

State of New York }  
Department of State } ss:

*I hereby certify that the annexed copy has been compared with the original document filed by the Department of State and that the same is a true copy of said original.*

*Witness my hand and seal of the Department of State on*

**April 26, 2004**



A handwritten signature in black ink, appearing to read "R. A. S.", is written over the printed title.

Secretary of State

F040421000632

CERTIFICATE OF INCORPORATION  
OF  
MOZDEV COMMUNITY ORGANIZATION, INCORPORATED  
UNDER SECTION 402 OF THE  
NOT-FOR-PROFIT CORPORATION LAW

The undersigned, being natural persons of at least 19 years of age, acting as incorporators of a charitable corporation under the New York Not-for-Profit Corporation Law, do hereby certify:

- (1) The name of the proposed corporation is Mozdev Community Organization, Incorporated (the "Corporation").
- (2) The Corporation is formed under the New York Not-for-Profit Corporation Law ("NPCL") and shall be a Type B corporation under Section 201 of that law.
- (3) The Corporation is organized and operated exclusively for charitable and scientific purposes, to be achieved through the distribution of its funds for such purposes generally and particularly for charitable and scientific services in support of open source software development and the free dissemination of open source software to the public.
- (4) The Corporation will have its office in Kings County, New York.
- (5) The names and street addresses of the initial directors of the Corporation are as follows:

Name	Street Address
(a) David Boswell	35 South Portland Ave #3, Brooklyn, NY 11217, USA
(b) Chris Neale	1 Higgins Road, Alford, Lincolnshire, LN13 0PL, Great Britain
(c) Brian King	Raka 101, 8274 Raka, Slovenia
(d) Pete Collins	41 Prospect Rd., Centerport, NY 11721, USA

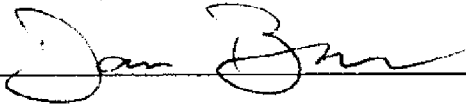
- (6) In furtherance of the foregoing purposes, the Corporation shall have all the general powers enumerated in Section 202 of the NPCL and such other powers as are now or hereafter permitted by law for a corporation organized for the foregoing purposes, including, without limitation, the power to solicit grants and contributions for any corporate purpose and the power to maintain a fund or funds of real and/or personal property in furtherance of such purposes.
- (7) Notwithstanding any other provision of these articles, the Corporation is organized exclusively for charitable and educational purposes, and intends at all times to qualify and remain qualified as exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as it may be amended (the "Code") and, in connection therewith:

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- (a) the Corporation shall not, directly or indirectly, engage in or include among its purposes any of the activities mentioned in subparagraphs (a) - (v) of Section 404 of the NPCL;
  - (b) the Corporation is not formed for and shall not be conducted nor operated for pecuniary profit or financial gain, and no part of its assets, income or profit shall be distributed to or inure to the benefit of any private individual or individuals, provided that nothing herein shall prevent the Corporation from paying reasonable compensation to any person for services rendered to or for the Corporation in furtherance of one or more of its purposes;
  - (c) no substantial part of the activities of the Corporation shall be devoted to the carrying on of propaganda or otherwise attempting to influence legislation, except to the extent permitted by the Code whether pursuant to an election under Section 501(h) or otherwise, and no part of the activities of the Corporation shall be devoted to participating or intervening in (including the publication or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office; and
  - (d) the Corporation shall not carry on any other activities not permitted to be carried on
    - (i) by a corporation exempt from federal income tax under Section 501(c)(3) of the Code (or the corresponding provision of any future U.S. Internal Revenue Law) or
    - (ii) by a corporation contributions to which are deductible under section 170(c)(2) of the Code (or the corresponding provision of any future U.S. Internal Revenue Law).
- (8) The Corporation shall have perpetual existence.
- (9) The Secretary of State of the State of New York is hereby designated as agent of the Corporation upon whom process against the Corporation may be served. The post office address to which the Secretary shall mail a copy of any process against the Corporation served upon him is Mozdev Community Organization, Incorporated, 35 South Portland Ave #3, Brooklyn, NY 11217, USA.
- (10) In the event of dissolution, all the remaining assets and property of the organization shall, after payment of all necessary expenses thereof, be distributed to organizations that qualify under Section 501(c)(3) of the Internal Revenue Code of 1986, or corresponding provisions of any subsequent Federal tax laws, or to the Federal government or State or local governments for a public purpose, subject to the approval of a Justice of the Supreme Court of the State of New York.

IN WITNESS WHEREOF this certificate has been signed and the statements made herein affirmed as true under the penalties of perjury this 22<sup>TH</sup> day of MARCH, 2004.

JOSEPH BAKALOR  
Notary Public, State of New York  
No. 01BA6048045  
Qualified in Nassau County  
Commission Expires September 18, 2006



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Incorporator

Name: David Boswell  
Street Address: 35 South Portland Ave #3  
Brooklyn, NY 11217, USA



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Incorporator

Name: Pete Collins  
Street Address: 41 Prospect Rd.  
Centerport, NY 11721, USA

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AFFIDAVIT IN CONNECTION WITH FILING A CERTIFICATE OF INCORPORATION  
UNDER SECTION 402 OF THE NEW YORK NOT-FOR-PROFIT LAW  
FOR MOZDEV COMMUNITY ORGANIZATION, INCORPORATED

STATE OF NEW YORK            )  
  : ss. :  
COUNTY OF NEW YORK        )

We, David Boswell and Pete Collins, being duly sworn, do hereby depose and say the following:

1. We, the subscribers of the certificate of incorporation to which this affidavit is annexed, constitute a majority of the members of the Mozdev incorporation committee duly authorized to incorporate Mozdev Community Organization (the "Corporation").

2. By signing the certificate of incorporation to which this affidavit is annexed, we hereby authorize and consent to the incorporation of the Corporation.

IN WITNESS WHEREOF, the undersigned has executed this affidavit as of the 22 day of March, 2004.


Mozdev Community Organization

By: 

Name: David Boswell

On the <sup>30</sup>~~22~~ day of March, 2004, David Boswell came before me personally, who is known to me to be the person who is described in and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged he executed the same.

NEIL SCHNEIDER  
Notary Public, State of New York  
No. 01SC6065135  
Qualified in Nassau County  
Commission Expires October 9, 2005



Notary Public

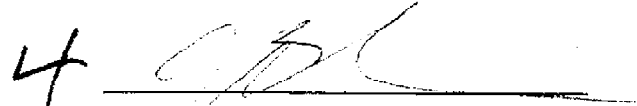
and

By: 

Name: Pete Collins

On the <sup>27</sup>~~22~~ day of March, 2004, Pete Collins came before me personally, who is known to me to be the person who is described in and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged he executed the same.

JOSEPH BAKALOR  
Notary Public, State of New York  
No. 01BA6048045  
Qualified in Nassau County  
Commission Expires September 18, 2006



Notary Public

F040421000632

**Certificate of Incorporation**

**Of**

MOZDEV COMMUNITY ORGANIZATION, INCORPORATED

(List Entity Name)

Under Section 402 of the Not-For-Profit Corporation Law

Filed by:

David Boswell

(Name)

35 South Portland Ave # 3

(Mailing address)

Brooklyn, NY 11217

(City, State and Zip Code)

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ICC  
STATE OF NEW YORK  
DEPARTMENT OF STATE

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FILED JUN 21 2004

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