



**COUNTY OF INYO, STATE OF CALIFORNIA
KAMMI FOOTE, CLERK-RECORDER,
REGISTRAR OF VOTERS**

Telephone: (760) 873-8481, (760) 878-0223, (760) 876-5559, (800) 447-4696 P. O. Drawer F, Independence, CA 93526
168 N. Edwards Independence, CA 93526

**Fictitious Business Name Statement
Information and Instructions**

What is a Fictitious Business Name?

The definition of a fictitious business name is a business name that does not include the surname (last name) of the individual owner or of each partner(s) surname, or a business name that implies the existence of additional owners. In the case of a corporation or a limited liability company, a Fictitious Business Name is any name other than the exact name as stated in the Articles of Incorporation or Certificate of Organization.

NOTE: Registration of a Fictitious Business Name does not guarantee exclusive use of that name.

The County Clerk has no authority to refuse to file a fictitious business name statement on grounds that the same or similar name is already on file. It is recommended that you check the County Clerk's computer index to insure that the Fictitious Business Name you have chosen has not already been registered.

Purpose of the Fictitious Business Name Statement:

The purpose of the Fictitious Business Name Statement is to protect those dealing with individuals or partnerships doing business under fictitious business names and it is not intended to confer any right or advantage on individuals or firms that fail to comply with the law. The filing of a fictitious business name certificate is designed to make available to the public the identities of persons doing business under the fictitious business name. This shall not be construed to impair or impede the rebuttable presumption described in **§14411. (Business and Professions Code §17900)**

The filing of any fictitious business name statement by a person required to file such statement pursuant to (***Business and Professions Code §17910***) shall establish a rebuttable presumption that the registrant has the exclusive right to use as a trade name the fictitious business name, as well as any confusingly similar trade name, in the county in which the statement is filed, if the registrant is the first to file such a statement containing the fictitious business name in that county, and is actually engaged in a trade or business utilizing such fictitious business name or a confusingly similar name in that county. The rebuttable presumption created by this section shall be one affecting the burden of producing evidence.
(***Business and Professions Code §14411***)

Persons Required to File:

Any person who regularly transacts business for profit, under a Fictitious Business Name, in the County of Inyo, is required to file a Fictitious Business Name Statement with the County Clerk, within 40 days of first transacting business.

This office serves only as the central depository of these names, and cannot accept any responsibility for any omissions, similarities, or duplications among the Fictitious Business Names on file. Fictitious Business Names are filed in the county where the business is located. Statewide registries do not exist. Corporations and Limited Liability Companies are not required to file, unless doing business under a name other than the corporate name as listed on the Articles of Incorporation or Certificate of Organization. There is no requirement for a non-profit corporation or association to file a Fictitious Business Name Statement (***Business and Professions Code §17911***).

Fictitious Business Name Statements are Public Record

The County Clerk is authorized to furnish summaries or compilations of FBN filings to anyone upon request and payment of a fee. To purchase this information or for a list of persons who purchases this data contact the County Clerk. (***Business and Professions Code §17928***)

To Submit an Application:

A Fictitious Business Name Statement Application Form is available from the Inyo County Clerk Recorder located at 168 N. Edwards Street Independence, Ca. 93526 or online at WWW.INYOCOUNTY.US.

A physical address must be stated for the business and a physical/home address for the business owner. A post office box or mail drop may be used as a mailing address only.

It is the applicant's responsibility to make sure that all information on the application form is correct and readable. Any error made on a filed Fictitious Business Name Statement cannot be corrected. Invalid filings must be filed and published again.

When a business is conducted by a corporation, you must submit a copy of the Articles of Incorporation filed with the Secretary of State. The names of all Officers or Board of Directors of the Corporation must be indicated on the articles.

All corporations filed in another state or country must register with the California Secretary of State - Foreign Corporation Division. You must provide a copy of the Foreign Corporation Filing Certificate. For additional information contact the Secretary of State at (916)-657-5448.

When a business is conducted as a non-profit, a copy of the Non-Profit Certificate filed with the State must be submitted. The names of all officers must be indicated on the certificate.

This does not apply to a nonprofit corporation or association, including, but not limited to, organizations such as churches, labor unions, fraternal and charitable organizations, foundations, and similar organizations.
(Business and Professions Code §17911).

When a business is conducted by a Limited Partnership/Limited Liability Company, a copy of the Certificate of Organization filed with the State must be submitted. The names of all general partners/manager(s) must be indicated on the Certificate.

All limited partnerships/limited liability companies filed in another state or country must register with the Secretary of State. You must provide a copy of the Foreign LP/LLC Filing Certificate.

Fees:

The filing fee for a Fictitious Business Name Statement with one business name and one business owner is **\$10.00**. There is an additional fee of **\$2.00** for each additional business name, owner and/or partner. You will be provided with 3 copies of your filing: a copy for your records, a copy for the

newspaper, and a certified copy for the bank. Additional copies are **\$1.00** each.

Expiration:

A Fictitious Business Name Statement expires five (5) years from the date of filing. When there are changes, such as a change of ownership, business name, or physical location of the business, the filing is void and a new filing must be completed at the time of change.

Abandonment, Withdrawal & Dissolution:

Forms, information and instructions as to Abandonment, Withdrawal or Dissolution of a Fictitious Business Name may be obtained from the County Clerk.

Proof of Publication:

It is your responsibility to have the Fictitious Business Name Statement published in a locally adjudicated newspaper. An adjudicated newspaper is a newspaper Court-Approved for publication of legal notices.

(Business and Professions Code §17917)

1. The statement must be published within 30 days of filing. It is recommended that you take the statement to the newspaper within 20 days of filing in order to allow ample time for typesetting and publication by the 30th day.

2. The statement must be published once a week for four (4) consecutive weeks.

3. A Proof of Publication (the newspaper prepares this form) must be filed with the County Clerk within 30 days of completion of the publication. You must arrange to have the Proof of Publication sent directly to the County Clerk's Office for filing. You may obtain a copy of the filed Proof of Publication from the adjudicated newspaper, or you may obtain a copy from the County Clerk's Office for a nominal fee. It is your responsibility to confirm that the statement was published in the newspaper.

Failure to comply with the above time limits will invalidate your Fictitious Business Name Statement Filing.

You must then **RE-FILE** and **RE-PUBLISH**. All fees must be paid again

METHODS OF DOING BUSINESS

The County Clerk staff are prohibited from rendering legal advice or assistance (Gov. Code § 24004). The following is taken from Black's Law Dictionary, (Eighth Edition), and is not intended to provide exact legal definitions under California law or to supplant the need to consult an attorney.

COPARTNERS: A copartner is a member of a partnership. A partnership is a voluntary association of two or more persons who jointly own and carry on a business for profit.

CORPORATION: An entity (usually a business) having authority under law to act as a single person distinct from the shareholders who own in and having rights to issue stock and exist indefinitely.

DOMESTIC PARTNERSHIP: A non-marital relationship between two persons of the same or opposite sex who live together as a couple for a significant period of time.

GENERAL PARTNERSHIP: A partnership in which all partners participate fully in running the business and share equally in profits and losses (though the partners' monetary contribution may vary).

INDIVIDUAL: A single person, as opposed to a group. An *individual proprietorship or sole proprietorship* is a business in which one person owns all the assets, owes all the liabilities, and operates in his or her personal capacity.

HUSBAND & WIFE (INDIVIDUALS): A husband who has a lawful wife living and a wife who has a lawful husband living.

JOINT VENTURE: A business undertaking by two or more persons engaged in a single defined project.

LIMITED LIABILITY COMPANY (LLC): A company - statutorily authorized in certain states - that is characterized by limited liability, management by members or managers, and limitations on ownership transfer.

LIMITED LIABILITY PARTNERSHIP (LLP): A partnership in which a partner is not liable for a negligent act committed by another partner or by an employee not under the partner's supervision. (In California, LLPs may only be formed by licensed persons for the practices of public accountancy, law or architecture).

LIMITED PARTNERSHIP: A partnership composed of one or more persons who control the business and are personally liable for the partnership's debts (called general partners), and one or more persons who contribute capital and share profits but who cannot manage the business and are liable only for that amount of their contribution (called limited partners). (In California, a limited partnership must be filed with the Secretary of State and is defined as partnership formed by two or more persons under the laws of this state and having one or more general partners and one or more limited partners).

TRUST: The right, enforceable solely in equity, to the beneficial enjoyment of property to which another person holds the legal title; a property interest held by one person (the trustee) at the request of another (the settler) for the benefit of a third party (the beneficiary). A "business trust" is a form of business organization, similar to a corporation, in which investors receive transferable certificates of beneficial interest (instead of stock shares).

UNINCORPORATED ASSOCIATION: An Association is a gathering of people for a common purpose. An Unincorporated organization that is not a legal entity separate from the persons who compose it.

INSTRUCTIONS FOR COMPLETION OF STATEMENT

TYPE OR CAREFULLY PRINT IN INK (*PENCIL IS NOT ACCEPTABLE*)

"MAILING ADDRESS" BOX: Insert the name, address and telephone number of the person who is to receive and file copies.

BOX 1. If this is a new business please check the box marked "First filing" If you are re-filing, please check the box marked "Renewal Filing" and enter your current registration number.

BOX 2. Insert exact name of business. If you are registering more than one business located at the same address, number each name entered.

If a business name includes the words "Corporation", "Incorporated", "Corp.", or "Inc.", a copy of either the Articles of Incorporation or an Affidavit signed under penalty of perjury by one of the officers of the Corporation is required.

If a business name includes the words "Limited Liability Company" or abbreviations, a copy of either the Articles of Organization or an Affidavit signed under penalty of perjury by one of the officers or managers is required.

BOX 3. Insert street address of principal place of business (Post Office Boxes are not acceptable). Must include the county in which you are conducting business.

BOX 4 List each owner or partner and his/her residence address separately (Post Office Boxes are not acceptable). If the owner is a corporation, insert the name of the corporation and the business address. Do not list stockholders or officers of the Corporation. If a registrant's name includes the words "Corporation", "Incorporated", "Corp.", or "Inc.", a copy of either the Articles of Incorporation or an Affidavit signed under penalty of perjury by one of the officers of the Corporation is required.

If a registrant's name includes the words "Limited Liability Company" or abbreviations, a copy of either the Articles of Organization or an Affidavit signed under penalty of perjury by one of the officers or managers is required.

BOX 5. Check (1) item which best describes who is ducting the business.

BOX 6. List a brief summary of the Business Type, i.e., Auto Repair, Beauty Salon, Landscaping

BOX 7. a) Do not leave blank. Insert the date on which the registrant first commenced to transact business under the fictitious business name or names listed, if already transacting business under that name or names.

b) Insert N/A if you have not yet commenced to transact business

BOX 8. Signatures are required as follows:

- an individual - the individual
- Husband and Wife - Husband or Wife or all parties
- partnership or other association of other persons - a general partner
- a business trust - trustee
- co-partners - all partners
- joint venture - all parties of the joint venture
- domestic partners - one of the domestic partners

BOX 8A. Signatures for Corporation or Limited Liability Company:

- Corporation - An officer must sign. State the title, attach a copy of the Articles of Incorporation or Affidavit signed under penalty of perjury by an officer
- Limited Liability Company - An officer or manager must sign, State the title, attach a copy of the Articles of Organization or Affidavit signed under penalty of perjury by an officer or manager.
- abbreviations: a copy of either the Articles of Organization or an Affidavit signed penalty of perjury by one of the officers or managers is required.

Mailing Address Name: Address: City: Tel. #:	COUNTY CLERK FILING STAMP (statement expires 5 yrs. after file date)
1 <input type="checkbox"/> First Filing <input type="checkbox"/> Renewal Filing	

FICTITIOUS BUSINESS NAME STATEMENT

THE FOLLOWING PERSON(S) IS (ARE) DOING BUSINESS AS: (Attach additional pages if required)

2	Fictitious Business Name(s) 1. _____ 2. _____	3. _____ Articles of Incorporation or Organization Number (if applicable)
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3	Street Address & City of Principal Place of Business in California (P.O. Box alone is not acceptable)	COUNTY _____	Zip Code _____
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4	Full name of Registrant _____ (If corporation - incorporated in what state) _____ Residence Street Address _____ City _____ State _____ Zip Code _____
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4A	Full name of Registrant _____ (If corporation - incorporated in what state) _____ Residence Street Address _____ City _____ State _____ Zip Code _____
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4B	Full name of Registrant _____ (If corporation - incorporated in what state) _____ Residence Street Address _____ City _____ State _____ Zip Code _____
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5	This Business is conducted by (check one only) <input type="checkbox"/> an individual <input type="checkbox"/> a general partnership <input type="checkbox"/> a limited partnership <input type="checkbox"/> a limited liability company <input type="checkbox"/> an unincorporated association other than a partnership <input type="checkbox"/> a corporation <input type="checkbox"/> a trust <input type="checkbox"/> co-partners <input type="checkbox"/> husband and wife <input type="checkbox"/> joint venture <input type="checkbox"/> a Limited Liability Partnership <input type="checkbox"/> State or Local Registered Domestic Partners
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6	Type of Business: Examples: Auto Repairing, Beauty Salon, Landscaping
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7	<input type="checkbox"/> Registrant commenced to transact business under the fictitious business name or names listed on Date: _____ (insert N/A above if you haven't started to transact business)
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<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%; text-align: center; vertical-align: middle;">8</td> <td style="width:90%;"> If registrant is not a corporation or limited liability, sign below: _____ SIGNATURE _____ TYPE OR PRINT NAME _____ SIGNATURE _____ TYPE OR PRINT NAME _____ SIGNATURE _____ TYPE OR PRINT NAME </td> </tr> </table>	8	If registrant is not a corporation or limited liability, sign below: _____ SIGNATURE _____ TYPE OR PRINT NAME _____ SIGNATURE _____ TYPE OR PRINT NAME _____ SIGNATURE _____ TYPE OR PRINT NAME	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%; text-align: center; vertical-align: middle;">8A</td> <td style="width:90%;"> If registrant is a corporation or limited liability co.: _____ CORPORATION or LIMITED LIABILITY CO _____ SIGNATURE AND TITLE _____ TYPE OR PRINT OFFICERS NAME AND TITLE </td> </tr> </table>	8A	If registrant is a corporation or limited liability co.: _____ CORPORATION or LIMITED LIABILITY CO _____ SIGNATURE AND TITLE _____ TYPE OR PRINT OFFICERS NAME AND TITLE
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8A	If registrant is a corporation or limited liability co.: _____ CORPORATION or LIMITED LIABILITY CO _____ SIGNATURE AND TITLE _____ TYPE OR PRINT OFFICERS NAME AND TITLE				

This statement was filed with the County Clerk of INYO County on date indicated by file stamp above.

NOTICE - In accordance with subdivision (a) of section 17920, a Fictitious Business Name Statement generally expires at the end of five years from the date on which it was filed in the office of the county clerk, except, as provided in subdivision (b) of section 17920, where it expires 40 days after any change in the facts set forth in the statement pursuant to section 17913 other than a change in the residence address of a registered owner. A new fictitious business name statement must be filed before the expiration. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (see section 14411 et seq. business and professions code).

I HEREBY CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE ORIGINAL STATEMENT ON FILE IN MY OFFICE

KAMMI FOOTE, COUNTY CLERK

BY _____ DEPUTY

FILE NO. _____

INYO COUNTY CLERK
 P. O. DRAWER F
 INDEPENDENCE, CA 93526

FILING FEE: \$10.00 for 1 FBN and 1 registrant
 (Includes husband and wife)
 plus \$2.00 for each additional FBN/registrant

THIS FORM SHOULD BE TYPED OR
 PRINTED LEGIBLY IN BLUE
 OR BLACK INK PH: (760) 878-0223