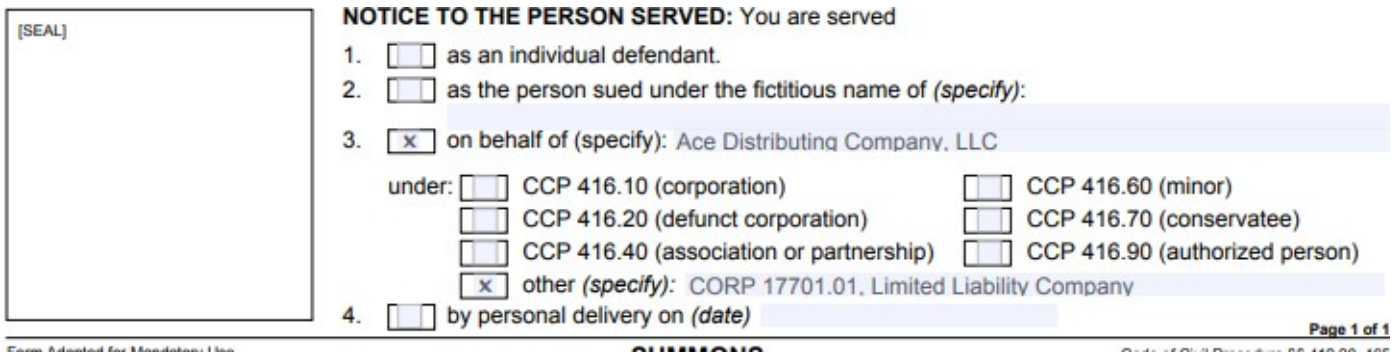
6-07/520.00 Limited Liability Company

In 1995, the Legislature created a new legal entity, the limited liability company (LLC). A limited liability company may sue or be sued in its own name. The business must be designated in the caption as a partnership, limited liability company, or unincorporated association. No award may be made against the firm unless it is named in the caption and designated in the body of the complaint as a party. (Hildebrand v. Stonecrest Corp., 174 CA 2d 158) If a judgment is against both the individual members and the business, the members and the business must be separately named as defendants. Thus, where the caption named defendants Meads, Doe, Cox, and Ray individually and as copartners under the name of Petaluma Transportation Company, it was held to be only against the members and not against the firm, i.e., the descriptive language as copartners did not make the partnership a defendant. (Maclay Co. v. Meads, 14 CA 363)

Service on a limited liability company is effected by serving the person designated as its agent for service of process. If its designated agent is a corporation, service must be made on the person listed as the corporation's agent for service of process on its information return filed with the Secretary of State. (CORP 17701.13 (c) The designated agent may be served either by personal service (CCP 415.10), substitute service (CCP 415.20 (a)), or service by mail with acknowledgment of receipt (CCP 415.30 (a)). A limited liability company, like a corporation, is required to annually designate an agent for service of process with the Secretary of State. (CORP 17702.09 (c)) If an affidavit shows that the designated agent has resigned or cannot be located or that service cannot otherwise be effected, the court may order service on a limited liability company by delivery to the Secretary of State, together with a copy of the order authorizing such service.(CORP 1702 (a))

Before a summons against a limited liability company 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 limited liability company after the words "on behalf of," (2) checking the box "other" and inserting "CORP 17701.01 (limited liability company)" and, (3) when applicable, checking the box "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.


[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. ☒ on behalf of (specify): Ace Distributing Company, LLC

under: ☐ 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 person)
☒ other *(specify)*: CORP 17701.01, Limited Liability Company

4. ☐ by personal delivery on *(date)*

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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, LLC." The agent for service is listed as Tom Jones and instructions for service request service on Tom Jones, Authorized Agent for Service. Contact is made with Tom Jones. The Proof of Service should state the party served: Ace Distributing Company, LLC. Tom Jones, Agent for Service of Ace Distributing Company, LLC. 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, LLC
   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 3a):*
   Tom Jones, Agent for Service of Ace Distributing Company, LLC
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

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, LLC

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

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
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 i
in the presence of *(name and title or relationship to person indicated in item 3):*
Susan Jones, secretary to Tom Jones

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

(2) [x] **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or u
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
address of the person to be served, other than a United States Postal Service post office box. I info
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 se
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 maili

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