

6-07/510.10 Forfeited or Dissolved (Defunct) Corporations

Where a corporation has forfeited its charter or right to do business in California or has dissolved, a summons may be served on it by delivering a copy to one of the persons who have become the trustees of the corporation and of its stockholders or members. (CCP 416.20)

Notice of the capacity in which a person is served on behalf of a defendant forfeited or dissolved 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.

If no person having charge of the assets of a dissolved corporation can be found with due diligence, the court may order that the process, together with a copy of the order, be delivered to the Secretary of State or an assistant or deputy. (CORP 1702)

Before a summons against such a forfeited or dissolved corporation is assigned out for service, the "Notice to the Person Served" at the bottom of the summons shall be completed by (1) inserting the name of the defendant corporation after the words "on behalf of," (2) checking the box "CCP 416.20 (Defunct Corporation)" and, (3) when applicable, checking "as an individual defendant." This shall be done on the copy of the summons that is left with the defendant. If the summons is served using the substitute 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 citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]	<p>NOTICE TO THE PERSON SERVED: You are served</p> <p>1. <input type="checkbox"/> as an individual defendant.</p> <p>2. <input type="checkbox"/> as the person sued under the fictitious name of (<i>specify</i>):</p> <p>3. <input checked="" type="checkbox"/> on behalf of (<i>specify</i>): Ace Distributing Company, a corporation</p> <p>under: <input type="checkbox"/> CCP 416.10 (corporation) <input type="checkbox"/> CCP 416.60 (minor) <input checked="" type="checkbox"/> CCP 416.20 (defunct corporation) <input type="checkbox"/> CCP 416.70 (conservate <input type="checkbox"/> CCP 416.40 (association or partnership) <input type="checkbox"/> CCP 416.90 (authorized <input type="checkbox"/> other (<i>specify</i>):</p> <p>4. <input checked="" type="checkbox"/> by personal delivery on (<i>date</i>) put date of service here</p>
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Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. July 1, 2009]

SUMMONS

Code of Civil Procedure
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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 defunct corporation, by serving Tom Jones, Trustee of Ace Distributing Company, a corporation." Contact is made with Tom Jones. The Proof of Service should state the party served: Ace Distributing Company, a corporation. Tom Jones, Trustee, on behalf of Ace Distributing Company, a corporation. 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 defunct corporation
- b. 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 3a*):
Tom Jones, Trustee of Ace Distributing Company, a corporation
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*): 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 be documented on the Proof of Service. The declaration of diligence will be on an attached page.

Court Services Division Manual : 6-07/510.10 Forfeited or Dissolved (Defunct) Corporations

3. a. Party served (*specify name of party as shown on documents served*):
Ace Distributing Company, a defunct corporation
- b. 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, Trustee of Ace Distributing Company, a corporation
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. **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*):
Joan Smith, Secretary for Tom Jones, Trustee of Ace Distributing Company, a corporation
- (1) **(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) 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 mailed _____ from (*city*): city mailed from _____ or a declaration of mailing is attached.
- (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.
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