

FICTITIOUS BUSINESS NAME STATEMENTS

PRINT LEGIBLY OR TYPE THIS FORM.

FILL IN THE NAME, ADDRESS & PHONE NUMBER, THEN COMPLETE THE FORM.

BE CERTAIN THAT THE INFORMATION ON THE STATEMENT IS CORRECT AND COMPLETE BEFORE FILING. YOU CANNOT MAKE CHANGES TO THE STATEMENT ONCE IT HAS BEEN FILED. CHANGES WOULD REQUIRE FILING (AND PAYING FOR) A NEW STATEMENT.

ALL INFORMATION CONTAINED IN THE FICTITIOUS BUSINESS NAME STATEMENT IS PUBLIC RECORD.

THIS STATEMENT IS VALID FOR 5 (FIVE) YEARS.

Publication is required once per week for four successive weeks in the adjudicated newspaper listed below:

ADJUDICATED NEWSPAPER IN SAN BENITO COUNTY THAT PUBLISHES AT LEAST ONCE A WEEK

Free Lance Newspaper

350 Sixth Street

Hollister, CA 95023

Phone: (831) 637-5566

Your Fictitious Business Name Statement must be published within 30 days of the date it was filed with the County Clerk.

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If a re-filing is required because the prior statement has expired, the re-filing need not be published unless there has been a change in the information required in the expired statement, provided the re-filing is filed within 40 days of the date the statement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

San Benito County • 440 Fifth Street, Room #206 • Hollister, CA 95023

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

FILE # _____

OFFICE OF THE SAN BENITO COUNTY CLERK
440 Fifth Street, Room #206
Hollister, CA 95023

This space reserved for County Clerk

TYPE OF FILING (Check one)

- Original
- New Filing
[Change(s) in facts from previous filing]
- Refile
[No Change(s) in facts from previous filing]

Telephone #: _____

Previous file # _____

FICTITIOUS BUSINESS NAME STATEMENT

FILING FEE

\$25.00 FOR FIRST BUSINESS NAME ON STATEMENT
\$5.00 FOR EACH ADDITIONAL BUSINESS NAME FILED ON SAME STATEMENT AND DOING BUSINESS AT THE SAME LOCATION
\$5.00 FOR EACH ADDITIONAL OWNER IN EXCESS OF ONE OWNER

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

* _____
 Print Fictitious Business Name(s)

** _____
 Street address of principal place of business

_____ Mailing address if different

City State Zip COUNTY City State Zip

*** REGISTERED OWNER(S):

<p>1. _____ Full Name</p> <p>_____ Residence Address</p> <p>City State Zip</p> <p>_____ If Corporation or LLC – Print State of Incorporation/Organization</p>	<p>2. _____ Full Name</p> <p>_____ Residence Address</p> <p>City State Zip</p> <p>_____ If Corporation or LLC – Print State of Incorporation/Organization</p>
<p>3. _____ Full Name</p> <p>_____ Residence Address</p> <p>City State Zip</p> <p>_____ If Corporation or LLC – Print State of Incorporation/Organization</p>	<p>4. _____ Full Name</p> <p>_____ Residence Address</p> <p>City State Zip</p> <p>_____ If Corporation or LLC – Print State of Incorporation/Organization</p>

IF MORE THAN FOUR REGISTRANTS, ATTACH ADDITIONAL SHEET SHOWING OWNER INFORMATION

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

- an Individual a General Partnership a Limited Partnership a Limited Liability Company
- an Unincorporated Association other than a Partnership a Corporation a Trust Copartners
- Husband and Wife Joint Venture State or Local Registered Domestic Partners a Limited Liability Partnership

***** The registrant commenced to transact business under the fictitious business name or names listed above on _____
 (Insert N/A above if you haven't started to transact business)

**I declare that all information in this statement is true and correct.
 (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)**

SIGNATURE OF REGISTRANT _____

Print name of person signing. If corporation, also print corporate title of officer. If LLC, also print title of officer or manager.

This statement was filed with the County Clerk of SAN BENITO COUNTY on the date indicated by the filed stamp 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, SAN BENITO COUNTY CLERK

BY: _____, Deputy Clerk

INSTRUCTIONS FOR COMPLETION OF STATEMENT

Business and Professions Code Section 17913:

* 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 **husband and wife**, insert the full name and residence address of both the husband and the wife
- (c) If the registrant is a **general partnership, copartnership, joint venture, limited liability partnership, or unincorporated association other than a 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 CA 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 CA Secretary of State, and the state of incorporation. **The County Clerk requires a copy of the articles of incorporation to be submitted.**
- (h) If the registrants are **state or local registered domestic partners**, insert the full name and residence address of each domestic partner

**** Where 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 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 husband and wife, by the husband or wife
- (c) If the registrant is a general partnership, limited partnership, limited liability partnership, copartnership, 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. Nothing in this chapter shall 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 subdivision 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, the registrant shall cause it to be published 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. The publication must be once a week for four successive weeks and an affidavit of publication must be filed with the county clerk where the fictitious business name statement was filed within 30 days after the completion of the publication.
- (b) If a refiling is required because the prior statement has expired, the refiling need **not** be published, unless there has been a change in the information required in the expired statement, provided the refiling is filed **within** 40 days of the date the statement expired.

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 person who has filed a fictitious business name statement **shall** file a statement of abandonment of use of fictitious business name. The statement shall be executed and published in the same manner as a fictitious business name statement and **shall** be filed with the county clerk of the county in which the person has filed his or her fictitious business name statement.

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).

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 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.
- 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. A list of newspapers is available from our office.
- 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 customer is responsible for determining whether publication on a refiled statement is required.
- 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, CA 95023.

SAN BENITO COUNTY TAX COLLECTOR

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

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).

IF YOU HAVE ANY QUESTIONS, PLEASE DO NOT HESITATE TO CALL OR VISIT OUR OFFICE.

THANK YOU.