

RETURN MAIL/CONTACT INFORMATION:

SAN BENITO COUNTY CLERK

THIS SPACE RESERVED FOR COUNTY CLERK

NAME:

440 5TH ST RM #206, HOLLISTER CA 95023

PHONE:

Phone: (831)-636-4029 Fax: (831)-636-2939

EMAIL:

FICTITIOUS BUSINESS NAME STATEMENT

ADDRESS:

FILING FEE FOR NEW OR REFILE FBN
\$30.00 - FOR 1ST BUSINESS NAME ON STATEMENT
\$7.00 - FOR EACH ADDITIONAL BUSINESS AND/OR OWNER
NAME FILED ON SAME STATEMENT

FICTITIOUS BUSINESS NAME STATEMENT

**** If the registrant is a corporation, a limited liability company, a limited partnership, or a limited liability partnership, the county clerk may require documentary evidence issued by the California Secretary of State and deemed acceptable by the county clerk, indicating the current existence and good standing of that business entity to be attached to a completed and notarized affidavit of identity, for purposes of subdivision (d).
****The county clerk may require a registrant that mails a fictitious business name statement to a county clerk's office for filing to submit a completed and notarized affidavit of identity. A registrant that is a corporation, limited liability company, limited partnership, or limited liability partnership, if required by the county clerk to submit an affidavit of identity, shall also submit documentary evidence issued by the California Secretary of State indicating the current existence and good standing of that business entity.

The following person(s) is(are)doing business as:

Print Fictitious Business Name(s)

1 _____
Business Name

3 _____
Business Name

Address of Principal Place of Business

City/State/Zip

2 _____
Business Name

4 _____
Business Name

Mailing Address of Business

City/State/Zip

*** The registrant commenced to transact business under the fictitious business name or names listed above on _____

**** REGISTERED OWNER(S):

1 Full Name _____
Residence Address _____
City/State/Zip _____

3 Full Name _____
Residence Address _____
City/State/Zip _____

2 Full Name _____
Residence Address _____
City/State/Zip _____

4 Full Name _____
Residence Address _____
City/State/Zip _____

Articles of Incorporation or Organization Number (if applicable) AI # _____ If Corporation or LLC - Print State of Incorporation/Organization _____

IF MORE THAN TWO BUSINESS NAMES &/OR FOUR REGISTRANTS, ATTACH ADDITIONAL SHEET(S) SHOWING THE INFORMATION

*****THIS BUSINESS IS CONDUCTED BY : (Check one)

- An Individual A General Partnership A Limited Partnership A Limited Liability Company
- A Corporation A Trust An Unincorporated Association Other Than a Partnership Co-partnership
- A Married Couple Joint Venture State or Local Registered Domestic Partners A Limited Liability Partnership

I declare that all information in this statement is true and correct. (A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions Code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not To exceed one thousand dollars (\$1,000).)

Registrant/Corporation/LLC Name (print) _____ Owner Name _____

Signature of Registrant _____ Title _____

Statement filed with the County Clerk of San Benito County on the date indicated by the endorsement in the upper right corner

NOTICE--IN ACCORDANCE WITH SUBDIVISION (a) OF SECTION 17920, A FICTITIOUS NAME STATEMENT GENERALLY EXPIRES AT THE END OF FIVE YEARS FROM THE DATE ON WHICH IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK, EXCEPT, AS PROVIDED IN SUBDIVISION (b) OF SECTION 17920, WHERE IT EXPIRES 40 DAYS AFTER ANY CHANGE IN THE FACTS SET FORTH IN THE STATEMENT PURSUANT TO SECTION 17913 OTHER THAN A CHANGE IN THE RESIDENCE ADDRESS OF A REGISTERED OWNER. A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED BEFORE THE EXPIRATION. THE FILING OF THIS STATEMENT DOES NOT OF ITSELF AUTHORIZE THE USE IN THIS STATE OF A FICTITIOUS BUSINESS NAME IN VIOLATION OF THE RIGHTS OF ANOTHER UNDER FEDERAL, STATE, OR COMMON LAW (SEE SECTION 14411 ET SEQ., BUSINESS AND PROFESSIONS CODE).

I HEREBY CERTIFY THAT THIS COPY IS A CORRECT COPY OF THE ORIGINAL STATEMENT ON FILE IN MY OFFICE

JOE PAUL GONZALEZ, COUNTY CLERK

BY: _____

DEPUTY CLERK

INSTRUCTIONS FOR COMPLETION OF STATEMENT

Business and Professions Code Section 17913 Requires all the below information be provided:

* Where one asterisk appears in the form:

- (a) Insert the fictitious business name or names
- (b) Only those businesses operated at the same address and under the same ownership may be listed on one statement

** Where two asterisks appear in the form:

- (a) If the registrant has a place of business in this state, insert the **street address and county** of his or her **principal** place of business in this state
- (b) If the registrant has no place of business in this state, insert the **street address and county** of his or her **principal** place of business outside this state and file with the Clerk of Sacramento County (B&P 17915)
- (c) Mail Box and Post Office Box Numbers **are not acceptable** as a business address when used alone without a street address

*** Where three asterisks appear in the form:

- (a) If the registrant is an **individual**, insert his or her full name and residence address
- (b) If the registrants are a **Married Couple** insert the full name and residence address of both parties to the marriage
- (c) If the registrant is a **general partnership, co-partnership, joint venture, limited liability partnership**, insert the full name and residence address of each general partner
- (d) If the registrant is a **limited partnership**, insert the full name and residence address of each general partner
- (e) If the registrant is a **limited liability company**, insert the name and address of the limited liability company, as set out in its articles of organization on file with the California Secretary of State, and the state of organization
- (f) If the registrant is a **trust**, insert the full name and residence address of each trustee
- (g) If the registrant is a **corporation**, insert the name and address of the corporation, as set out in its articles of incorporation on file with the California Secretary of State, and the state of incorporation. **The County Clerk requires a copy of the articles of incorporation to be submitted.** If the registrants are **state or local registered domestic partners**, insert the full name and residence address of each domestic partner
- (h) If the registrant is an **unincorporated association other than a partnership**, insert the name of each person who is interested in the business of the association and whose liability with respect to the association is substantially the same as that of a general partner

**** Where the four asterisks appear in the form:

- (a) Check whichever of the terms listed on the front of the form best describes the nature of the business

***** Where the five asterisks appear in the form:

- (a) Insert the date on which the registrant first commenced to transact business under the fictitious business name or names listed, if already transacting business under that name or names.
- (b) Insert N/A if you have not yet commenced to transact business under the fictitious business name or names listed

Business and Professions Code Section 17914

The statement shall be signed as follows:

- (a) If the registrant is an individual, by the individual
- (b) If the registrants are a married couple, by either party to the marriage
- (c) If the registrant is a general partnership, limited partnership, limited liability partnership, co-partnership, joint venture, or unincorporated association other than a partnership, by a general partner
- (d) If the registrant is a limited liability company, by a manager or officer
- (e) If the registrant is a trust, by a trustee
- (f) If the registrant is a corporation, by an officer
- (g) If the registrant is a state or local registered domestic partnership, by one of the domestic partners

Business and Professions Code Section 17915

The fictitious business name statement **shall** be filed with the clerk of the county in which the registrant has his or her **principal place of business in this state or**, if the registrant has no place of business in this state, with the Clerk of Sacramento County. This chapter does not preclude a person from filing a fictitious business name statement in a county other than that where the principal place of business is located, as long as the requirements of this section are also met.

Business and Professions Code Section 17917

Publication for Original, New Filings (renewal with change in facts from previous filing), or Refile

- (a) Within 30 days after a fictitious business name statement has been filed pursuant to this chapter, the registrant shall cause a statement in the form prescribed by subdivision (a) of Section 17913 to be published pursuant to Section 6064 of the Government Code in a newspaper of general circulation in the county where the fictitious business name statement was filed or, if there is no such newspaper in that county, in a newspaper of general circulation in an adjoining county. If the registrant does not have a place of business in this state, the notice shall be published in a newspaper of general circulation in Sacramento County.
- (b) Subject to the requirements of subdivision (a), the newspaper selected for the publication of the statement should be one that circulates in the area where the business is to be conducted.
- (c) If a refile is required because the prior statement has expired, the refile need **not** be published, unless there has been a change in the information required in the expired statement, provided the refile is filed **within** 40 days of the date the statement expired.
- (d) An affidavit showing the publication of the statement shall be filed with the county clerk where the Fictitious Business Name Statement was filed within 30 days after the completion of the publication.

Business and Professions Code Section 17922

Abandonment of Fictitious Business Name

- (a) Upon ceasing to transact business in this state under a fictitious business name that was filed in the previous five years, a registrant who has filed a fictitious business name statement **shall** file a statement of abandonment of use of fictitious business name. The statement of abandonment shall be executed in the same manner as a fictitious business name statement and **shall** be filed with the county clerk of the county in which the registrant has filed his or her fictitious business name statement. The statement shall be published in the same manner as a fictitious business name statement and an affidavit showing its publication shall be filed with the county clerk after the completion of publication.

Business and Professions Code Section 17930

Any person who executes, files, or publishes any statement under this chapter, knowing that such statement is false, in whole or in part, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000).

Affidavit of Identity



In accordance with Section 17913 of the California Business & Professions Code, the following identifying information is required to file a Fictitious Business Name Statement.

This affidavit must be signed in the presence of the Deputy County Clerk or if filing by mail, in the presence of a Notary Public.

Business Name (s): _____

I am the Registrant _____

I am the Agent _____

By signing below I declare that I am the registrant or the authorized agent and have been authorized by the registrant on this Fictitious Business Name filing to submit the above Fictitious Business Name Statement on behalf of the registrant.

I _____ Declare under penalty of perjury under the laws of the State of California, that I am the Registrant or Authorized Agent to submit the Fictitious Business Name filing on behalf of the registrant & that I intend to file the Fictitious Business Name on this statement.

Subscribed on this _____ day of _____ 20 _____

(Registrant Signature)

For Mail or Third Party Requests Only

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

On _____ before me, _____

personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(SEAL)

Signature of Notary Public

INFORMATION REGARDING THE FILING OF A FICTITIOUS BUSINESS NAME STATEMENT

- **Be certain the information in the statement is correct and complete before filing it.** You cannot make changes to the statement once it has been filed. **Any changes would require the Abandonment & publications and then filing of a new statement, payment of the filing fees again, and publication in a newspaper in San Benito County.**
- When you file a fictitious business name statement, it does not reserve the name for your exclusive use. The filing is for consumer protection, and is a requirement under Business & Professions Code Section 17900 and 17913.
- The County Clerk's Office cannot refuse to file a fictitious business name statement because the name is already being used by someone else.
- If there is a conflict between business owners using the same or similar names, it becomes a legal matter between the business owners.
- **Residence address (where you live)** must be listed under the registrant information. If the registrant is a corporation/LLC, an address (not PO Box) and the State of Incorporation/Organization must be listed.
- **ALL** information contained in the statement is a **PUBLIC** record, including your residence address. Anyone can purchase copies of the statement.
- All original filings as well as new filings with a change in the facts from the previous filing must be published. The statement must be published in an adjudicated newspaper, once per week for four consecutive weeks. The first publication must begin within thirty days of the date the statement was filed in the County Clerk's Office. **See attached information on Page 4 of this application.**
- The proof of publication must be filed in the County Clerk's Office. Please check with the newspaper to see if they will forward the original to our office for filing.
- The statement is a **REFILE WITH NO CHANGES** if **NO** information (**including residence address of the owner(s)**) changed from the previous filing. Statements filed as a **REFILE WITH NO CHANGES** do not need to be published provided they are refiled within 40 days of the expiration of the current statement.
- The statement is valid for five years from the date it is filed in the County Clerk's Office, unless there is a change in any information (except the registered owners address). A change requires a new statement be filed within 40 days of the change. The new statement would also need to be published.
- If you have any questions regarding the filing of your fictitious business name statement, please call 831-636-4029, or come to our office at 440 Fifth Street, Room 206 Hollister, and CA 95023.

Publication

Contact the newspaper immediately after filing a fictitious business name statement to ensure compliance with business and professions code sections 17917 & 17924 due to newspaper publication deadlines

Our print deadline for FBN'S is every Monday at 10 a.m. for the edition of the paper that appears in print the following Friday. This means the Monday before the 30 days is up, before 10 a.m., is the very last moment we can receive FBN'S in our office, and run it in an edition of the paper that meets the filing's deadline. We recommend that the statements are submitted WELL BEFORE that date to ensure that we can publish them within their filing deadline.

Fictitious Business Name Statements can be sent to the newspaper by mail, email or in person. We will continue to run FBN'S from our Hollister office, but submissions by mail or email are preferred.

Submissions should be sent to:

**New SV Media
Attn: Legals
PO Box 516
Gilroy, CA 95021**

Email submissions should be sent to: legals@newsvmedia.com

Business and Professions Code Sections

Business and Professions Code Sections 17917 & 17924:

Within 30 days after a fictitious business name statement has been filed, the registrant shall cause a statement in the form prescribed to be published in a newspaper or general circulation in the county in which the principal place of business of the registrant is located or, if there is no such newspaper in that county, then in a newspaper of general circulation in an adjoining county. If the registrant does not have a place of business in this state, the notice shall be published in a newspaper once a week for four successive weeks and an affidavit of publication filed with the county clerk when publication has been accomplished. An affidavit showing the publication of the statement shall be filed with the county clerk within 30 days after the completion of the publication.

If a re-filing is required because the prior statement has expired, the re-filing need not be published unless there has been a change in the information required in the expired statement, provided the re-filing is filed within 40 days of the date the statement expired.

Business and Professions Code Section 17930:

Any person who executes, files, or publishes any fictitious business name statement knowing that such statement is false, in whole or in part, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000).

Tax Collector

Persons filing for a fictitious business name:

This is to advise that businesses operating within San Benito County may be liable for a business property tax of approximately 1.1% of the value of the equipment. This tax is levied annually
(bills are issued in July, due in August).

SAN BENITO COUNTY TAX COLLECTOR

440 Fifth Street, Room 107
Hollister, California 95023
(831) 636-4034 FAX (831) 636-4014