

6-07/510.20 Foreign Corporation or Company

Foreign Corporation means a corporation not incorporated under the laws of this State.

Service of a summons against a foreign corporation or a nonresident joint stock company or association doing business in California is provided by 2100-2116 of the Corporations Code and CCP 416.10 (refer to 6-07/510.00). In addition to its officers and agents that can be served, a foreign corporation may be served by serving its general manager in this State. Service on a person who is the general manager of the area involved is good service where there is no one general manager functioning throughout the State. (*Eclipse Fuel v. Superior Court* (1957) 148 CA 2d 736)

If no officer or agent can be found, the court may order service to be made on the Secretary of State, or an assistant or deputy. No court order is required when the foreign corporation has surrendered its right to transact intrastate business pursuant to the Corporations Code. (CORP 2114)

Before a summons against such a foreign corporation or a nonresident joint stock company or association 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 foreign corporation or a nonresident joint stock company or association after the words "on behalf of," (2) checking the box "CCP 416.10 (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 style="margin-left: 20px;">under: <input checked="" type="checkbox"/> CCP 416.10 (corporation) <input type="checkbox"/> CCP 416.60 (minor)</p> <p style="margin-left: 20px;"><input type="checkbox"/> CCP 416.20 (defunct corporation) <input type="checkbox"/> CCP 416.70 (conservatorship)</p> <p style="margin-left: 20px;"><input type="checkbox"/> CCP 416.40 (association or partnership) <input type="checkbox"/> CCP 416.90 (authorized agent)</p> <p style="margin-left: 20px;"><input type="checkbox"/> other <i>(specify)</i>:</p> <p>4. <input checked="" type="checkbox"/> by personal delivery on <i>(date)</i> <u> </u> date of service</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

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 by serving Tom Jones, General Manager 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, General Manager 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 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, General Manager 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

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.

3. a. Party served (*specify name of party as shown on documents served*):
Ace Distributing Company, a 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, General Manager 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*):
Susan Jones, wife
- (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 a
- (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.
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