6-07/510.00 Corporation

A summons against a corporation may be served by delivering a copy of the summons and complaint, with the required notice of capacity, to one of the following officers or agents (CCP 416.10):

1. Person designated as agent for service of process or a person authorized by the corporation to receive service of process (as listed with the Secretary of State) (CCP 416.10(a))
2. President, Chief Executive Officer, or other head of the corporation (416.10 (b))
3. Vice-President (416.10 (b))
4. Secretary or Assistant Secretary (416.10 (b))
5. Treasurer or Assistant Treasurer (416.10 (b))
6. Controller or Chief Financial Officer (CCP 416.10(b))
7. General Manager (NOT Office Manager) (416.10 (b))
8. Person authorized by the Corporation to receive civil process (CCP 416.10(b))
9. Cashier or Assistant Cashier of a bank (CCP 416.10 (c))

If a proper officer or agent cannot be found within the state after reasonable diligence, or if no agent has been designated, the court may make an order that the service be made by delivering by hand to the Secretary of State, or an assistant or deputy, a copy of the process and a copy of the court order. The order may be from a court of another state or of any federal court if the proceeding has been filed in that court. (CORP 1702) Such service must be made personally and not by mail. (Hunstock v. Estate Development Co., 22 CA 2d 205)

Before a summons against a corporation is assigned out for service, the “Notice to the Person Served” at the bottom of the summons shall be completed. If the summons is served by the substitution method, both copies of the summons shall be completed in this manner.

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, *(POS-010).)*

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. [ ] as an individual defendant.
2. [ ] as the person sued under the fictitious name of *(specify)*:
3. [x] on behalf of (specify): Ace Distributing Company, a corporation

under: [x] CCP 416.10 (corporation) [ ] CCP 416.60 (minor)
[ ] CCP 416.20 (defunct corporation) [ ] CCP 416.70 (conservatee)
[ ] CCP 416.40 (association or partnership) [ ] CCP 416.90 (authorized pe
[ ] other *(specify)*:

4. [x] by personal delivery on *(date)* put date of service here

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. July 1, 2009]

SUMMONS

Code of Civil Procedure §§
www.c

Notice of capacity in which a person is served on behalf of a defendant corporation

must appear on the copy of the summons that is served. No default in a case may be taken against any corporation or against such person individually, as the case may be, unless the certificate of service of the summons recites that such notice appeared on the copy of the summons. (CCP 412.30) When service is intended to be made upon the person as an individual as well as on behalf of the corporation, said notice must so indicate.

When completing the Proof of Service, be sure to include all information regarding the person served and the manner of such service. EXAMPLE: "Serve Ace Distributing Company, a corporation". Contact is made with Tom Jones who is the president (or other officer or agent per CCP 416.10)." The Proof of Service should state the party served: Ace Distributing Company, a corporation. Tom Jones, President, is listed as the person served on behalf of an entity (or as an authorized agent). The address of the service must appear on the Proof of Service. You must indicate the manner of service as personal (CCP 415.10).

3. a. Party served *(specify name of party as shown on documents served):*
Ace Distributing Company, a corporation

b. [x] Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) *(specify name and relationship to the party named in item*
Tom Jones, President

4. Address where the party was served:
123 Main Street, Los Angeles, CA 90012

5. I served the party *(check proper box)*

a. [x] **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on *(date):* Date of service (2) at *(time):* Time of service

If the service is made by substitution (CCP 415.20), you must include the name and title or relationship. The party must be informed of the general nature of the process. The name of the responsible party per CCP 416.10 must still be indicated. A copy of the Summons and Complaint must be mailed to the Party served. Service by substitution must show attempts (diligence). Dates and times of all previous attempts of service declaration of diligence must documented on the Proof of Service. The declaration of diligence will be on an attached page.

3. a. Party served *(specify name of party as shown on documents served):*
Ace Distributing Company, a corporation

b. [x] Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) *(specify name and relationship to the party named in item 3*
Tom Jones, President

4. Address where the party was served:
123 Main Street, Los Angeles, CA 90012

5. I served the party *(check proper box)*

a. [ ] **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on *(date):* (2) at *(time):*

b. [x] **by substituted service.** on *(date):* Date of service at *(time):* time I left the documents listed in item 2 in the presence of *(name and title or relationship to person indicated in item 3):*
Lady Penelope Creighton-Ward, Receptionist

(1) [x] **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.

(2) [ ] **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.

(3) [ ] **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.

(4) [x] I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on *(date):* date of mailing from *(city):* city of mailing **or** [ ] a declaration of mailing is att

(5) [x] I attach a **declaration of diligence** stating actions taken first to attempt personal service.