Business Trusts - Can you trust them???

First of all, there is a massive amount of misconception about the wide spread use and/or legal recognition of “Massachusetts” or true business trusts being used in the State of California.

15 Cal Jur 3d, Corporations, Section 551-560 states in part ‘Summary A business trust can be legally established in this state (§ 551). Such a trust, also known as a Massachusetts trust, is a form of business organization consisting essentially of an arrangement whereby property is conveyed to trustees, to be held and managed for the benefit of such persons as may from time to time be the holders of transferable certificates issued by the trustees showing the shares into which the beneficial interest in the property is divided (§ 552) ... In the absence of controlling authority to the contrary, there is no reason why the true business trust, with its limited liability, should not be recognized in this state (§ 554).”

13 AM Jur 2d, Business Trusts covers pages 375 through 468 of that volume.

A thorough reading and understanding of these two works will inform even the sheltered legal and financial expert.

Who, or What, can be the partners in a California Limited Partnership?

A “Partnership of persons...” - Section 101(9) of the Revised Uniform Partnership Act (RUPA), approved in 1994 by the Conference of Commissioners on Uniform State Laws declare a partner must be a person, defined as “an individual, corporation, business trust, estate, trust, partnership, joint venture, government, governmental subdivision, agency or instrumentality, or any other legal or commercial entity.” Likewise, according to the Uniform Partnership Act (UPA), approved in 1914 by the Conference of Commissioners on Uniform State Laws, in Section 2 a person “includes individuals, partnerships, corporations, and other associations.” Finally, Section 101(11) of the revised Uniform Limited Partnership Act (RUPLA), approved by the Conference of Commissioners on Uniform State Laws in 1976, and revised in 1985, a person “means a natural person, partnership, limited partnership (domestic or foreign), trust estate, association or corporation.” Underscore for emphasis only.

What does the California Law and Code say about Business Trusts?

Log onto the http://california.lp.findlaw.com/ca01_codes/index.html internet web site and type in “business trust” as your Enter keyword(s) here: and select “ALL” for the “Search the” dialog box.
There are hundreds of links to locations within all the California codes, statutes, and regulations which refer to “business trust.” The “search” will only display the first 100 references, none of which are duplicated.

The California Corporation Laws (Rel. 59-6/95) Pub. 050, Chapter 2, Form of Doing Business [in California] dedicates sixty-nine pages to the different forms of doing (conducting) business within the State of California. Section 22.07 states the following: [Emphasis Added]

§ 22.07.7 Trusts. [1] - “Massachusetts” or Business Trust
The so-called Massachusetts or business trust is simply an unincorporated business in which the business assets are owned or held in the name of trustees and are operated or managed by them for the benefit of holders of certificates of beneficial interest in the trust. Thus, a business trust actually represents the use of a common law trust for the purpose of carrying on a business enterprise.24

The following are only but a few of the dozens of references to business trusts within California law. There is not one area of California law that does not reference “business trusts” as a way of doing business in California.

CALIFORNIA REVENUE AND TAXATION CODE SECTION 23038

§23038. (a) "Corporation" includes every corporation except corporations expressly exempt from the tax by this part or the Constitution of this state. (b) (1) For the purposes of the tax imposed under Chapter 3 (commencing with Section 23501), "corporation" also includes associations (including nonprofit associations that perform services, borrow money or own property), other than banking associations, and Massachusetts or business trusts. For the purposes of this part, a Massachusetts or business trust includes every business organization consisting essentially of an arrangement whereby property is conveyed to one, or more than one, trustee for purposes other than the mere conservation of assets, collecting and disbursing of fixed or periodic income, or the securing of an obligation. This paragraph shall apply for income or taxable years beginning before January 1, 1997. (2) (A) For the purposes of the tax imposed under Chapter 3 (commencing with Section 23501), "corporation" also includes associations (other than banking associations but including nonprofit associations that perform services, borrow money or own property), business trusts, and other business entities classified as associations. (B) (i) For purposes of the preceding subparagraph, the classification of a business entity (including a business trust) as an association taxable as a corporation (under Chapter 3 (commencing with Section 23501)) shall be determined under regulations of the Franchise Tax Board, which shall be consistent with federal regulations as in effect January 1, 1997, that classify a business entity as a partnership or an association taxable as a corporation or disregard the separate existence of certain business entities for tax purposes. (ii) The classification of an eligible business entity as a partnership or an association taxable as a corporation for purposes of this part, Part 10 (commencing with Section 17001), and Part 10.2 (commencing with Section 18401) shall be the same as the classification of the entity for federal tax purposes. (iii) If the separate existence of an eligible business entity is disregarded for federal tax purposes, the separate existence of that business entity shall be disregarded for purposes of this part, Part 10 (commencing with Section 17001), and Part 10.2 (commencing with Section 18401), other than Section 17941 (relating to the tax of a limited liability company), Section 17942 (relating to the fee of a limited liability company), Section 18633.5 (relating to the return of a limited liability company), and Sections 17039 and 23036 (relating to tax credits).

(C) Notwithstanding clauses (ii) and (iii) of subparagraph (B), an eligible business entity that, for any income year beginning within the 60-month period preceding January 1, 1997, was properly classified as an association taxable as a corporation for California tax purposes shall continue to be an association taxable as a corporation until it elects, under regulations issued pursuant to subparagraph (B), to be classified or disregarded the same as the entity is classified or disregarded for federal tax purposes. The preceding sentence shall not apply to any entity that, during the 60-month period preceding January 1, 1997, was not doing business in this state, did not derive income from sources within this state, and had no owner who was a resident of this state. (D) This paragraph shall apply for income or taxable years beginning on and after January 1, 1997. (c) In addition to the above, for purposes of the tax imposed under Chapter 2 (commencing with Section 23101) for the purpose of exercising its franchise within this state, "corporation" also includes any limited liability company that is classified as an association for California tax purposes. (d) "Corporation" includes any "corporation" operated by any receiver, liquidator, referee, trustee or other officers or agents appointed by any court, or an assignee for the benefit of creditors. "Corporation" includes any professional corporation incorporated pursuant to Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code. (e) Notwithstanding the above, "corporation" also includes a trust organized and operated exclusively for purposes contained in Section 23701d. (f) No provision of the act adding this subdivision shall be construed to alter existing law with respect to the civil liability of a limited liability company or its members. [Emphasis Added]

CALIFORNIA GOVERNMENT CODE SECTION 14740-14741.1

§14740. This chapter shall be known as the "State Records Management Act." 14741. As used in this chapter "record" or "records" means all papers, maps, exhibits, magnetic or paper tapes, photographic films and prints, punched cards, and other documents produced, received, owned or used by an agency, regardless of physical form or characteristics. Library and museum materials made or acquired and preserved solely for reference or exhibition purposes, and stocks of publications and of processed documents are not included within the definition of the term "record" or "records" as used in this chapter.

§14741.1. As used in this chapter, "public use forms" means those forms used by the state to obtain or to solicit facts, opinions, or other information from the public or private citizens, partnerships, corporations, organizations, business trusts, or any nongovernmental entity or legal representative thereof. [Emphasis Added]

CALIFORNIA PROBATE CODE SECTION 20-88

§56. "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, limited liability company, association, or other entity.

§82. (a) "Trust" includes the following:

(1) An express trust, private or charitable, with additions thereto, wherever and however created.
(2) A trust created or determined by a judgment or decree under which the trust is to be administered in the manner of an express trust.

(b) "Trust" excludes the following:

(1) Constructive trusts, other than those described in paragraph (2) of subdivision (a), and resulting trusts.
(2) Guardianships and conservatorships.
(3) Personal representatives.
(4) Totten trust accounts.
(5) Custodial arrangements pursuant to the Uniform Gifts to Minors Act or the Uniform Transfers to Minors Act of any state.
(6) Business trusts that are taxed as partnerships or corporations.
(7) Investment trusts subject to regulation under the laws of this state or any other jurisdiction.
(8) Common trust funds.
(9) Voting trusts.
(10) Security arrangements.
(11) Transfers in trust for purpose of suit or enforcement of a claim or right.
(12) Liquidation trusts.
(13) Trusts for the primary purpose of paying debts, dividends, interest, salaries, wages, profits, pensions, or employee benefits of any kind.
(14) Any arrangement under which a person is nominee or escrowee for another.

[Emphasis Added]

CALIFORNIA CORPORATIONS CODE SECTION 23000-23006

§23004. Section 23001 shall apply with respect to all liabilities, debts, obligations of, and claims against, a real estate investment trust arising after the effective date of this part, and prior law shall continue to govern with respect to liabilities, debts, obligations and claims existing on the effective date of this part. No implication shall be created by the adoption of this part that the holders or owners of shares of beneficial interest in business trusts which do not meet the definition of real estate investment trust in Section 23000 are, or are not, as such, personally liable for the liabilities, debts or obligations of, or claims against, any such trust.  [Emphasis Added]

CALIFORNIA CORPORATIONS CODE SECTION 28030-28049

§28043. "Person" means any natural person, proprietorship, joint venture, partnership, trust, business trust, syndicate, association, joint stock company, corporation, limited liability company, government, agency of any government, or any other organization. However, "person," when used with respect to acquiring control of or controlling a specified person, includes any combination of two or more persons acting in concert.  [Emphasis Added]

CALIFORNIA REVENUE AND TAXATION CODE SECTION 23731-23741

§23731. Every organization or trust exempt under this chapter, except as provided in this article, is subject to the tax imposed upon its unrelated business taxable income, as defined in Section 23732, as follows: (a) Corporations (other than banks and financial corporations), associations, and business trusts are subject to the tax imposed under Section 23501. (b) Trusts are subject to the tax imposed by subdivision (e) of Section 17041. This section applies to income years beginning after December 31, 1970.  [Emphasis Added]
§17009. "Corporation" includes joint stock companies or associations (including nonprofit associations that perform services, borrow money or own property, and business trusts or other business entities taxable as a corporation under regulations of the Franchise Tax Board) and insurance companies. "Corporation" also includes a trust organized and operated exclusively for purposes contained in Section 23701d. [Emphasis Added]

CALIFORNIA INSURANCE CODE SECTION 729-738

§729. As used in this article, the following terms have the following meanings:

(a) "Company" means any person engaging in, or proposing or attempting to engage in, any transaction or kind of insurance or surety business and any person or group of persons who may otherwise be subject to the administrative, regulatory, or taxing authority of the commissioner.
(b) "Examiner" means any individual or firm authorized by the commissioner to conduct an examination under this article.
(c) "Person" means any person, association, organization, business trust, partnership, limited liability company, or corporation, or any affiliate thereof. [Emphasis Added]

CALIFORNIA INSURANCE CODE SECTION 1-48

§19. "Person" means any person, association, organization, partnership, business trust, limited liability company, or corporation. [Emphasis Added]

CALIFORNIA INSURANCE CODE SECTION 1190-1202

§1192.8. (a) A domestic life insurer having admitted assets aggregating in value not less than one hundred million dollars ($100,000,000) may make excess fund investments pursuant to this section in interest-bearing notes, bonds, or obligations issued by (1) any operating business trust or limited partnership organized under the laws of any state of the United States, the District of Columbia, the Dominion of Canada, any province of the Dominion of Canada or (2) an authority established pursuant to the California Industrial Development Financing Act, Title 10 (commencing with Section 91500) of the Government Code. The issuer of the notes, bonds, or obligations through itself or its paying agent shall be obligated thereunder to make payments, with respect to the notes, bonds, or other obligations, directly to the insurer or the insurer's nominee. (b) Except upon the prior written approval of the commissioner, an investment may not be made under the authority of this section unless the note, bond, or obligation is exchange-traded. "Exchange-traded," as used in this subdivision, means listed and traded on the National Market System of the NASDAQ Stock Market or on a securities exchange subject to regulation, supervision, or control under a statute of the United States and acceptable to the commissioner. (c) Without the prior written consent of the commissioner investment made pursuant to this section shall not exceed in the aggregate 10 percent of the life insurer's policyholder surplus. (d) A request to the commissioner for (1) approval pursuant to subdivision (b) to invest in notes, bonds, or obligations that are not exchange-traded or (2) consent to exceed the 10 percent limitation set forth in subdivision (c), shall be in writing and shall be accompanied by any supporting data and documentation that the commissioner may require. The
commissioner shall require the payment of a five thousand dollar ($5,000) fee in advance for the
determination of whether to approve or disapprove each request. Each request shall be in writing and shall
be deemed approved unless the commissioner disapproves it within 60 days with respect to requests under
subdivision (c) or 20 days with respect to requests under subdivision (b), after the request has been filed
in the commissioner’s office. (e) This section shall not be construed to increase or reduce the authority to
invest in any operating **business trust** or limited partnership specifically permitted in other sections of this
code.

§1192.95. (a) Notwithstanding Section 1100, an insurer may make excess funds investments in investment
pools and cash management pools established pursuant to this section. The pools shall meet all of the
following standards: (1) All participants in a pool shall each be affiliated with one another within the meaning
of subdivision (a) of Section 1215 and shall all be insurers, or a pension plan or profit-sharing plan of a
participant or affiliate. (2) The pools shall be a corporation, partnership, trust, limited liability company, or
**business trust** domiciled in the United States with all assets held in accordance with Section 1104.9 and
shall be maintained in one or more accounts in the name of or on behalf of the investment pool. Pool assets
shall be held under a bank custody agreement that states and recognizes the claims and rights of each
participant, acknowledges that the pool assets are held solely for the benefit of each participant in
proportion to the aggregate amount of its pool investments, and states that the investments shall not be
commingled with the general assets of the custodian or any other person. The pool manager shall be an
insurer as defined by Section 826 or a business entity registered as an investment adviser under the federal
Investment Act of 1940. The fiduciary duties a manager owes to the limited liability company and its
members are those of a partner to a partnership. This duty may not be restricted by agreement.

§1196.1. (a) No domestic insurer shall acquire, directly or indirectly, any medium grade or lower grade
obligation of any institution if, after giving effect to any such acquisition, the aggregate amount of all medium
grade and lower grade obligations then held by the domestic insurer would exceed 20 percent of its
admitted assets, provided that, (1) no more than 10 percent of its admitted assets consists of obligations
rated four, five, or six by the Securities Valuation Office; (2) no more than 3 percent of its admitted assets
consist of obligations rated five or six by the Securities Valuation Office; and (3) no more than 1 percent
of its admitted assets consists of obligations rated six by the Securities Valuation Office. Attaining or
exceeding the limit of any one category shall not preclude an insurer from acquiring obligations in other
categories subject to the specific and multi-category limits. (b) No domestic insurer may invest more than
an aggregate of 1 percent of its admitted assets in medium grade obligations issued, guaranteed, or insured
by any one institution nor may it invest more than one-half of 1 percent of its admitted assets in lower grade
obligations issued, guaranteed, or insured by any one institution. In no event, however, may a domestic
insurer invest more than 1 percent of its admitted assets in any medium or lower grade obligations issued,
guaranteed, or insured by any one institution. (c) Notwithstanding subdivision (a) or (b), a domestic insurer
may acquire an obligation of an institution in which the insurer already has one or more obligations if the
obligation is acquired in order to protect an investment previously made in the obligations of the institution;
provided that all of those acquired obligations shall not exceed one-half of 1 percent of the insurer's
admitted assets. (d) Nothing contained in this section; (1) shall prohibit a domestic insurer from acquiring
an obligation as a result of a restructuring of a medium or lower grade obligation already held; or (2) shall
require a domestic insurer to sell or otherwise dispose of any obligation legally acquired prior to the
effective date of this section. (e) The board of directors of any domestic insurer that acquires or invests,
directly or indirectly, more than 2 percent of its admitted assets in medium grade and lower grade
obligations, shall adopt a written plan for the making of that investment. The plan, in addition to guidelines
with respect to the quality of the issues invested in, shall contain diversification standards including, but not
limited to, standards for issuers, industry duration, liquidity, and geographic location. (f) As used in this
CALIFORNIA INSURANCE CODE SECTION 1215-1215.16

§1215. As used in this article, the following terms shall have the respective meanings hereinafter set forth, unless the context shall otherwise require: (a) An "affiliate" of, or person "affiliated" with, a specific person, is a person that directly, or indirectly, through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified. (b) The term "control" includes the terms "controlling," "controlled by," and "under common control with," and means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, more than 10 percent of the voting securities of any other person. This presumption may be rebutted by a showing that control does not exist in fact pursuant to the filing of a disclaimer of affiliation in accordance with subdivision (l) of Section 1215.4. The commissioner may, after furnishing all persons in interest notice and opportunity to be heard, determine that control exists in fact, notwithstanding the absence of a presumption to that effect. (c) An "insurance holding company system" consists of two or more affiliated persons, one or more of which is an insurer. (d) "Insurer" shall have the same meaning as set forth in Section 826 of this code, excluding subdivisions (e) and (f) of that section. (e) "Person" is an individual, a corporation, a partnership, an association, a joint stock company, a business trust, an unincorporated organization, or any similar entity, or any combination thereof acting in concert. (f) A "subsidiary" of a specified person is an affiliate controlled by that person directly, or indirectly through one or more intermediaries. (g) "Business day" is any day other than Saturday, Sunday, and any other day that is specified or provided for as a holiday in the Government Code.

CALIFORNIA WATER CODE SECTION 12000-12017

§12000. As used in this part, "person" means any person, firm, association, organization, partnership, business trust, corporation, or company, but not including any public corporation or other public entity.
CALIFORNIA WATER CODE SECTION 10810-10816

§10813. "Person" means any individual, firm, association, organization, partnership, business trust, corporation, company, public agency, or any agency of such an entity.  [Emphasis Added]

CALIFORNIA PUBLIC RESOURCES CODE SECTION 4101-4104

§4101. "Person" includes any agency of the state, county, city, district, or other local public agency, and any individual, firm, association, partnership, business trust, corporation, limited liability company, or company.  [Emphasis Added]

CALIFORNIA MILITARY AND VETERANS CODE SECTION 480-480.2

§480.2. The following terms, wherever used or referred to in this chapter, shall have the following meanings, respectively, unless a different meaning appears from the context: (a) "Department" means the Military Department of the State of California, as the same is constituted by the provisions of Section 50, and any successor to such office, or the Department of Veterans Affairs or the California Housing Finance Agency as to any function assigned pursuant to the provisions of Section 270.04. (b) "Person" means any individual, firm, corporation, association, partnership, limited liability company, trust, business trust, or receiver or trustee or conservator for any thereof, but does not include this state or any public corporation, political subdivision, city, county, district, or agency of this state. (c) "Purchase contract" means a contract of sale entered into after the effective date of this chapter by the department and a National Guard member covering any property purchased or acquired by the department as may be provided in any resolution of issuance. (d) "Resolution of issuance" means a resolution of the department, approved by the National Guard Members' Finance Committee, pursuant to which revenue bonds are issued, and any amendatory or supplemental resolution. (e) "Revenue bond" means any written evidence of any obligation issued by the department pursuant to this chapter, payment of which is secured by a pledge of revenues, as provided in this chapter, irrespective of the form of such obligation. (f) "Revenue bondholder" means any person who shall be the bearer or registered owner of any outstanding revenue bond. (g) "Revenues" means all income and receipts of the department from the purchase contracts, including, without limiting the generality of the foregoing, all payments received on account of the selling price and interest thereon; expenses and all other charges added to the selling price; insurance proceeds collected on account of loss, damage, or injury to the property; life insurance or disability insurance proceeds received by the department; and all other receipts of whatsoever kind or nature arising out of or incident to the purchase contracts. The term "revenues" also includes all interest or other income from any investment of any moneys in any fund or account established under a resolution of issuance for the payment of the principal of, or interest or premium on, revenue bonds. (h) "California National Guard member" shall have the meaning set forth in Section 210. (i) "California National Guard Finance Committee" means the committee created pursuant to Section 270.365.  [Emphasis Added]
CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTION 16200-16205

§16205. "Taxpayer" includes every individual, person, firm, partnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate and artificial legal entity subject to or liable for any fee, tax or charge.  [Emphasis Added]

CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTION 14000-14004

§14001. As used in this division, "person" means any person, association, organization, partnership, business trust, limited liability company, or corporation.  [Emphasis Added]

CALIFORNIA EDUCATION CODE SECTION 92400-92410

§92400. This chapter may be cited as "the University of California Dormitory Revenue Bond Act of 1947."

§92405. "Person" includes any individual, firm, corporation, association, copartnership, trust, business trust, or receiver or trustee or conservator for any individual or any such entity. It does not, however, include the state or any public corporation, political subdivision, city, county, district, or any agency of any such entity or of the state.  [Emphasis Added]

CALIFORNIA FAMILY CODE SECTION 50-155

§50. Unless the provision or context otherwise requires, the definitions and rules of construction in this part govern the construction of this code.

§105. "Person" includes a natural person, firm, association, organization, partnership, business trust, corporation, limited liability company, or public entity.  [Emphasis Added]

CALIFORNIA FINANCIAL CODE SECTION 1-22

18. "Person" includes any person, firm, partnership, association, corporation, company, limited liability company, syndicate, estate, trust, business trust, or organization of any kind.  [Emphasis Added]

CALIFORNIA GOVERNMENT CODE SECTION 85200-85206

85206. Organization "Organization" means a proprietorship, labor union, firm, partnership, joint venture, syndicate, business trust, company, corporation, association or committee which has 25 or more employees, shareholders, contributors, or members.  [Emphasis Added]
CALIFORNIA GOVERNMENT CODE SECTION 40506-40518

40515. "Person" includes any individual, firm, copartnership, association, corporation, trust, **business trust** or receiver or trustee or conservator for any thereof. [Emphasis Added]

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CALIFORNIA HARBORS AND NAVIGATION CODE SECTION 1-25

19. "Person" means any person, firm, association, organization, partnership, limited liability company, **business trust**, corporation, or company. [Emphasis Added]

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CALIFORNIA HEALTH AND SAFETY CODE SECTION 101550-101565

101560. Unless the context otherwise requires, this article governs the construction of this chapter. As used in this chapter: (a) "Authority" means the Monterey County Special Health Care Authority. (b) "Board" means the Monterey County Special Health Care Authority Board. (c) "County" means the County of Monterey. (d) "Health care system" means any system established to arrange for the provision of medical services. (e) "Public agency" means the United States, the State of California, any political subdivision, county, municipality, district, or agency of the State of California or of the United States and any department, bureau or commission of the State of California or of the United States. (f) "Person" means any individual, firm, partnership, association, corporation, limited liability company, trust, **business trust**, or the receiver or trustee or conservator for any of the above, but does not include a public agency. [Emphasis Added]

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CALIFORNIA PUBLIC UTILITIES CODE SECTION 103010-103022

103019. "Person" includes any individual, firm, partnership, association, corporation, limited liability company, trust, **business trust**, or the receiver or trustee or conservator for any thereof, but does not include a public agency, as defined in Section 103016. [Emphasis Added]

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CALIFORNIA PUBLIC UTILITIES CODE SECTION 102010-102023

102020. "Person" includes any individual, firm, partnership, association, corporation, limited liability company, trust, or **business trust**, or the receiver, trustee, or conservator for any thereof, but does not include a public agency, as defined in Section 102017. [Emphasis Added]

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CALIFORNIA WATER CODE SECTION 1-26

19. "Person" means any person, firm, association, organization, partnership, **business trust**, corporation, limited liability company, or company. [Emphasis Added]
CALIFORNIA CIVIL CODE SECTION 3426-3426.11

3426.1. As used in this title, unless the context requires otherwise: (a) "Improper means" includes theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means. Reverse engineering or independent derivation alone shall not be considered improper means. (b) "Misappropriation" means: (1) Acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or (2) Disclosure or use of a trade secret of another without express or implied consent by a person who: (A) Used improper means to acquire knowledge of the trade secret; or (B) At the time of disclosure or use, knew or had reason to know that his or her knowledge of the trade secret was: (i) Derived from or through a person who had utilized improper means to acquire it; (ii) Acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use; or (iii) Derived from or through a person who owed a duty to the person seeking relief to maintain its secrecy or limit its use; or (C) Before a material change of his or her position, knew or had reason to know that it was a trade secret and that knowledge of it had been acquired by accident or mistake. (c) "Person" means a natural person, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity. (d) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that: (1) Derives independent economic value, actual or potential, from not being generally known to the public or other persons who can obtain economic value from its disclosure or use; and (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.  

CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 1500-1506

1501. As used in this chapter, unless the context otherwise requires: (a) "Apparent owner" means the person who appears from the records of the holder to be entitled to property held by the holder. (b) "Banking organization" means any national or state bank, trust company, banking company, land bank, savings bank, safe-deposit company, private banker, or any similar organization. (c) "Business association" means any private corporation, joint stock company, business trust, partnership, or any association for business purposes of two or more individuals, whether or not for profit, including, but not by way of limitation, a banking organization, financial organization, life insurance corporation, and utility. (d) "Financial organization" means any federal or state savings and loan association, building and loan association, credit union, investment company, or any similar organization. (e) "Holder" means any person in possession of property subject to this chapter belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to this chapter. (f) "Life insurance corporation" means any association or corporation transacting the business of insurance on the lives of persons or insurance appertaining thereto, including, but not by way of limitation, endowments, and annuities. (g) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust, or creditor, claimant, or payee in case of other choices in action, or any person having a legal or equitable interest in property subject to this chapter, or his or her legal representative. (h) "Person" means any individual, business association, government or governmental subdivision or agency, two or more persons having a joint or common interest, or any other legal or commercial entity, whether that person is acting in his or her own right or in a representative or fiduciary capacity. (i) "Employee benefit plan distribution" means any money, life insurance, endowment or annuity policy or proceeds thereof, securities or other intangible property, or any tangible property, distributable to a participant, former participant, or the beneficiary or estate or heirs of a participant or former participant or beneficiary, from a trust or custodial fund established under a plan to provide health and welfare,
pension, vacation, severance, retirement benefit, death benefit, stock purchase, profit sharing, employee savings, supplemental unemployment insurance benefits or similar benefits, or which is established under a plan by a business association functioning as or in conjunction with a labor union which receives for distribution residuals on behalf of employees working under collective-bargaining agreements. (j) "Residuals" means payments pursuant to a collective bargaining agreement of additional compensation for domestic and foreign uses of recorded materials.  

CALIFORNIA EVIDENCE CODE SECTION 950-962

953. As used in this article, "holder of the privilege" means: (a) The client when he has no guardian or conservator. (b) A guardian or conservator of the client when the client has a guardian or conservator. (c) The personal representative of the client if the client is dead. (d) A successor, assign, trustee in dissolution, or any similar representative of a firm, association, organization, partnership, business trust, corporation, or public entity that is no longer in existence. 

CALIFORNIA EVIDENCE CODE SECTION 100-260

175. "Person" includes a natural person, firm, association, organization, partnership, business trust, corporation, limited liability company, or public entity. 

CALIFORNIA GOVERNMENT CODE SECTION 12600-12612

12604. As used in this article, "person" includes any person, firm, association, organization, partnership, business trust, corporation, limited liability company, company, district, county, city and county, city, town, the state, and any of the agencies and political subdivisions of such entities. 

CALIFORNIA FISH AND GAME CODE SECTION 700-715

711.2. (a) For purposes of this article, unless the context otherwise requires, "wildlife" means and includes all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability and "project" has the same meaning as defined in Section 21065 of the Public Resources Code. (b) For purposes of this article, "person" includes any individual, firm, association, organization, partnership, business trust, corporation, limited liability company, company, district, county, city and county, city, town, the state, and any of the agencies of those entities. 

Plus hundreds more, to many to list.
FICTITIOUS BUSINESS NAME STATEMENT

Sacramento County
Department of Finance
Business License Section
700 H Street, Room 1710
Sacramento, CA 95814
(916) 874-6644

FILING FEES

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>For first business name on statement</td>
<td>$20.00</td>
</tr>
<tr>
<td>For each additional business name filed on same statement at the same location</td>
<td>$ 5.00</td>
</tr>
<tr>
<td>For each owner in excess of one</td>
<td>$ 5.00</td>
</tr>
</tbody>
</table>

TYPE OR PRINT CLEARLY - MUST BE LEGIBLE. PLEASE READ INSTRUCTIONS ON REVERSE SIDE.

WHEN FILING BY MAIL, PROVIDE SELF ADDRESSED STAMPED ENVELOPE.

1 Street Address, City, State, Zip of Principal Place of Business. (P.O. Box not acceptable) Business Phone

2 Fictitious Business Name(s)
   (a)  
   (b)  

3 Full Name of Registrant(s), Residence Address, State, Zip (If registrant is a corporation or limited liability company - show state of incorporation or organization)
   (a) Name and Residence Address State Zip
   (b)  
   (c)  

4 Type of business you intend to operate: (optional)

   □ an Individual  □ a General Partnership  □ Business Trust  □ an Unincorporated Association--other
   □ Husband and Wife  □ a Limited Partnership  □ Co-Partners  □ than a partnership
   □ Corporation  □ Limited Liability Company  □ Joint Venture  □ Other -
   specify:_______________________

5 This business conducted by:
   □ an Individual  □ a General Partnership  □ Business Trust  □ an Unincorporated Association--other
   □ Husband and Wife  □ a Limited Partnership  □ Co-Partners  □ than a partnership
   □ Corporation  □ Limited Liability Company  □ Joint Venture  □ Other -
   Signature:______________________________________
   Name:________________________________________
   Name/Title:______________________________________

6 The registrant(s) commenced to transact business under the above-listed fictitious business name or names on (if future date insert “not applicable” or N/A):

   ________________________________________________

7 If registrant is not a Corporation/Limited Liability Co.
   Signature:______________________________________
   Name:________________________________________
   Name/Title:______________________________________

8 I hereby declare under penalty of perjury under the laws of the State of California that the above information is true and correct. Executed at
   (City/State)____________________________________________________________

THE FILING OF THIS STATEMENT DOES NOT OF ITSELF AUTHORIZE THE USE IN THIS STATE OF A FICTITIOUS BUSINESS NAME IN VIOLATION OF THE RIGHTS OF ANOTHER UNDER FEDERAL, STATE OR COMMON LAW (SECTION 14400 ET SEQ., BUSINESS AND PROFESSIONS CODE).

THIS STATEMENT WAS FILED WITH THE COUNTY CLERK OF SACRAMENTO COUNTY ON DATE INDICATED BY FILE STAMP ABOVE.

NOTICE - THIS FICTITIOUS NAME STATEMENT EXPIRES FIVE YEARS FROM THE DATE IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK. A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED BEFORE THAT TIME.

I HEREBY CERTIFY THAT THIS COPY IS A CORRECT COPY OF THE ORIGINAL STATEMENT ON FILE IN MY OFFICE.

MARK NORRIS, COUNTY CLERK

BY:____________________________________________ Deputy

FILE NO.
NOTICE TO REGISTRANT PURSUANT TO SECTION 17924 BUSINESS & PROFESSIONS CODE (B & P Code)

Within 30 days after the fictitious business name statement 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 is located. The newspaper selected should be one that circulates in the area where the business is to be conducted. The statement must be published once a week for four successive weeks with at least 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. If the registrant has no place of business in this state, the notice shall be published in a newspaper of general circulation in Sacramento County. (Section 17917 B & P Code, Section 6064 Government 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 ($1,000.00). (Section 17930 B & P Code)

INSTRUCTIONS FOR COMPLETION OF STATEMENT (17913 & 17914 B & P Code)

Type or print legibly. (P.O. Box, postal drop box, mailing suite and c/o addresses are not acceptable.)

1. Insert the street address of the principal place of business in this state. The fictitious business name statement shall be filed with the clerk of the county in which the registrant has his principal place of business in this state or, if the registrant has no place of business in this state, the Fictitious Business Name Statement shall be filed with the Clerk of Sacramento County (Section 17915, B & P Code).

2. Insert the fictitious business name or names if more than one name. Only those businesses operated at the same address may be listed on one statement.

3. Individual: insert full name and residence address of the individual. Partnership or other association of persons: insert the full name and residence address of each general partner. Business trust: insert the 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. Limited Liability Company (LLC): insert the name of the LLC as set out in its articles of organization and the state of organization.

4. Describe what type of business you intend to operate.

5. Indicate which of the terms best describes the ownership of the business.

6. If already transacting business under the fictitious business name or names listed, insert the date on which the registrant first commenced to transact business. If the registrant has not yet commenced to transact business under the fictitious business name or names listed, insert the statement “Not applicable” or “N/A”.

7. If the registrant is an individual, the statement must be signed by the individual; if a partnership or other association of other persons, by a general partner; if a business trust, by a trustee; if a corporation, by an officer (title must be indicated); if a limited liability company, by an officer or a manager and indicate his/her title. (Signature of an agent is not acceptable)

8. Specify the City and State where you signed the form.

PLEASE NOTE: THIS OFFICE SERVES ONLY AS A REPOSITORY OF FICTITIOUS BUSINESS NAME STATEMENTS FILED IN SACRAMENTO COUNTY, NEITHER APPROVING OR DISAPPROVING A PARTICULAR NAME, AND CANNOT ACCEPT ANY RESPONSIBILITY FOR ANY OMISSIONS, SIMILARITIES, OR DUPLICATIONS AMONG THE FICTITIOUS BUSINESS NAMES ON FILE. STATE-WIDE REGISTRIES DO NOT EXIST.

THE FILING OF A FICTITIOUS BUSINESS NAME STATEMENT DOES NOT GUARANTEE EXCLUSIVE USE OF THAT NAME.

IF YOU ARE FILING YOUR STATEMENT BY MAIL, PLEASE INCLUDE A SELF-ADDRESSED, STAMPED ENVELOPE FOR RETURN OF YOUR COPIES.

EXPIRATION OF FICTITIOUS BUSINESS NAME STATEMENT (Section 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 as 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, and (2) the filing of a statement of withdrawal from partnership by a withdrawing partner does not cause the statement to expire. A NEW STATEMENT MUST BE FILED WITHIN 40 DAYS AFTER A CHANGE IN THE FACTS.

(c) A fictitious business name statement expires when the registrant files a statement of abandonment of use of the fictitious business name statement.