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Memorandum 68-15

Subject: Study 67 - Service on Unincorporated Associations

The Commission's recommendation on this subject is contained in the last Annual Report. Attached is a suggested amendment to Assembly Bill No. 39 which was introduced to effectuate our recommendation on this subject. The amendment is intended merely to clarify the bill, not to make any substantive change.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

ASSEMBLY BILL NO. 39 - SERVICE ON UNINCORPORATED ASSOCIATIONS

Consideration should be given to revising lines 5 through 19 on page 2 of the printed bill to read:

2.1. If the suit is against an unincorporated association (not including a foreign partnership covered by Section 15700 of the Corporations Code):

(a) If the association is a general or limited partnership that has designated an agent for service of process as provided in Section 24003 of the Corporations Code, to the person so designated or to a general partner.

(b) If the association is not a general or limited partnership and the association has designated an agent for service of process as provided in Section 24003 of the Corporations Code, to the person so designated or to the president or other head of the association, a vice president, secretary, or general manager thereof.

(c) If no person has been designated as agent for service of process as provided in Section 24003 of the Corporations Code, or if the person so designated cannot be found at his address as specified in the index referred to in Section 24004 of the Corporations Code, to any one or more of the association's members and by mailing a copy thereof to the association at its last known mailing address.