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Corporations Division

## ARIZONA CORPORATION COMMISSION

# NOTICE TO PROCESS SERVERS

**Service upon an entity through the Arizona Corporation Commission (“ACC”) is not automatic. The circumstances under which the ACC may accept service on behalf of an entity are mandated by statute. Nothing in this Notice is a guarantee or promise that the ACC will accept service on behalf of any entity. Each instance of attempted service on an entity is examined on a case-by-case basis to determine if it is appropriate for the ACC to accept service for that entity.**

If you are attempting to serve an entity through the ACC, and you submit an affidavit, certification or other statement certified as true under penalty of perjury to establish attempted service on the statutory agent, the ACC examiner will review the affidavit, certification or other statement to determine if it shows you attempted to ***serve the statutory agent at the statutory agent’s address*** that is on file in the ACC records. The affidavit or certification must contain at least the following information:

- Case number of the lawsuit or proceeding;
- A statement to the effect that it is from a registered process server (unless the lawsuit is an administrative proceeding that does not require service by a registered process server);
- Name of the entity being served;
- Name of person you attempted to serve;
- Address at which service was attempted;
- Date and time of each instance of attempted service;
- One or more reasons why you were unable to effect service.

No handwritten changes to an affidavit will be accepted unless the handwritten notation was made on or before the date on which the affidavit was notarized OR the handwritten notation is separately notarized.

Handwritten changes to a certification or other statement certified as true under penalty of perjury may be accepted if the person making the change also writes in **all** of the following:

- “I certify under penalty of perjury that the handwritten statements herein are true and correct,”
- date of the handwritten change,
- signs underneath the handwritten change, AND
- prints their name under their signature.

The ACC will consider 3 or more attempts at serving the statutory agent to be diligent effort. An affidavit or certification of attempted service showing less than 3 attempts will be scrutinized on a case-by-case basis to determine if it is appropriate for the ACC to accept service for that business.