

INSTRUCTIONS FOR FILLING OUT THE ASSUMED NAME FORMS

NEW CERTIFICATE

Fill out the form entirely, and have it notarized or sign it in front of a Deputy Clerk in the County Clerk's Office. Return the form to our office. We will then put our file date stamp on it to show the date it was initially filed. A \$5.00 filing fee will be charged. When the form is received by this office it will be recorded in the assumed name index. You will then receive a Notice and a Publisher's Certificate which must be taken within 10 days to any newspaper in DeKalb County to be published **ONCE A WEEK FOR THREE (3) CONSECUTIVE WEEKS IN THE LEGAL NOTICE SECTION**. When We Receive the Certificate of Publication back from the newspaper office, a **CERTIFICATE OF OWNERSHIP OF BUSINESS** will be mailed to you.

ADDITION OR WITHDRAWAL OF NAME

Fill out the form entirely and have it notarized or sign it in front of a Deputy Clerk in the County Clerk's Office. Return the form to our office. We will put our file date stamp on it to show the date it was initially filed in our office. A \$1.50 filing fee will be charged. When the form is received it will be recorded in the assumed name index. You will then receive a Notice and Publisher's Certificate which must be taken to any newspaper in DeKalb county to be **PUBLISHED ONCE** in the **LEGAL NOTICE SECTION**. The Publisher's Certificate must then be returned to our office (most newspapers will send this directly to the County Clerk's Office).

CHANGE OF ADDRESS

Fill out the form entirely and have it notarized or sign it in front of a Deputy Clerk. Return the form to our office. We will put our file date stamp on it to show the date it was filed in the County Clerk's Office. A \$1.50 filing fee will be charged. This does not require any publication.

STATE OF ILLINOIS, }
COUNTY OF _____ } SS.

I, _____, County Clerk of

_____ County, in the State aforesaid, do hereby certify that the within is a true and correct copy of an Assumed Name Certificate on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at my office

in _____,
on _____, 20 _____.

(County Clerk.)

EXCERPT FROM ILLINOIS REVISED STATUTES

4. Necessity of certificate — Filing certificate.]

§ 1. No person or persons shall conduct or transact business in this State under an assumed name, or under any designation, name or style, corporate or otherwise, other than the real name or names of the individual or individuals conducting or transacting such business, unless such person or persons shall file in the office of the County Clerk of the County in which such person or persons conduct or transact or intend to conduct or transact such business, a certificate setting forth the name under which the business is, or is to be, conducted or transacted, and the true or real full name or names of the person or persons owning, conducting or transacting the same, with the post office address or addresses of such person or persons and every address where such business is, or is to be, conducted or transacted in the county. The certificate shall be executed and duly acknowledged by the person or persons so conducting or intending to conduct the business.

Notice of the filing of such certificate shall be published in a newspaper of general circulation published within the county in which the certificate is filed. Such notice shall be published once a week for 3 consecutive weeks. The first publication shall be within 10 days after the certificate is filed in the office of the County Clerk. Proof of publication shall be filed with the County Clerk within 50 days from the date of filing the certificate. Upon receiving proof of publication, the clerk shall issue a receipt to the person filing such certificate but no additional charge shall be assessed by the clerk for giving such receipt. Unless proof of publication is made to the clerk, the certificate of registration of the assumed name is void.

If any person changes his name or his residence address or the address of any place of business in the county where such assumed name is being employed after filing a certificate, or if the name of a person is added to any business organization for which a certificate is on file, such person shall file an additional, duly acknowledged certificate in the office of the County Clerk of the county in which such person transacts business under an assumed name. The certificate shall set out the change or addition as the case may be. Such certificate shall also set out the post office address of the person. If any business organization for which such certificate has been filed in any county of this state shall remove its place of business to another county in this State or shall establish an additional location for doing business in another county of this State, a certificate shall be filed in the office of the County Clerk of such other county and notice of the filing of such certificate of a change or addition of a name shall be published and proof of publication made pursuant to the provisions of this Section in the same manner as is provided for original certificates to do business under an assumed name.

Amended by P.A. 76-892, § 1, eff. Aug. 20, 1969.

5. Change or addition of name—Certificate—Time for filing.] § 2. Persons conducting such business or any business under an assumed name who have prior to August 16, 1963 changed their names or whose names are additions to a business organization conducting business under an assumed name, for which a certificate has previously been

filed, shall file another certificate setting out the change in their names or that their names are additions to a business already in operation and every address where such business is conducted or transacted in the county within 30 days after August 16, 1963.

Amended by P.A. 76-893, § 1, eff. Aug. 20, 1969.

6. Index of assumed names — Fee — Presumptive evidence.] § 3. The several County Clerks of this State shall keep an alphabetical index of all persons filing certificates pursuant to Sections 1 and 2,¹ and for the indexing and filing of such certificate shall receive a fee of _____ A copy of such certificate and receipt for proof of publication, duly certified to by the County Clerk in whose office the certificate is filed, shall be presumptive evidence in all courts of law in this State of the facts therein contained. As amended by act approved Aug. 16, 1963. L.1963, p. —, H.B.No. 1345.

¹Sections 4, 5 of this chapter.

6a. Cancellation of certificate—Filing of supplementary certificate—Fee.] § 2a. Any person who has executed and filed the certificate required by Section 1 or 2 of this Act¹ and who wishes to withdraw his name from the business organization shall have the certificate cancelled in whole or part by filing in the office of the County Clerk where the certificate is filed, a supplementary certificate under oath, showing that such person or persons have ceased doing business under the assumed name, or that the person or persons executing the supplementary certificate have no further connection with or financial interest in the business carried on under such assumed name; whereupon the County Clerk shall note opposite the trade name theretofore registered, the word "cancelled" and the date of cancellation, or, in the case of withdrawal only of one or more but less than all of the registrants, the clerk shall note the word "Withdrawn" after the name of each party filing the supplementary certificate indicating the withdrawal, together with the date of such withdrawal. When such withdrawal effectuates any change in or transfer of the ownership of 25% or more of the total ownership interest in any such business organization doing business under an assumed name, then notice of the filing of such certificate shall be published.

For filing a certificate noting the cancellation or withdrawal of one or more names, the County Clerk shall receive a fee of \$1.50.

Where a person files a certificate pursuant to Section 1 or 2 setting out a change of his name, or that his name is in addition to an organization doing business under an assumed name which has previously been registered, the County Clerk shall note on the index of such person's name the word "changed" or "addition" as the case may be. As amended by act approved Aug. 16, 1963. L.1963, p.—, H.B.No. 1345.

¹Sections 4, 5 of this chapter.

Section added: L. 1945, p. 1088.

7. Corporations, partnerships, trusts, criminal statutes not affected.] § 4. This Act shall in no way affect or apply

to any corporation duly organized under the laws of this State, or any corporation organized under the laws of any other State and lawfully doing business in this State, nor shall this Act be deemed or construed to prevent the lawful use of a partnership name or designation, provided that such partnership shall include the true, real name of such person or persons transacting said business or partnership nor shall it be construed as in any way affecting Sections 220 and 220a of Division I of "An Act to revise the law in relation to criminal jurisprudence", approved March 27, 1874, as amended. ¹ This Act shall in no way affect or apply to testamentary or other express trusts where the business is carried on in the name of the trust and such trust is created by will or other instrument in writing under which title to the trust property is vested in a designated trustee or trustees for the use and benefit of the cestuis que trustent.

¹ Chapter 38, §§ 465, 465a.

8. Violations—Punishment.] § 5. Any person or persons carrying on, conducting or transacting business as aforesaid, who shall fail to comply with the provisions of this Act, shall be guilty of a Class C misdemeanor, and each day any person or persons conducts business in violation of this Act shall be deemed a separate offense.

Amended by P.A. 77-2542, § 1, eff. Jan. 1, 1973.

8a. Actions against persons failing to register assumed business name.] § 6. If a person or persons required to register hereunder do not do so and such persons, or any of them, are unknown, civil actions may be brought against such person or persons, by filing suit against the business under its assumed name, naming all known owners, and designating as "unknown owner or owners" the other person or persons transacting business under such assumed name. A judgment rendered pursuant to this section shall be a personal judgment against all named owners and shall, in addition, be immediately enforceable against the property of the business and constitute a lien upon real estate held in the name of the business. At any time prior to satisfaction of judgment, if any, if the identity of a previously unknown owner is discovered, such person shall be named as a party defendant by motion to the court in which such case is pending or in which the judgment was entered, supported by an affidavit showing that notice of such motion has been given in the manner required for service of process upon an individual defendant by the "Civil Practice Act", approved June 23, 1933, as heretofore or hereafter amended. ¹ Within 10 days after service of such notice, the previously unknown owner may appear and defend as in other civil cases; however, such defense shall not affect any judgment against any other person previously entered in the suit. If the defendant does not file an appearance within such 10 day period or if after hearing the defendant is found to be liable, the judgment, if any, theretofore entered in such suit shall be amended to include such person and shall at such time become a personal judgment against such person as if he had been individually named in the original complaint. Added by act approved Aug. 4, 1961. L. 1961, p. 2791.

¹Chapter 110, § 1 et seq.