

Name, Address, Telephone No.	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANG9</b> JUSTICE CENTER: <input type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Harbor - Newport Beach Facility - 4601 Jamboree Rd, Newport Beach, CA 92660-2895 <input type="checkbox"/> North - 1275 N. Berkeley Ave., P. O. Box 5000, Fullerton, CA 92838-0500 <input type="checkbox"/> West - 8141 13th Street, Westminster, CA 92683-4593	
PLAINTIFF:  DEFENDANT:	
<b>APPLICATION AND ORDER TO SERVE THE CALIFORNIA SECRETARY OF STATE (Small Claims)</b>	CASE NUMBER:

DECLARATION SUPPORTING MY REQUEST FOR THIS APPLICATION

- I am the plaintiff in this action.
- I request that the court make an order to serve the Office of the Secretary of State on behalf of \_\_\_\_\_, a corporation in the above-entitled action. Address for service is: \_\_\_\_\_  
My request is based on this declaration and records or evidence on file with the court.
- The facts supporting this application are that defendant corporation is subject to this courts' jurisdiction because \_\_\_\_\_

The party has verified with the Office of the Secretary of State that:

- The corporation has no designated agent for service of process nor any officers or agents in the State of California.
- The designated agent resigned and has not been replaced or is no longer authorized to act.
- The agent cannot with reasonable diligence be found at the address designated for personally delivering the process, and that process against the defendant corporation cannot be served with reasonable diligence upon the designated agent by hand.
- Facts continued on attached declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF APPLICANT)

**COURT ORDER**

The Court having considered the application and good cause appearing: IT IS ORDERED:

- That the Secretary of State accept service on behalf of \_\_\_\_\_ which has been doing business in the State of California, but has no designated Agent for Service of Process nor are any officers or agents located in California, or has a designated agent that has resigned and has not been replaced or is no longer authorized to act, or has an agent that cannot with reasonable diligence be found at the address designated for personally delivering process; and
- That the Secretary of State shall promptly give notice to the above-referenced corporation of the service of process of the claim filed against it. In the case of a foreign corporation, this order shall set forth an address to which the process shall be sent by the Secretary of State. The address for service is: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

**APPLICATION AND ORDER TO SERVE THE CALIFORNIA SECRETARY OF STATE (Small Claims)**

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

## INFORMATION SHEET TO SERVE AN OUT-OF-STATE BUSINESS

**How to serve a business located and incorporated in another state that:**

- ▶ **does not have an agent for service listed with the Secretary of State,**
- ▶ **has an agent that has resigned, but has not been replaced, or**
- ▶ **has an agent that cannot be found with reasonable diligence.**

*Every corporation doing business in California is required to have an agent within the state to accept service of process. Some corporations fail to meet this requirement and the only way to effect service is to serve the Secretary of State in California. (Corp. Code 2111)*

The procedure is as follows:

1. Fill out and file the "PLAINTIFF'S CLAIM AND ORDER TO GO TO SMALL CLAIMS COURT" listing the corporation's full name and address as the defendant.
2. Fill out the "APPLICATION AND ORDER TO SERVE THE CALIFORNIA SECRETARY OF STATE" and submit it to the Small Claims clerk.
3. Once the "ORDER" is signed, you must send it and the Plaintiff's Claim to the Sacramento County Sheriff (or private process server) to be personally served upon the "California Secretary of State."

The Sheriff will charge a fee to perform the service. They charge to serve each document (e.g. "The Plaintiff's Claim and Order to go to Small Claims Court" and the "Order to Serve the California Secretary of State" are two documents) The Sheriff's address is:

Sacramento County Sheriff  
Attention: Civil Division  
3341 Power Inn Road #313  
Sacramento, CA. 95826

Phone: (916) 875-2665

4. Write a short letter instructing the Sheriff to serve the "PLAINTIFF'S CLAIM AND ORDER TO GO TO SMALL CLAIMS COURT" and "ORDER TO SERVE THE CALIFORNIA SECRETARY OF STATE" on the Secretary of State.
5. In addition to sending all of the above, send a check payable to the California Secretary of State. There is a service fee and a fee to return a copy of the proof of service. Call the Secretary of State at (916) 657-5251 for the amount of their fee, Gov. Code 12197.
6. Once the California Secretary of State is served, they will serve the corporation in the state where the corporation is located.
7. The Secretary of State in the other state notifies the corporation that they have been served.
8. The whole process will cost over \$110.00.
9. Be sure to return all proofs of service to the court at least five court days prior to your trial date.

***NOTE:*** *If you obtain a judgment against an out-of-state corporation who does not have assets in California, you cannot enforce your judgment in California. You will need to register your judgment in the state where the out-of-state corporation has funds and collect your judgment through that state. This can be expensive and time consuming. Also, fees are subject to change. Check with the Sacramento County Sheriff and the California Secretary of State for current fees.*

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**APPLICATION AND ORDER TO SERVE THE CALIFORNIA SECRETARY OF STATE**  
(Small Claims)