6-07/530.30 Association

Service on an association not a general or limited partnership may be by delivery to:

1. The person designated as an agent for service as filed with the Secretary of State (CCP 416.40 (a))
2. President or other head of the association,
3. Vice president,
4. Secretary or Assistant Secretary,
5. Treasurer or Assistant Treasurer,
6. General manager, or
7. Authorized person by the association to receive process

The court may order that service be made upon the unincorporated association by delivery of a copy of the process to any one or more of the association's members designated in the order and by mailing a copy of the process to the association at its last known address. Service in this manner constitutes personal service upon the unincorporated association. (CORP 18220) The service can be effectively made even after dissolution of the partnership. (Cotton v. Perishable Air Conditioners, 18 CA 2d 575)

An unincorporated association is a group of members who share a common purpose and who function under a common name, including churches, labor unions, political parties, professional or trade associations, social clubs, and homeowners' associations. (Barr v. United Methodist Church, 90 CA 3d 259; Tenants Association of Park Santa Anita v. Southers, 222 CA 3d 1293)

Service of only one copy of the summons and complaint on a partner is sufficient to bind both the partnership and the partner served where both the partnership and the partner are named defendants. (Bruhnke v. Wilson, Los Angeles Superior Court App. Dept., Civ. App. 4538, citing Colquhoun v. Pack, 28 CA 319, and Morrisey v. Gray, 162 C 638, 644-7). However, the notice to the person served on the copy of the summons must also indicate that service is made upon the person as an individual as well as on behalf of the associates, and the certificate of service must recite such notification. (CCP 412.30)

Notice of the capacity in which a person is served on behalf of a partnership or other unincorporated association in the manner prescribed by CCP 412.30 must appear on the copy of the summons that is served. No default in a case may be taken against any partnership or other such association 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 associates, the notice must so indicate.

Before a summons against an unincorporated 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 partnership or unincorporated association

after the words “on behalf of,” (2) checking the box “CCP 416.40 (Association or Partnership)” 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.

(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 Association (or Unincorprated Association)

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

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

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

SUMMONS

Code of Civil Procedure §§ 4
www.cc

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 Association (or other unincorporated association).” The process server discovers the president of the association is Tom Jones and instructions for service request service on Tom Jones, President. Contact is made with Tom Jones. The Proof of Service should state the party served: Ace Distributing Association by serving Tom Jones, President. 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 Association
   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, President
4. Address where the party was served:
   123 Main Street, Los Angeles California 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 authorize
   receive service of process for the party (1) on *(date)*: date of service (2) at *(time)*: time of s

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 Association

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

4. Address where the party was served:
123 Main Street, Los Angeles California 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 authoriz 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 the presence of *(name and title or relationship to person indicated in item 3):*
Susan Smith, receptionist

(1) [x] **(business)** a person at least 18 years of age apparently in charge at the office or usual place of b 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 o 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 usua address of the person to be served, other than a United States Postal Service post office box. I in 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 s 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 ma

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