

Topic: Business Trust and Service of Process

Question by: Yusif Gasimov

Jurisdiction: District of Columbia

Date: 18 November 2010

Jurisdiction	Question(s)	
	Does your state register and/or form business trust? If yes, do you require for business trust to have "business trust" or "trust" as the ending of the entity's name (aka corporate qualifier)?	Do you accept service of process on behalf of Agency Director / Secretary / Governor, etc?
Manitoba		
Corporations Canada		
Alabama		
Alaska		
Arizona		
Arkansas	Yes	No
California		
Colorado	No, but we may within the next few years.	No. If the registered agent cannot be located, service by mail is permissible.
Connecticut	CT does not form business trusts. We have Statutory Trusts. However, we do occasionally have the need to register business trusts from other states; mostly neighboring Massachusetts. We file them and index them internally as "specials" here because we do not have a business trust in CT.	Yes, the Secretary of the State accepts service of process on behalf of entities under certain prescribed circumstances. The SOTS can be appointed Agent for Service under certain statutory circumstances, and also the SOTS can be served in situations like the samples you provided. Parties serving the Secretary need to file two copies. We file one copy and send the other to the defendant at the last known address.
Delaware		
District of Columbia		

Florida	Yes, it's called a Declaration of Trust. "Business Trust" or "Trust" is not required to be in the name. Foreign Trusts (Business Trusts and Statutory Trusts are qualified to do business in Florida under this same Act.....it needs to be reworked)	Our office does accept substitute service of process on behalf of business entities when service cannot be made on the Reg. Agent or on a principal of the entity for whatever reason.
Georgia		
Hawaii	No	No, our office does not accept service of process. If no one is found, service of process is mailed to the entity's principal office address.
Idaho		
Illinois	No, Illinois does not register and/or form business trust.	Yes, we accept service of process for corporate entities in your state.
Indiana		
Iowa		
Kansas		
Kentucky		
Louisiana	Louisiana does not file domestic trusts; however, we do accept a certificate of authority from a foreign business trust.	Yes
Maine		
Maryland	Yes.	
Massachusetts	Yes. No.	Yes.
Michigan	Michigan does not have a statute which provides for the formation of a business trust. However, MCL 450.2014 does provide that the section 1001-1055 of the Business Corporation Act applies to "a foreign common law or statutory trust, by whatever term or designation known, having any of the powers or privileges of a corporation not possessed by an individual or partnership." http://legislature.mi.gov/doc.aspx?mcl-450-2014	We do not accept service of process on behalf of DELEG Director or the Governor. The Corporation Division of the Bureau of Commercial Services was the last remaining division of the former Corporation and Securities Bureau which was the successor to the Michigan Corporation and Securities Commission. The Corporation Division does receive service of process under MCR 2.105 and MCL 600.1920 which provide that a corporation may be served by mailing a summons and a copy of the complaint by registered mail to the corporation or an appropriation corporation office and the Michigan corporation and securities commission, under certain circumstances. http://legislature.mi.gov/doc.aspx?mcl-600-1920
Minnesota		
Mississippi		
Missouri	The MO Secretary of State does not have any responsibilities related to Business Trusts.	The MO Secretary of State is agent for service of process where the agent has resigned and a new agent was not appointed within 30 days, any foreign entity when the authority is revoked, or any foreign

		entity transacting business in the state and is not registered with the Secretary of State. A service on the secretary of state would be served in our office; the SOS does not act as agent for SOP for an agency director or the governor.
Montana	Yes. No.	Service of Process is accepted by the Secretary of State when the registered agent cannot be found after due diligence.
Nebraska		
Nevada	Yes, Nevada law provides for business trusts in NRS Chapter 88A, http://www.leg.state.nv.us/NRS/NRS-088A.html . The name of a business trust formed pursuant to the provisions of this chapter must contain the words "Business Trust" or the abbreviation "B.T." or "BT."	The Secretary of State accepts service of process on any entity that has merged out of the jurisdiction, and may accept service of process on any entity if all other valid forms of service have been unsuccessful.
New Hampshire	No	The Corporation Division does not but the Secretary of State does in his office. Normally they are then forwarded to our Department of Justice to handle.
New Jersey		
New Mexico		
New York		
North Carolina	In North Carolina the term "business trust" is defined in Chapter 39: "The term "business trust" whenever used or referred to in this Article shall mean any unincorporated association, including an Illinois land trust, a Delaware statutory trust, or a Massachusetts business trust, engaged in any business or trade under a written instrument or declaration of trust under which the beneficial interest therein is divided into shares represented by certificates or shares of beneficial interest." The Secretary of State does not register business trusts in NC.	
North Dakota	The ND Secretary of State does not have any responsibilities related to Business Trusts.	The ND Secretary of State is agent for service of process on any domestic entity that is dissolved, any foreign entity when the authority is revoked, or any foreign entity transacting business in the state and is not registered with the Secretary of State.
Ohio	Yes	Yes, if, without the registration of another agent with the secretary of

	Business Trusts may not use the words "Incorporated," "Corporation," "Inc.," "Co.," "Partnership," "Ltd.," or derivatives thereof in its name. Business trusts may not assume the name of any corporation, firm, association, individual carrying on business in the state or any name similar thereto that would be likely mistaken for it.	state, its designated agent has died, resigned, lost authority, dissolved, become disqualified, or has removed from this state, or if its designated agent cannot, with due diligence, be found.
Oklahoma		
Oregon		
Pennsylvania	We do register "business trusts" however, there is no pre-printed form to register the name. The name must include the word "trust" in the title.	We accept service of process on behalf of the Secretary of State if ordered by a Pennsylvania Judge.
Rhode Island	Rhode Island does not file domestic business trusts; however, we do accept a certificate of authority from a foreign business trust. Out-of-State or foreign business trusts qualify pursuant to our Business Corporation Chapter and require a business corporation entity ending.	Yes
South Carolina		
South Dakota		
Tennessee		
Texas	Creation of business trusts is not permitted under Texas law. Case law indicates that business trusts are treated like partnerships.	The Secretary of State is designated as an agent of service of process under various laws (for example, the long-arm statute) and when designated, the Business & Public Filings Division handles the service. The SOS is not the designated agent for the Governor.
Utah	Yes, see http://corporations.utah.gov/business/bt.html . Yes, a designator is required.	Utah adopted the Model Registered Agent Act and therefore is no longer default agent for service of process on any entity.
Vermont		
Virginia	Yes, both domestic and foreign. No. In fact, "trust" would violate a banking provision.	Only on behalf of the Clerk of the Commission as statutory agent. Often this occurs when the registered agent cannot be found after due diligence.
Washington		
West Virginia		
Wisconsin		
Wyoming		

Additional comments:

Full text of email:

Dear Corporate Registrars,
I have two questions:

1-does your state register and/or form business trust?

If yes, do you require for business trust to have “business trust” or “trust” as the ending of the entity’s name (aka corporate qualifier)?

2-do you accept service of process on behalf of Agency Director / Secretary / Governor, etc?

Clarification to question 2:

2-Do you accept service of process for corporate entities in your state?

For instance, if entity is conducting business in your state and not registered or entity’s is revoked or registered agent is resigned and this entity needs to be served, will the plaintiff serve your agency?

Thanks in advance for all your help.

Sincerely,

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District of Columbia Government

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