

Name and Address of Court:

SMALL CLAIMS CASE NO.

PLAINTIFF/DEMANDANTE (Name, address, and telephone number of each):

DEFENDANT/DEMANDADO (Name, address, and telephone number of each):

Telephone No.:

Telephone No.:

Telephone No.:

Telephone No.:

See attached sheet for additional plaintiffs and defendants.

NOTICE TO: The Office of the Secretary of State

NOTICE OF EX PARTE MOTION AND ORDER TO SERVE THE SECRETARY OF STATE ON BEHALF OF THE ABOVE-ENTITLED OUT-OF-STATE DEFENDANT CORPORATION

- 1. I request that the court make an order to serve the Office of the Secretary of State on behalf of the Defendant corporation in the above-entitled action.
2. My request is based on this notice of motion, my declaration and any records or evidence on file with the court.

DECLARATION SUPPORTING MY REQUEST FOR THIS MOTION

- 3. I am the plaintiff in this action.
4. The facts supporting this motion are that Defendant corporation did business with the plaintiff in California by mail to our address in California (Check One). We purchased and/or contracted with defendant for the following:

Plaintiff has verified with the Office of the Secretary of State that the Defendant corporation has no designated agent for service of process in the State of California and has no officers or agents located in the State of California.

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)

COURT ORDER

The court having considered the motion 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 of Defendant corporation located in California; and
2. That the Secretary of State shall promptly give notice to Defendant corporation of the service of process of the claim filed against it by plaintiff.

DATE:

(JUDGE OR COMMISSIONER)

**SERVICE OF PROCESS ON THE SECRETARY OF STATE  
FOR NON-RESIDENT CORPORATIONS WITH  
NO AGENT FOR SERVICE OF PROCESS IN CALIFORNIA**

Every corporation doing business in California is required to appoint an agent within the state to accept service of process. Some corporations fail to comply with this requirement and the only way to effect service is to apply for an order to allow service upon the California Secretary of State.

The procedure is as follows:

Fill out the Plaintiff's claim using the corporation's full name and address. Underneath the name and address write:

**Serve: Secretary of State  
1500 Eleventh St., Third Floor  
Sacramento, CA 95814-5701**

Fill out the order completely (the portion above "COURT ORDER") and submit it to the Small Claims clerk to secure the signature of the Commissioner.

Once the order is signed, it must be sent to the Sacramento County Sheriff (or other private process server) to be personally served upon the California Secretary of State. The Sheriff charges \$60.00 dollars to do the service because they charge \$30.00 to serve each document (i.e. plaintiffs claim and the order). The Sheriff's Address is:

**Sacramento County Sheriff  
Att: Civil Division  
3341 Power Inn Rd., #313  
Sacramento, CA 95826  
Phone: (916) 875-2665**

Be sure to send a short letter instructing the Sheriff to serve the Plaintiff's Claim and Order on the Secretary of State.

In addition to sending all of the above, a check in the amount of **\$55.00** dollars payable to the **"California Secretary of State"** should be enclosed.

Once the California Secretary of State is served, it then serves the secretary of state in the state where the corporation is located. Then the Secretary of State in the other state notifies the corporation that they have been served.