

I'm not robot!

ARTICLE VIII. DIVIDENDS

The Board of Directors may from time to time declare, and the corporation may pay dividends on its outstanding shares in the manner and upon the terms and conditions provided by law and its Certificate of Incorporation.

ARTICLE IX. SEAL

The Board of Directors shall provide a corporate seal which shall be circular in form and shall have inscribed thereon the name of the corporation and the state of incorporation and the words "Corporate Seal."

ARTICLE X. WAIVER OF NOTICE

Unless otherwise provided by law, whenever any notice is required to be given to any shareholder or Director of the corporation under the provisions of these By-Laws or under the provisions of the Certificate of Incorporation, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

ARTICLE XI. AMENDMENTS

These By-Laws may be altered, amended or repealed and new By-Laws may be adopted by a majority vote of the Board of Directors at any annual Board of Directors meeting or at any special Board of Directors meeting when the proposed amendment has been set out in the notice of such meeting. These By-Laws may also be altered, amended or repealed by a majority vote of the shareholders notwithstanding that these By-Laws may also be amended or repealed by the Board of Directors.

ARTICLES OF INCORPORATION

OF

[NAME OF CORPORATION]

The undersigned, a natural person over the age of eighteen years, hereby certifies as follows:

ARTICLE I — NAME

The name of the corporation is [NAME OF ORGANIZATION], (hereinafter referred to as the "Corporation").

ARTICLE II — REGISTERED OFFICE ADDRESS

The principal office of the Corporation is to be located at [ADDRESS]. The name and address in the Corporation's initial agent for service of process is: [ADD NAME AND ADDRESS]

ARTICLE III — PURPOSE

The Corporation is organized exclusively for charitable, religious, educational, and scientific purposes as specified in Section 501(c)(3) of the Internal Revenue Code, including for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code. The specific purposes of the Corporation are to [define purposes]

The Corporation shall not be conducted or operated for profit and no part of the net earnings of the Corporation shall inure to the benefit of any individual, nor shall any of the profits or assets of the Corporation be used other than for the purposes of the Corporation.

ARTICLE IV — EXEMPTION REQUIREMENTS

At all times the following shall operate as conditions restricting the operations and activities of the Corporation:

1. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the Corporation shall be

The Board of Directors may from time to time declare, and the corporation may pay dividends on its outstanding shares in the manner and upon the terms and conditions provided by law and its Articles of Incorporation.

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#### ARTICLE X. WAIVER OF NOTICE

Unless otherwise provided by law, whenever notice is required to be given to any stockholder under the provisions of the Georgia Code, or under these By-Laws or under the provisions of the Articles of Incorporation, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

#### ARTICLE XI. AMENDMENTS

These By-Laws may be amended, suspended or repealed and new By-Laws may be adopted by a majority vote of the Board of Directors at any annual Board of Directors meeting or at a special Board of Directors meeting when the proposed amendments are presented in the notice of such meeting. These By-Laws may also be amended, suspended or repealed by a majority vote of the shareholders notwithstanding that these By-Laws may also be amended or repealed by the Board of Directors.

#### ARTICLE XII. ADDITIONAL PROVISIONS

In the event that any shareholder retires from the active practice of \_\_\_\_\_, becomes disqualified to engage in the practice of \_\_\_\_\_ in the State of Georgia, or dies, and absent a private agreement to the contrary, the shares of said \_\_\_\_\_ holder shall be immediately purchased by, first, the remaining shareholders at fair market value, and, second, to the corporation at said price.

The corporation shall at all times be subject to and in compliance with all applicable state and federal statutes, as well as all the rules and regulations of the agency/board with jurisdiction over the profession practiced by the corporation.

END BY-LAWS



### INSTRUCTIONS FOR COMPLETING

Example: \_\_\_\_\_ [1] will become JOHN DOE.

#### ARTICLE ONE

The full name of the corporation must be provided at the top of the page and in Article I, Section 1 of the bylaws.

Field [1] - Name of Corporation

The address of the principal office and registered office must be provided in Article I, Section 2 of the bylaws. This can be the same address.

Field [2] - Address of the Principal Office of Corporation  
Field [3] - City that the Principal Office is located  
Field [4] - City that the Registered Office is located

#### ARTICLE TWO

An annual meeting date must be scheduled and set out under Article II, Section 1 with a year for the first meeting after the organization meeting.

Field [5] - Year

#### ARTICLE THREE

At least one director should be provided for in Article III, Section 2.

Field [6] - Spelled out number of directors. Ex. Three  
Field [7] - Number form of the number of directors. Ex. 3

#### ARTICLE FOUR

In Article IV, Section 1, you must name the officers, such as President, Vice-President, Secretary and/or Treasurer. The same individual may hold two or more offices, except that the same person cannot be both the President and the Secretary unless there is only one stockholder.

Field [8] - Name who will be the officers of the corporation.

Once you have completed the Bylaws, double check all entries and then print. You should keep these Bylaws in a safe place.

Examples of corporate bylaws. Do corporate bylaws need to be notarized. What are corporate bylaws. Are corporate bylaws required.

If you're looking to form a Georgia corporation, it's good to have a sound plan. When you launch a business in Georgia, whether you are a C corporation, S corporation, or nonprofit corporation, it helps to know what steps to take. Discover how to incorporate your Georgia business, and see how we can help you and grow your corporation into the success it deserves to be. Start a Georgia Corporation How do I form a corporation in Georgia? To start a corporation in Georgia, you must file the Articles of Incorporation with your state's Secretary of State office. But that's not all there is to form a corporation in the Peach State. To simplify the process of forming a corporation in the state of Georgia, we've put together 10 easy steps for you to form your business: Step 1: Name Your Georgia Corporation One of the first things you should do when forming a Georgia corporation is to select a name for it. It not only should reflect what your company is and resonate with consumers, but it also needs to comply with several rules and restrictions. What is Considered a Distinguishable Name in Georgia Like most other states, the Georgia Secretary of State insists that the name not be too similar ("not distinguishable") to existing corporate names. Names are not distinguishable if: The only difference is "a," "an," or "the" at the beginning of the name; The only difference is entity type ("The Auto Store, LLC" is not distinguishable from "The Auto Store, Inc."); The difference is made by punctuation ("A.B.C., Inc." is not distinguishable from "ABC, Inc."); The difference is a word in the name made plural; The only difference is a phonetic spelling of a word; And for other reasons. Other Requirements for Naming a Georgia Corporation The corporation's name must not be more than 80 characters long, and it is required to end with one of the following terms or its abbreviation: "Incorporated," "Corporation," "Company," or "Limited." The name cannot imply that the corporation is organized for some purpose other than the one specified in its Articles of Incorporation. Restricted Names Georgia also has words that are restricted from use in corporation names or need special consent to appear. For example, these terms, variations on them, and related words need written approval from different government authorities to use: "bank," "insurance," "college," and "university." Research and Reserve Your Business Name You can search for the availability of names through the Corporations Division business name database. You also can reserve the name for 30 days (for \$25) online at the Corporations Division website or by filing a Name Reservation Request by mail. You'd send the request to: Office of Secretary of State Corporations Division Name Reservation Request 2 Martin Luther King Jr. Dr. SE, Suite 313 West Tower Atlanta, Georgia 30334 Is it Necessary to Register a Business Name in Georgia? Filing for a name reservation is not required to register a corporation. Still, it is a good idea, as it prevents other businesses from taking that name until you're ready to make your corporation official. Georgia law does not require statewide registration of trade names, also known as "doing business as" (DBA) names. But it does require that every person, firm, or partnership doing any trade or business in Georgia, under any name that "does not disclose the individual ownership of the trade or business, to file a registration statement in the office of the Clerk of Superior Court" before starting to do business. How to Trademark Your Business Name You'll also want to look into trademarks at the state and federal levels, keeping in mind that the state level is typically much faster to obtain. You can visit the United States Patent and Trademark Office (USPTO) website to see whether your business name is trademarked federally. To see if it's trademarked at the state level, check the Georgia trademark database. If you'd like to register a trademark with the state of Georgia, you can file an Application for Registration Trademark or Service Mark online or by mail at the address listed above. You must also submit a nonrefundable filing fee of \$15. Note that the mark must already be in use in the state of Georgia before you can register it. Given the rising importance of marketing and selling online, it's also a wise move to secure your internet domain, with an online address aligned with your real-world name and function. By reserving it early, you can protect yourself from someone else purchasing it, especially a competitor. Step 2: Appoint Directors The person (or people) who signs the Articles of Incorporation, the incorporator(s), must appoint the first corporate directors (one at a minimum), who will serve on the board until the first annual meeting of shareholders. At the meeting, shareholders will elect the board members who serve for the next term. At their first meeting, the directors can appoint corporate officers, adopt bylaws, choose a corporate bank, authorize the issue of stock shares and determine share structure, and set the corporation's fiscal year. An "Incorporator Statement" needs to be prepared, with complete names and addresses of each director, and kept in a corporate records book. Corporate directors are responsible for managing the affairs of the corporation and setting corporate policies and strategies. A corporation can have one or more directors, and there is no maximum number set, although the number of directors should be stated in the Articles of Incorporation or bylaws. Directors don't need to live in Georgia or be shareholders of the corporation, but they must be at least 18 years old. And while owners of a company can be directors, the reverse doesn't need to be true. Step 3: Choose a Georgia Registered Agent In looking at how to start a corporation in Georgia, you also need to choose a registered agent, who can accept legal notices and official correspondence on your behalf from the Secretary of State. Who Can Serve as a Registered Agent in Georgia? If you select a person as a registered agent in Georgia, they must reside in the state, or if you choose a business, it must be allowed to conduct business in Georgia. The registered agent must have a physical street address in Georgia and not just a P.O. box. They must be available to sign for any delivered correspondence during regular business hours, and they need to be 18 years of age or older. Can I Be My Own Registered Agent? It is possible to act as your own registered agent or choose someone you trust, as long as they meet the above criteria. While this may seem like an easy decision, it could come at a cost. It might mean getting served with legal papers in front of customers or staff, which could be embarrassing. Or if the person appointed as a registered agent is away from their office and misses a service of legal papers, it could have serious ramifications for your business (a summary judgment, for example). Step 4: File the Georgia Articles of Incorporation To legally incorporate your company, you need to file your Articles of Incorporation (also known as "Certificate of Incorporation," "Corporate Charter," or "Articles of Association" in other states) with the Georgia Secretary of State Corporations Division. The Articles of Incorporation may be filed online or mailed or hand-delivered to the Corporations Division. The fee for filing online is \$100, and to mail or hand-deliver is \$110 (the extra \$10 is a paper filing service charge). If mailed or hand-delivered, the Articles of Incorporation should be accompanied by a Transmittal Information Form. Georgia does not have an Articles of Incorporation form to fill out for the mailed version, so you must draft your own on 8.5-by-11-inch white paper. You can find more detailed instructions here. The articles are effective and your business is incorporated on the date that the Georgia Corporations Division receives it, unless another date is specified. What to Include in the Articles of Incorporation The Articles of Incorporation should include: The corporate name; The number of shares the corporation is authorized to issue; The name and street address of your registered agent; The name and address of each incorporator; The mailing address of the corporation's main office; When you file your Articles of Incorporation, you should authorize how many shares you will issue and designate what kind of shares they are. They may have special voting rights or restrictions associated with them. For example, the common stock usually has voting rights, with the number of votes in proportion to the number of shares owned. Preferred stock typically doesn't include voting rights but has fixed, guaranteed dividends and priority payouts if there is a bankruptcy. Step 5: Create Corporate Bylaws Georgia does not require you to file your corporate bylaws with the state. Still, it is a good idea to draft them because they establish your corporation's operating rules and help to prove your legitimacy to banks, creditors, and the IRS. What to Include in Corporate Bylaws Typical bylaws include: Rules related to the board of directors and how officers are compensated; Directives on how the corporation enters into contracts or obtains loans; Directives on how stock certificates are issued to shareholders; Directives for how to amend their provisions at meetings of the board; While templates are available to help you write your Georgia corporation's bylaws, it's often advisable to get professional help with them since they are an important legal document. For a company to launch and operate smoothly, it needs a clear vision and framework. A shareholder agreement is an agreement among the owners (shareholders) of the company that provides a legal structure for making financial and functional decisions and establishing the obligations of the people involved. Again, while templates are available to draft this agreement, seeking professional help with this important legal document makes sense. Among other things, the shareholder agreement may include: The fair pricing of shares and the number issued; Directives on how to make decisions about what outside parties may become future shareholders; Providing safeguards for minority positions; A capitalization table outlining the percentage of company ownership by different shareholders; Restrictions on transferring shares; Details on payments in the event of a company sale; A corporation's shareholders are issued stocks in return for their capital contributions of cash, property, or services. In Georgia, the default rule is that a stock has no par value — the lowest legal price for which a business may sell its share. So, it is optional for a corporation to include a par value in its Articles of Incorporation. What are the Legal Requirements for Issuing Stock? Federal and state securities laws that control the offer and sale of corporate stock classify a share as security. Both sets of laws offer different rules governing private offerings — nonadvised sales of stock to a limited number of people. These are often founders, managers, employees of the company, or a private group of investors. (Public companies make their stock offerings available to the public.) The Secretary of State as Commissioner of Securities also offers its Invest Georgia Exemption (IGE), allowing for-profit businesses formed under Georgia law to raise up to \$5 million from Georgia resident investors. Under IGE, securities issuers are limited to selling no more than \$10,000 in securities to nonaccredited Georgia investors. There's no limit for accredited investors. Georgia corporations that issue public stock need to file quarterly statements with the Securities and Exchange Commission (SEC) and track how many shares are issued and to whom. Step 8: Apply for Necessary Business Permits or Licenses When operating your Georgia corporation, you might need to get the appropriate permits and licenses. Unfortunately, you cannot find information on these all in the same spot since they may be issued at the federal, state, and/or local levels. This is why some companies will hire a professional business licensing service to do the legwork for them. Examples of Georgia licenses and permits include: Business licenses/tax permits; Building permit; Health permit; Occupational permit; Signage permit; Alarm permit; Zoning permit; Alcohol and tobacco permit; Liquor license; Sales and use tax permit; Seller/reseller permit To start gathering information on federal business permits and licenses, visit the U.S. Small Business Administration (SBA) website. For business licenses in Georgia, you generally need to go to the county or city where your company will be located. Visit the Georgia Municipal Association: Member Cities for contact information. You can also check Georgia's First Stop Business Information Center for help with state licenses and permits. Step 9: File for an EIN and Review Tax Requirements If a corporation were a person, the Employer Identification Number (EIN) would be the equivalent of a Social Security number, needed to file taxes and open bank accounts. Corporations must apply for an EIN (identifying you as a business entity) through the IRS website. Know What Corporate Taxes to File Apart from any taxes paid on shareholder earnings, corporations must pay their own taxes, doing returns at both the federal and state levels annually. Corporations must pay Georgia's corporate income tax at a flat rate of 6% of federal taxable income, with adjustments. As well, Georgia corporations have to pay the corporation net worth tax. Within 90 days of incorporation, if you're doing it between January and October, your corporation must file an initial annual registration form with the Georgia Secretary of State that lists three principal officers: CEO, CFO, and Secretary. Corporations with a start date between Oct. 2 to Dec. 31 are required to file an initial annual registration form during the first quarter of the year after. The annual registration provides a current record of your corporation's management structure, correct mailing address, and registered agent's name and address. You must also publish a notice of intent to incorporate in a local newspaper once a week for two consecutive weeks, including the corporation's name, name of the registered agent, and address of the registered office in Georgia. For further instructions, see the "Publication of Notice of Intent to Incorporate" section of the Filing Procedures for Forming a Georgia Corporation. How much does it cost to start a corporation in Georgia? To start a corporation in Georgia, you must file the Articles of Incorporation with the Georgia Corporations Division for \$100 to do it online or \$110 to mail it or deliver the document by hand, accompanied by Transmittal Form 227. To file your initial report costs another \$50 (or \$60 for mail/hand delivery). The Georgia Secretary of State has a complete list of its Corporations Division filing fees, such as a 30-day name reservation (\$25/\$35), amendments (\$20/\$30), and trademark/service mark renewal (\$15). Georgia corporations also must pay recurring annual fees in their operation, such as annual registrations and professional licensing fees. Small businesses can save time by letting ZenBusiness help them manage their paperwork in Georgia. Our team collects and files all the necessary paperwork with the state to form your business based on the plan and time frame you select at checkout. What are the benefits of a corporation in Georgia? Starting a Georgia corporation offers several significant benefits. For example, it allows you to issue shares of stock to help finance the launch and running of your company. A corporation also helps protect your personal assets if your business is the subject of a lawsuit or some other financial obligation. You also have greater protection than if you were a sole proprietorship or general partnership. The standing as a corporation establishes you as a separate entity and official business in the U.S. and abroad, bolstering your credibility and reaching new customers. It also might entitle you to various tax breaks and exemptions. Some of the downsides of forming a corporation include double taxation (of C corporations), a heavy burden of recordkeeping, and ongoing fees, such as Georgia's annual registration fee. How is a Georgia corporation taxed? When it comes to federal taxes, if you are a Georgia S corporation, your earnings "flow through" from the business to your personal tax return. This means you must pay self-employment tax on those earnings at a rate of 15.3%. (Standard tax deductions and business expenses are allowed.) If you are a Georgia C corporation, the company is taxed as a separate entity from its shareholders, who must report and pay taxes on what the corporation pays them for their earnings and dividends. So, this is, in effect, "double taxation" but has benefits, such as greater flexibility in deductions. While a nonprofit can be federally tax-exempt, for the most part, Georgia grants no sales or use tax exemptions to "churches, religious, charitable, civic, and other nonprofit organizations. These organizations are required to pay the tax on all purchases of tangible personal property." Limited exemptions may be available for qualifying nonprofits, including: Licensed nonprofit orphanages, adoption agencies, and maternity homes; Licensed, nonprofit in-patient general hospitals, mental hospitals, nursing homes, and hospices; Nonprofit private schools, any combination of grades 1-12; Nonprofit blood banks; Nonprofit groups whose primary activity is raising money for public libraries; Nonprofit organizations primarily providing services to the developmentally disabled; Nonprofit health centers; Nonprofit volunteer health clinics; Nonprofit food banks; Construction materials for qualifying private colleges, zoological institutions, and aquariums When it comes to payroll, employers must withhold employee taxes and pay them directly to the state. This includes taxes withheld for: Wages; Nonresident distributions; Lottery winnings; Pension and annuity payments; Other sources of income Though not a "tax" per se, employers in Georgia must carry workers' compensation insurance if they employ three or more people. Georgia Business Resources Form a Corporation in These States

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