

THE INFORMATION BELOW IS NOT TO BE PUBLISHED (Sec. 17924, B&P)

REQUIREMENTS FOR FILING THE ABANDONMENT (Sec. 17922 B&P Code)

A person who has filed a fictitious business name statement **may**, upon ceasing to transact business in this state under that fictitious business name, file a statement of abandonment of use of fictitious business name. The abandonment shall be executed in the same manner as a fictitious business name statement and shall be filed with the county clerk of the county in which the person has filed his fictitious business name statement. The abandonment shall be published in the same manner as a fictitious business name statement and an affidavit showing its publication shall be filed with the county clerk after the completion of publication.

INSTRUCTIONS FOR COMPLETING THE ABANDONMENT (Sec. 17922 B&P Code)

Type or print legibly and firmly in black ink.

- A. Insert the fictitious business name(s) being abandoned. The name(s) must be exact name(s) as shown on the fictitious business name statement. More than one business name may be listed on the abandonment form **ONLY** if all the names were originally listed on the same FBN statement form. If more than one name is listed, number each name, the clerk's form **Additional Information** may be used to list additional names.
- B. Insert the street address of the principal place of business (**P. O. Box, postal drop box, mailing suite, or c/o addresses are not acceptable.**) If there is no place of business in California, insert the street address of the principal place of business outside of California.
- C. Insert the date on which the fictitious business name statement relating to the name being abandoned was filed and the original file number.
- D. List each registrant and **residence address** separately; Include all registrants that appeared on the original statement other than partners who have previously withdrawn from the partnership. (**P. O. Box, postal drops box, mailing suite, and c/o addresses are not acceptable.**)

Individual: insert full name and residence address of the individual.

Partnership or other association of persons: Insert full name and residence address of each current **general** partner.

Limited Liability Company: Insert full name and address of manager or officer.

Business Trust: Insert full name and residence address of each trustee.

Corporation: Insert the name of the corporation as set out in its articles of Incorporation and the state of Incorporation.

- E. Insert whichever of the following best describes the nature of the business being abandoned: "an individual", a general partnership", "a limited partnership", "an unincorporated association other than a partnership", a limited liability company", a corporation", a business trust."

NOTICE TO REGISTRANT (Sec. 17924 B&P Code)

Within 30 days after the statement of abandonment has been filed with the county clerk, the statement must be published in a newspaper of general circulation in the county where the principal place of business was located. The newspaper selected should be one that circulates in the area where the business was conducted. The statement must be published once a week or four successive weeks with five days between each date of publication. An affidavit of publication must be filed with the county clerk within 30 days after the completion of the publication. (Sec. 17917 B&P Code, Sec. 6064 Gov. Code)

Any person who executes, files, or publishes any fictitious business name statement, knowing that such statement is false, in whole or in part, is guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed one thousand dollars (\$1000). (Sec. 17930 B&P Code)

EXPIRATION OF FICTITIOUS BUSINESS NAME STATEMENT (Sec. 17920 B&P Code)

- (a) Unless the statement expires earlier under (b) or (c) below, a fictitious business name statement expires five years from the date it was filed in the office of the county clerk. **A RENEWAL STATEMENT MUST BE FILED BEFORE THE EXPIRATION DATE.**
- (b) A fictitious business name statement expires 40 days after any change in the facts set forth in the statement, except (1) a change in the residence address of an individual, general partner, or trustee does not cause the statement to expire prior to the end of the five year term and (2) the filing of the statement of withdrawal from partnership by a withdrawing partner does not cause the statement to expire prior to the end of the five year term. **A NEW STATEMENT MUST BE FILED WITHIN 40 DAYS AFTER CHANGE IN THE FACTS.**
- (c) A fictitious business name statement expires when the registrant files a statement of abandonment of the fictitious business name described in the statement.