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| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA<br/>CIVIL DIVISION</b><br>3055 CLEVELAND AVE<br>SANTA ROSA, CALIFORNIA 95403-2122<br>(707) 521-6610<br>www.sonoma.courts.ca.gov | (FOR COURT USE ONLY)            |
| Plaintiff(s):   |                                 |
| Defendant(s):   |                                 |
| <b>APPLICATION TO SERVE<br/>THE CALIFORNIA SECRETARY OF STATE<br/>AND ORDER THEREON</b>   | Case number:<br>Assigned Judge: |

**DECLARATION SUPPORTING MY REQUEST FOR THIS APPLICATION**

1. I am the plaintiff in this action.
2. I request that the court make an order to serve the Office of the Secretary of State on behalf of \_\_\_\_\_, a corporation, in the above-entitled action.

Address for service is: \_\_\_\_\_

My request is based on this declaration and records or evidence on file with the court.

3. The facts supporting this application are that defendant corporation is subject to this court's jurisdiction because \_\_\_\_\_.
4. I have verified with the Office of the Secretary of State that:
  - The corporation has no designated agent for service of process nor any officers nor agents in the State of California.
  - The designated agent resigned and has not been replaced or is no longer authorized to act.
  - The agent cannot with reasonable diligence be found at the address designated for personally delivering the process, and that process against the defendant corporation cannot be served with reasonable diligence upon the designated agent by hand.
  - Facts continued on attached declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
TYPE OR PRINT NAME

\_\_\_\_\_  
SIGNATURE

**ORDER AUTHORIZING SERVICE ON SECRETARY OF STATE**

The Court having considered the application and good cause appearing, IT IS ORDERED:

1. That the Secretary of State accept service on behalf of \_\_\_\_\_ which has been doing business in the State of California, but has no designated Agent for Service of Process nor are any officers or agents located in California, nor has a designated agent that has resigned and has not been replaced or is no longer authorized to act, nor has an agent that can with reasonable diligence be found at the address designated for personally delivering process; and
2. That the Secretary of State shall promptly give notice to the above-referenced corporation of the service of process of the claim filed against it. In the case of a foreign corporation, this order shall set forth an address to which the process shall be sent by the Secretary of State. The address for service is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OR COMMISSIONER

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA  
INFORMATION SHEET TO SERVE AN OUT-OF-STATE BUSINESS**

**How to serve a business located and incorporated in another state that:**

- **does not have an agent for service listed with the Secretary of State,**
- **has an agent that has resigned, but has not been replaced, or**
- **has an agent that cannot be found with reasonable diligence.**

*Every corporation doing business in California is required to have an agent within the state to accept service of process. Some corporations fail to meet this requirement and the only way to effect service is to serve the Secretary of State in California. (Corp. Code 2111)*

The procedure is as follows:

1. Fill out the “APPLICATION TO SERVE THE SECRETARY OF STATE AND ORDER THEREON” and submit them to the clerk along with the ex parte motion fee (see fee schedule at <http://www.sonoma.courts.ca.gov> or check with the clerk for current fees).
2. Once the “ORDER” is signed, you must send it and the other paper(s) to be served to the Sacramento County Sheriff (or private process server) to be personally served upon the “California Secretary of State.” The Sheriff will charge a fee to perform the service. They charge to serve each document (e.g., Order is one document and each other paper to be served is another). Check with the Sacramento County Sheriff for current fees.
3. Write a short letter instructing the Sheriff to serve the “ORDER” and the other paper(s) on the Secretary of State.
4. In addition to sending all of the above, send a check payable to the California Secretary of State. There is a service fee and a fee to return a copy of the proof of service. Call the Secretary of State at (916) 657-5448 for the amount of their fee, Gov. Code 12197.
5. Once the California Secretary of State is served, they will serve the corporation in the state where the corporation is located.
6. The Secretary of State in the other state notifies the corporation that they have been served.
7. Be sure to return all proofs of service to the court promptly.

***NOTE:*** *If you obtain a judgment against an out-of-state corporation who does not have assets in California, you cannot enforce your judgment in California. You will need to register your judgment in the state where the out-of-state corporation has funds and collect your judgment through that state.*