6-07/720.40 Unknown Business Entity

Historically, process could not be served on an artificial person (corporation, partnership, unincorporated association, etc.) without ascertaining the capacity (business form, entity) of the defendant. Thus, a summons and complaint could only be served on the president, vice president, secretary or other designated officer if the defendant is determined to be a corporation or on a partner if the defendant is a partnership. Sponsored by the California Association of Photocopiers and Process Servers, CCP 415.95 was codified to permit the service of a summons and complaint on a defendant whose business form is unknown. As a result, a default judgment may be entered against the defendant without indicating whether the business is a corporation, partnership, unincorporated association, etc.

As it is the policy of this Department to not enforce a writ against an artificial person unless the defendant/debtor's capacity (business form, entity) is listed on the writ, a summons and complaint shall not be served pursuant to CCP 415.95 without ascertaining the defendant's business form. Litigants requesting service pursuant to CCP 415.95 should be advised to contact a registered process server.