themselves from four or more Board meetings between consecutive Annual General Meetings will be deemed to have vacated their position, unless given special leave of absence by a majority of Board members. Board meetings may take place remotely, digitally or face to face.
- (viii) Any Board Member or all of them may be removed from office by a two-thirds majority vote passed at a Special General Meeting called for the purpose.
- (ix) There shall be at least twelve Ordinary Board Meetings each year. Special Meetings may be held at any time on giving at least three clear days' notice in writing to each member. A Special Board Meeting shall transact no business other than that appearing on the Agenda paper, which shall accompany the notice convening the meeting. Board Meetings may take place remotely, digitally or face to face as the Board itself shall determine. The Board shall ensure that all Board Meetings are conducted with appropriate verification and security measures.
- (x) No business shall be conducted at any Board Meeting unless a quorum of over one-half of its membership is present.
- (xi) The Members of the Board, or any of them, shall receive such remuneration (if any) for their services as may be agreed upon at any General Meeting.
- (xii) The Board shall appoint and have the power to remove a Chairperson who shall be the Chairperson of the Society and shall preside at all meetings of the Society. They may also appoint a Vice-Chairperson. The Chairperson and Vice-Chairperson shall hold office for one year but shall be eligible for re-election and may serve no more than three successive one-year terms.
- (xiii) The Board shall appoint and have the power to remove a Secretary who shall be Secretary of the Society and shall have such functions, powers and remuneration as the Board shall from time to time direct.
- (xiv) The Board may appoint and remove a General Manager and other employees who shall have such functions powers and remuneration as they shall from time to time direct.
- (xv) The removal from office of the General Manager or of any elected officer of the Society shall be done only at a Special Board Meeting of which notice shall have been duly given and at which two thirds of those present and voting vote for such a removal.
- (xvi) The Board may exercise any powers that may be exercised by the Society other than those that must be exercised by a General Meeting.
- (xvii) The Board shall have power to open and operate as it may determine an account or accounts with any banking company which it approves, and which is regulated by the Central Bank of Ireland.

12. GENERAL MEETING

- (i) General Meetings of the Society shall be Ordinary or Special.
- (ii) An Ordinary General Meeting of the Society, to be called the Annual General Meeting, shall be held at least once in each calendar year. Notice of every Ordinary Meeting shall be given at least fourteen days before the day fixed for the meeting and shall state the time and place at which it shall be held.
- (iii) A Special General Meeting may be convened by the Board at any time, on their own authority or upon a requisition addressed to the Board, Chairperson, or Secretary signed by at least half the number of Members of the Society for the time being if not more than forty, and twenty if forty or upwards. Such a requisition shall state the purpose of such meeting and the names and registered addresses of the requisitionists, on receipt of which requisition the meeting shall be called by the Secretary or other person appointed by the Board for the purpose.
- (iv) Notice stating the time, place and purpose of every Special General Meeting shall be given or sent to each member not less than ten working days before the date of such meeting. The Board may

call a Special General Meeting with four days' notice in circumstances it deems to be of exceptional urgency.

- (v) No business shall be transacted at a Special General Meeting save that for the purpose of which the meeting is convened and of which full particulars shall be given in the notice convening every such meeting.
- (vi) Notice of a General Meeting shall be deemed to have been duly given if left at or posted to the registered address or place of residence of Members, or sent by electronic mail to Members' confirmed email addresses.
- (vii) No meeting of the Society shall proceed to business unless at least ten persons entitled to vote as Members of the Society shall be present at the declared commencement time of the meeting.
- (viii) The Chairperson of the Board for the time being shall be entitled to preside as Chairperson at every meeting of the Society. In his absence, the Vice-Chair person shall preside, and if he is also absent, each meeting shall choose a chairperson, who shall be one of the Board, if any be present.
- (ix) An Annual General Meeting shall be held within six months of the end of each calendar year.
- (x) The following business shall be transacted at every Annual General Meeting.
 - The adoption of the Minutes of the previous Annual General Meeting and of any Special General Meeting held since the preceding General Meeting.
 - The adoption of the Statement of Accounts and Balance Sheet as prepared by the Society's Auditor.
 - The appointment of an Auditor for the current year. The Auditor shall not hold any other office in connection with the Society.
 - The election of the Board in accordance with the provision of Rule 11.
 - The authorisation of borrowing powers for the Society.
 - Any other business relevant to the General Meeting of the Society.
- (xi) Any General Meeting may be adjourned from time to time for any period not exceeding twenty-eight clear days. No business shall be transacted at an adjourned meeting except what relates to the original agenda of such meeting. If a Special General Meeting is adjourned, not less than four clear days' notice shall be given to the members of the date fixed for the adjourned meeting.

13. VOTING

Each Member present and entitled to vote at any General Meeting of the Society shall have only one vote, except the Chairperson, who shall have a casting vote whenever the votes are equal. All questions shall be decided in the first instance by a show of hands unless five Members present demand a ballot, in which case a ballot shall be taken. No proxy voting shall be admissible.

14. APPLICATION OF PROFITS

Any surplus or profits arising in the Society shall be applied in any or all of the following ways.

- (i) Creating and maintaining a general reserve for the continuation and development of the Society.
- (ii) Providing funding for social or charitable purposes or for relevant services among the Members and the community generally.

15. AMENDMENTS TO RULES

Rules may be made, altered, rescinded or amended by a majority of two thirds of the Members present and voting at a Special General Meeting called for the purpose.

No new Rule shall be made nor shall any of the Rules be repealed or altered until the consent of the ICOS has been obtained in writing in accordance with the prefatory note to these Rules, nor until the text of the proposed new Rules or amendments shall have been circulated with the notice convening the Special Meeting.

Every alteration or amendment shall be duly registered with the Registrar of Friendly Societies and on registration, issued with the rules of the Society for the time being.

16. STATUTORY OBLIGATIONS

a) NAME

The registered name of the Society shall be kept displayed in a conspicuous place at the registered office of the Society and at any other place at which the business of the Society is carried on and shall be printed on all of the Society's correspondence.

b) SEAL

The Society shall have its name engraved in legible characters upon a seal, which shall be in the custody of the Secretary. It shall only be used under the authority of a resolution of the Board and shall be attested by the signatures of two members of the Board and the Secretary.

c) CHANGE OF NAME, AMALGAMATION, CONVERSION, DISSOLUTION

The Society may, by Special Resolution in accordance with the provisions of Section 51(a) of the Industrial and Provident Societies Acts 1893-2021:

- (i) change its name
- (ii) amalgamate with or transfer its engagements to another Society or Company, or accept a similar transfer
- (iii) convert itself into a Company
- (iv) voluntarily dissolve by Resolution to wind up under the Companies Acts.

Voting on Special Resolutions shall be on the basis of one vote per Member present and voting at a General Meeting called to discuss such Resolutions.

d) AUDIT AND ACCOUNTS

The Accounts of the Society, together with a Balance Sheet showing the receipts, expenditure, funds and effects of the Society, and all necessary vouchers, shall be submitted once in every year for audit to one of the Statutory Auditors who shall be appointed subject to Section 55 of the Companies Act 2018 (as amended) and who shall be selected in accordance with Rule 12 (x). Annual accounts should be kept and made available to the Revenue Commissioners on request.

e) ANNUAL RETURN

The Board shall once in every year send to the Registrar an Annual Return of the receipts, expenditure, funds and effects of the Society as audited. Such Annual Return to be submitted not later than:

- 31st October, where the date of its last published balance sheet falls between 1st January and the 30th. June, and
- 30th April, where the date of its last published balance sheet falls between the 1st July and the 31st. December (of the preceding year).

f) MEMBER AND RETURN

A copy of each Annual Return shall be delivered gratuitously on application to every member or person interested in the funds of the Society.

g) BALANCE SHEET

A copy of the last Annual Balance Sheet for the time being, together with the Auditor's Report, shall be kept hung up in a conspicuous place in the Society's registered office.

h) RULES

A copy of the Society's Rules shall be supplied to any Member demanding and paying for it the sum of no more than €10

i) INSPECTION OF ACCOUNTS BY MEMBERS

Any member or person interested in the funds of the Society may inspect his own account and the books containing the names of the Members and their holdings in the Society, whether in shares or loans during business hours at the Society's registered office.

j) INSPECTION OF BOOKS BY NON-MEMBERS

- (i) Any person shall be allowed to inspect the books of a registered society containing the names of the Members, and their holdings in shares, at all reasonable hours at the registered office of the society, or at any place where the same are kept, subject to such regulations as to the time and manner of such inspection as may be made from time to the time by the General Meeting of the Society, on payment of €10, or such lesser sum as the Society may prescribe.
- (ii) Any person may require a copy of the books mentioned in subsection (i) of this Rule, or any part thereof, on payment of €10, or such lesser sum as the Society may prescribe. This shall be sent to that person within a period of ten days commencing on the day next after the day on which the requirement is received by the Society.

k) INSPECTION BY REGISTRAR

Any ten Members may, in accordance with Section 18 of the Industrial and Provident Societies Acts 1893, apply to the Registrar to appoint an accountant to inspect the books of the Society and to report thereon.

l) APPLICATION TO REGISTRAR

Members may make application to the Registrar in accordance with the Acts:

- (i) to appoint one or more inspectors to examine into and report upon the affairs of the Society; or
 - (ii) to call a Special Meeting of the Society,
- using the procedure stipulated in Rule 12 (iii).

17. MINORS

A person under full age within the meaning of the Age of Majority Act 1985, but above the age of 16, may be a member of the Society and enjoy all the rights of a Member (except as by the Acts provided) and may execute all instruments and give all acquittances necessary to be executed or given under the Rules, but shall not be a member of the Board, Manager or Treasurer of the Society.

18. NOMINATION

The provisions of the Acts as regards nominations by Members shall be deemed to be incorporated in full in the Rules provided however that the monetary sums referred to in the Acts shall be the maximum permitted by law and approved from time to time by the Board.

19. DECEASED MEMBERS

(i) On receiving satisfactory proof of the death of a nominator, the Board of the Society shall, subject to the limitation on the amount herein before mentioned, either transfer the property comprised in the nomination in a manner directed by the nomination, or pay to every person entitled thereunder the full value of the property given to him, unless the shares comprised in the nomination, if transferred as directed by the nominator, would raise the share capital of any nominee to a sum exceeding such sum as set out in Rule 5 of these Rules in which case they shall make the payment of any such excess in money.

(iii) Where a nominee who is nominated under the provisions of the Acts is under sixteen years of age, the Society may pay the sum nominated to either parent or to a guardian of the nominee, or to any other person of full age who will undertake to hold the same in trust for the nominee or to apply the same for his benefit and whom the Society may think a fit and proper person for the purpose, and the receipt of such parent, guardian or other person shall be sufficient discharge to the Society for all monies so paid.

(iv) If any Member entitled to property in the Society in respect of shares or loans, not exceeding in the whole, at his death €10,000, dies intestate, without having made any nomination thereof then subsisting, the Board may, without letters of administration, distribute the same among persons as appear to them, on such evidence as they deem satisfactory to be entitled by law to receive the same.

(v) Upon the death of a Member who has an interest in the Society exceeding € 10,000 and a Notice in writing given by his Executors or Administrators to the Secretary of the Society, stating the death of such member, and the Christian name, surname, profession or business of such legal representative and specifying the nature and amount of his interest or claim; and the production, if the case requires, of the Probate of the Will of such member, or letters of administration of his estate and of such evidence (if any) of his death as may be required by the Board, the Board, after satisfying any nomination made by such member, shall either transfer the shares, or other interest of the member specified in such notice in the books of the Society to his legal representative, or shall pay to him the sum which represents the full value thereof and may make such transfer or payment at their discretion, unless the transfer would increase the share capital of the transferee in the Society to more than such maximum amount as is fixed from time to time by law in which case they shall make the payment of any such excess in money.

20. MEMBERS OF UNSOUND MIND

If a Member becomes legally declared of unsound mind, and no committee of his estate or trustee of his property has been duly appointed, the Society, acting through its Board, may, when it is proved to the satisfaction of the Board of the Society that it is just and expedient so to do, offer to transfer his shares in accordance with the process described in Rule 19.

21. AFFILIATION

The Society may, at the discretion of the Board of Directors, affiliate to the ICOS and pay such affiliation fee as may be agreed between the ICOS and the Society. In the event that the society affiliates to the ICOS, the books and accounts of the Society shall be open to the inspection of any duly accredited representative of the ICOS during business hours. On payment of the agreed affiliation fee, the Society shall be entitled to such privileges as may be available from the ICOS from time to time.

Form A. Application For Ordinary Shares By An Individual

I..... hereby apply for Ordinary Transferable € 10 Share(s) in Comhar Connradh Na Boirne Teoranta, in respect of which I agree to make the payments required by the rules of the Society and otherwise to be bound thereby.

SIGNATURE OF APPLICANT:

OCCUPATION:

ADDRESS:

.....

EMAIL ADDRESS.....

TEL NO(S).....

WITNESS NAME

WITNESS SIGNATURE

EMAIL ADDRESS

DATE:

Form B. Application For Shares By A Society Or Other Body Corporate

We, the undersigned, secretary and two members of the Committee/Board of

COMPANY

NAME.....

...

hereinafter called the applicant, in virtue of a resolution thereof dated

hereby apply on its behalf for Ordinary Transferable €10 Shares in Comhar Connradh Na Boirne Teoranta, in respect of which the applicant hereby agrees to make all payments required by the rules of the above-named society and otherwise to be bound thereby. In witness whereof we have signed our names hereto by the authority of the applicant.

Signed on behalf of (company name)

.....

having its registered office at.....

.....

Secretary (name).....

(Signature).....

Members of the Committee/Board

(names).....

(Signatures).....

.....

Date.....

Form C. Form Of Transfer Between Individuals

APPLICATION FOR TRANSFER OF SHARES

I OF
BEING THE PERSONAL REPRESENTATIVE OF THE LATE

..... OF.....
HEREBY APPLY FOR THE DECEASED'S ORDINARY SHARES IN COMHAR CONRADH NA BOIRNE

TO BE TRANSFERRED TO

SIGNATURE OF APPLICANT

ADDRESS

EMAIL

WITNESS NAME

WITNESS SIGNATURE

EMAIL

TEL NO(s)

DATE

Form D. Form Of Transfer Between Societies Or Other Bodies Corporate

This instrument, made the day of 20.....
between vendor, of the one part, and established at
..... hereinafter called the purchaser, of the other part, in consideration of €
paid by the purchaser to the vendor, witnesses that the vendor hereby transfers the
..... shares numbered now standing in the name of the
vendor in the books of the above-named Society, to the purchaser and the assigns of such purchaser,
to hold the same upon the same conditions on which they are held by the vendor; and that the
purchaser accepts the said shares subject to the said conditions. In witness whereof the seals of the
said Societies are hereto attached, by the resolutions of the Board thereof, dated respectively the
day of and day of

O Seal of the Vendor

O Seal of the Purchaser

Two Members of
Committee/Board

Two Members of
Committee/Board

Secretary

Secretary

THE FOREGOING ARE THE RULES OF THIS SOCIETY

NAME OF SOCIETY: **COMHAR CONNRADH NA BOIRNE TEORANTA**

ADDRESS OF REGISTERED OFFICE: **KILFENORA, CO CLARE**

SIGNATORIES:

1. **MEMBER**
2. **MEMBER**
3. **MEMBER**
4. **SECRETARY**

DATE