

CARRYING ON BUSINESS UNDER ASSUMED OR FICTITIOUS NAME (EXCERPT)

Act 101 of 1907

445.3 Certificates; alphabetical index; indexing and filing fee; certified copy as evidence; cost of certified copies; certificate as evidence of partnership; service of process; extension of time; jurisdiction.

Sec. 3. (1) The county clerk shall keep an alphabetical index of all persons filing certificates, provided for in this act, and for the indexing and filing of the certificates, shall receive a fee of \$10.00. A copy of the certificate duly certified to by the county clerk in whose office the same is filed, shall be presumptive evidence in all courts of law in this state of the facts contained in the certificate. Upon the payment of the \$10.00, the payer shall be entitled to 2 certified copies of the certificate without extra charge, with additional copies at \$1.00 each at the time of filing the original certificate.

(2) If 2 or more persons file a certificate to carry on a business under an assumed name, the certificate shall be prima facie evidence of a contract of partnership.

(3) Every person who is a nonresident of this state, upon filing a certificate provided for in this act, shall file an irrevocable consent that actions may be commenced against the person in the courts of this state, by service of process or pleading authorized by the laws of this state on the county clerk in whose office the certificate and consent are filed. For the filing of the consent, the county clerk shall receive a fee of \$2.00.

(4) The county clerk shall keep a record of each process and the date and hour of service. Notice of service and a copy of the summons shall immediately either be served upon the defendant personally by the sheriff or constable of the county in which the defendant resides or sent by certified mail by the plaintiff or the plaintiff's attorney to the defendant. If personal service of the notice and copy of summons is had upon the defendant, the officer making the service shall so state in the affidavit of service which shall be filed with the court having jurisdiction of the cause, or if service be made by certified mail, then the plaintiff or the plaintiff's attorney shall make an affidavit showing that service of the notice and summons has been made upon the defendant by certified mail and the affiant shall attach to the affidavit a true copy of the summons and notice served and the return receipt of the defendant and shall file the affidavit and attached papers with the court having jurisdiction of the cause. The court in which the action is pending may order an extension of time necessary to afford the defendant reasonable opportunity to defend the action.

(5) The circuit court of the county in the office of the county clerk of which the certificate is filed shall have jurisdiction of an action brought against the nonresident person, but this provision shall not be construed as depriving any other court of jurisdiction.

History: 1907, Act 101, Eff. Sept. 28, 1907;—CL 1915, 6351;—CL 1929, 9827;—Am. 1939, Act 104, Eff. Sept. 29, 1939;—Am. 1947, Act 255, Eff. Oct. 11, 1947;—CL 1948, 445.3;—Am. 1949, Act 151, Eff. Sept. 23, 1949;—Am. 1963, Act 29, Eff. Sept. 6, 1963;—Am. 1977, Act 121, Imd. Eff. Oct. 19, 1977.