

FICTITIOUS BUSINESS NAME STATEMENT

John Tuteur
 Napa County Clerk
 PO Box 298
 900 Coombs St #116
 Napa CA 94559-0298
 707-253-4247

<p>FILING FEES</p> <p>\$40 – for one business and one owner name \$ 6 – For each additional business name \$ 6 – For each additional owner name</p>

New Statement Renewal with Change
 Refile – List Previous File #: _____ File No. _____

THE FOLLOWING PERSON(S) IS (ARE) DOING BUSINESS AS:

1) Fictitious Business Name(s): Use a separate page for additional business names, if necessary		Business Phone No. (Optional)
2) Street Address of Business (include City, State, & Zip Code)	County	Mailing address if different
3) 1st Registrant's Full Name (Individual, General Partner, Corp., LLC)		State of incorporation or organization
Residence (or Corporate) Street Address (PO Box & PMB Unacceptable)		
2nd Registrant's Full Name, if applicable (Individual, General Partner, Corp., LLC)		State of incorporation or organization
Residence (or Corporate) Street Address (PO Box & PMB Unacceptable)		
Use a separate page for additional registrants, if necessary		
4) This Business is Conducted By (CHECK ONE): <input type="checkbox"/> Individual <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input type="checkbox"/> Unincorporated Association other than a Partnership <input type="checkbox"/> Trust <input type="checkbox"/> Co-Partners <input type="checkbox"/> Married Couple <input type="checkbox"/> Joint Venture <input type="checkbox"/> State or Local Registered Domestic Partners <input type="checkbox"/> Limited Liability Partnership		
5) Date business commenced: _____	If business has not yet commenced, enter "Not Applicable": _____	
NOTICE – In accordance with subdivision (a) of Section 17920, a fictitious name statement generally expires at the end of five years from the date on which it was filed. However, 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 & Professions Code).		
<p>I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)</p>		
If Registrant is an individual, , husband & wife, partnership, trust joint venture or Registered Domestic Partner the signature of the individual, general partner, trustee, spouse or domestic partner is required below: Signature: _____ Printed Name: _____	If Registrant is a Corporation or Limited Liability Company the signature of an officer or manager is required below: Entity Name: _____ Signature: _____ Printed Name: _____ Title of Officer or Manager: _____	

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL STATEMENT ON FILE IN MY OFFICE.
 JOHN TUTEUR, NAPA COUNTY ASSESSOR-RECORDER-COUNTY CLERK BY: _____, Deputy

(Business & Professions Code 17916)

Check the box on the reverse side of this form that best describes the type of filing.

Box 1 Enter exact fictitious business name or names. Use additional sheets if required. Only those businesses operated at the same address may be listed on one statement.

Box 2 Enter the street address of the principal place of business in this state. **Post Office box or personal mail box numbers are not acceptable.** Enter the county where business is located in this state.

Box 3 **Registrants (legal owners):** If the registrant is:
(a) **Individual**, enter full name and residence address;
(b) **Married couple or registered domestic partners**, enter full name and residence address of both registrants;
(c) **General partnership, co-partnership, joint venture, limited partnership (LP) or limited liability partnership (LLP) or unincorporated association other than a partnership**, enter full name and residence address of each general partner/authorized person;
(d) **Trust**, enter full name and residence address of each trustee;
(e) **Corporation, limited liability company (LLC)**, enter the name of the entity (**must** be registered with California Secretary of State) with legal address.

Post Office box or personal mail box numbers are not acceptable.

Box 4 Check the box that best describes how the business is conducted.

Box 5 If already doing business, enter the date; if business has not yet commenced, enter "Not applicable".

Signatures are required as follows: Individual – the individual; **Married couple** or domestic partners – either; Partnerships, joint venture or other associations of persons – a general partner/authorized person; Trust – a trustee; Corporations-an officer; Limited Liability Companies – an officer or manager.

CALIFORNIA BUSINESS & PROFESSIONS CODE

SECTION 14411, 14412 – TRADE NAME REGISTRATION: The filing of any fictitious business name statement by a person required to file such statement shall establish a rebuttable presumption that the registrant has the exclusive right to use the fictitious business name as a trade 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 the county. The rebuttable presumption shall be applicable until the statement is abandoned or otherwise expires and no new statement has been filed by the registrant.

SECTION 17900(a)-The purpose of this section is to protect those dealing with individuals or partnerships doing business under fictitious names and it is not intended to confer any right or advantage on individuals or firms that fail to comply. 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 name **(b)** As used in this chapter, "fictitious business name" means: (1) In the case of an individual, a name that does not include the surname of the individual or a name that suggests the existence of additional owners, as described in subdivision (c). (2) In the case of a partnership or other association of persons, other than a limited partnership that has filed a certificate of limited partnership with the California Secretary of State pursuant to Section 15621 or 15902.01 of the Corporations Code, a foreign limited partnership that has filed an application for registration with the California Secretary of State pursuant to Section 15692 or 15909.02 of the Corporations Code, a registered limited liability partnership that has filed a registration pursuant to Section 15049 or 16953 of the Corporations Code, or a foreign limited liability partnership that has filed an application for registration pursuant to Section 15055 or 16959 of the Corporations Code, a name that does not include the surname of each general partner or a name that suggests the existence of additional owners, as described in subdivision (c) and in Section 17901. (3) In the case of a domestic or foreign corporation, any name other than the corporate name stated in its articles of incorporation filed with the California Secretary of State, in accordance with subdivision (a) of Section 17910.5. (4) In the case of a limited partnership that has filed a certificate of limited partnership with the California Secretary of State pursuant to Section 15621 or 15902.01 of the Corporations Code and in the case of a foreign limited partnership that has filed an application for registration with the California Secretary of State pursuant to Section 15692 or 15902.02 of the Corporations Code, any name other than the name of the limited partnership as on file with the California Secretary of State. (5) In the case of a limited liability company, any name other than the name stated in its articles of organization and in the case of a foreign limited liability company that has filed an application for registration with the California Secretary of State pursuant to Section 17451 of the Corporations Code, any name other than the name of the limited liability company as on file with the California Secretary of State, in accordance with subdivision (b) of Section 17910.5 **(c)** A name that suggests the existence of additional owners within the meaning of subdivision (b) is one that includes such words as "Company," "& Company," "& Son," "& Sons," "& Associates," "Brothers," and the like, but not words that merely describe the business being conducted.

SECTION 17910 – Every person who regularly transacts business in this state for profit under a fictitious business name shall do all of the following: (a) File a fictitious business name statement in accordance with this chapter not later than 40 days from the time the registrant commences to transact such business. (b) File a new statement after any change in the facts, in accordance with subdivision (b) of Section 17920. (c) File a new statement when refiling a fictitious business name statement.

SECTION 17910.5(a) – No person shall adopt any fictitious business name which includes "Corporation," "Corp.," "Incorporated," or "Inc." unless that person is a corporation organized pursuant to the laws of this state or some other jurisdiction. (b) No person shall adopt any fictitious business name that includes "Limited Liability Company" or "LLC" or "LC" unless that person is a limited liability company organized pursuant to the laws of this state or some other jurisdiction. A person is not prohibited from using the complete words "Limited" or "Company" or their abbreviations in the person's business name as long as that use does not imply that the person is a limited liability company. (c) A county clerk shall not accept a fictitious business name statement which would be in violation of this section.

SECTION 17917(a) – Within 30 days after a fictitious business name statement has been filed pursuant to this chapter, the registrant shall cause a statement in the form prescribed by subdivision (a) of Section 17913 to be published pursuant to Section 6064 of the Government Code in a newspaper of general circulation in the county where the fictitious business name statement was filed or, if there is no such newspaper in that county, in a newspaper of general circulation in an adjoining county. If the registrant does not have a place of business in this state, the notice shall be published in a newspaper of general circulation in Sacramento County. (b) Subject to the requirements of subdivision (a), the newspaper selected for the publication of the statement should be one that circulates in the area where the business is to be conducted. (c) If a refiling is required because the prior statement has expired, the refiling need not be published unless there has been a change in the information required in the expired statement, provided the refiling is filed within 40 days of the date the statement expired. (d) An affidavit showing the publication of the statement shall be filed with the county clerk where the fictitious business name statement was filed within 30 days after the completion of the publication.

SECTION 17930 – A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions Code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000.)