



**Office of the Contra Costa County Clerk
Fictitious Business Name Statements
P.O. Box 350/555 Escobar Street
Martinez, Ca 94553-0135
925-335-7900**

METHODS OF DOING BUSINESS

The COUNTY CLERK and DEPUTY CLERK are prohibited from rendering legal advice or assistance (Government Code sections 24004 and 68082). The following information is taken from Black's Law Dictionary, Revised Fourth Edition, (except for the definition of an unincorporated association). It is not intended to provide exact legal definitions under California's law or to supplant the need to consult an attorney.

BUSINESS TRUST: As distinguished from a joint-stock company, a pure "business trust" is one in which the managers are principals, and the share holders are cestuis que trust (those who have a right to a beneficial interest in and out of an estate the legal title to which is vested in another).

COPARTNERSHIP: A partnership (a voluntary contract between two or more competent persons to place their money, effects, labor, and skill, or some or all of them, in lawful commerce or business, with the understanding that there shall be a proportional sharing of the profits and losses between them).

CORPORATION: An artificial person or legal entity created by or under the authority of the laws of a state or nation, composed, in some rare instances, of a single person and his successors, being the incumbent of a particular office, but ordinarily consisting of an association of numerous individuals, who subsist as a body politic under a special denomination, which is regarded in law as having a personality and existence distinct from that of its several members, and which is, by the same authority, vested with the capacity of continuous succession, irrespective of changes in its membership, either in perpetuity or for a limited term of years, and of acting as a unit or single individual in the matters relating to the common purpose of the association, within the scope of the powers and authorities conferred upon such bodies by law.

GENERAL PARTNERSHIP: A partnership in which the parties carry on all their trade and business, whatever it may be, for the joint benefit and profit of all the parties concerned, whether the capital stock be limited or not, or the contributions thereto be equal or in equal.

INDIVIDUAL: A single person as distinguished from a group or class.

INDIVIDUALS HUSBAND AND WIFE: One of the great domestic relationships; being that of a man and woman lawfully joined in marriage, by which, at common law, the legal existence of a wife is incorporated with that of her husband.

JOINT VENTURE (joint adventure): A commercial or maritime enterprise undertaken by several persons jointly; a limited partnership, - not limited in the statutory sense as to the liability of the partners, but as to its scope and duration.

LIMITED PARTNERSHIP: A partnership consisting of one or more general partners, jointly and severally responsible as ordinary partners, and by whom the business is conducted, and one or more special partners, contributing in cash payments as a specific sum as capital to the common stock, and who are not liable for the debts of the partnership beyond the debts of the partnership beyond the fund so contributed.

UNINCORPORATED ASSOCIATION: An unincorporated group of persons organized primarily for the collection of claims of its own members.

INFORMATION REGARDING THE FILING OF A FICTITIOUS BUSINESS NAME STATEMENT

- ✓ **Be certain the information in the statement is correct and complete before filing it.** You cannot make changes to the statement once it has been filed. **Any changes would require the filing of a new statement, payment of the filing fees again, and publication in a news-paper in Contra Contra County.**
- ✓ When you file a fictitious business name statement, it does not reserve the name for your exclusive use. The filing is for consumer protection, and is a requirement under Business & Professions code Section 17900.
- ✓ The County Clerk's office cannot refuse to file a fictitious name statement because the name is already being used by someone else.
- ✓ If there is a legal conflict between business owners using the same or similar names, it becomes a legal matter between the owners.
- ✓ Your **residence address (where you live)** must be listed under the registrant information. If the registrant is a corporation, the state of incorporation must be listed.
- ✓ **ALL** information contained in the statement is a **PUBLIC** record, including your residence address. Anyone can purchase copies of the statement.
- ✓ All original filings as well as new filings with a change in the facts from the previous filing must be published. The statement must be published in an adjudicated newspaper, once per week for four consecutive weeks. The first publications must begin within thirty days of the date the statement was filed in the County Clerk's Office. A list of newspapers is available from our office.
- ✓ The proof of publication must be filed in the County Clerk's Office. Please check with the newspaper to see if they will forward the original to our office.
- ✓ The statement is a **REFILE WITH NO CHANGES** if **NO** information (**including residence address of the owner(s)**) changed from the previous filing. Statements filed as a **REFILE WITH NO CHANGES** do not need to be published provided they are refiled within 40 days of the expiration of current statement. The customer is responsible for determining whether publication of a refiled statement is required.
- ✓ The statement is valid for five years from the date it is filed in the County Clerk's Office, unless there is a change in any information (except the registered owners address). A change requires a new statement be filed within 40 days of the change. The new statement would also need to be published.
- ✓ If you have any questions regarding the filing of your fictitious business name statement, please call (925) 335-7900 or come to our office at 555 Escobar St. Martinez, CA. 94553-0135