



Kathy Michael

McLean County Clerk

Phone: (309) 888-5190 Fax (309) 888-5932

115 E. Washington Street, Room 102 PO Box 2400 Bloomington, IL 61702-2400

Website: www.mcleancountyil.gov/countyclerk

Email: kathy.michael@mcleancountyil.gov

DOING BUSINESS UNDER AN ASSUMED NAME GENERAL INSTRUCTIONS

Any person(s) conducting business in this State under an Assumed Name must register in the County Clerk's Office in the county where the business is based (applies to sole proprietorships and general partnerships). The legal reference to this can be found in the **Illinois Compiled Statutes, 805 ILCS 405/1-6.**

In the County Clerk's Office, search our Assumed Name database to determine if the name you have chosen for your business is currently being used.

Complete the enclosed **Assumed Name Certificate Intention.** Please type or print neatly.

Signature(s) on the Assumed Name Certificate Intention must be notarized.

File the completed Assumed Name Certificate Intention in the County Clerk's Office.

The fee for filing the Intention is \$8.00. Take the receipt to the newspaper you have chosen for your legal ad.

The information on the Intention ***must*** be published in the ***legal section*** of a county subscription newspaper. This legal ad must run at least once a week for three consecutive weeks. **NOTE:** Illinois Statute requires the first ad to be published within **15 days** after the Assumed Name Certificate Intention has been filed in the Office of the County Clerk. Failure to publish within **15 days** will result in re-filing.

At the end of the publication period (three consecutive weeks) of the legal ad, the newspaper will furnish you with a **Certificate of Publication.**

Illinois Statutes require that the Certificate of Publication be returned and filed with the County Clerk within **50 days** from filing the Assumed Name Certificate Intention. Failure to return the Certificate of Publication within **50 days** will void the Assumed Name Certificate Intention filed, and will result in re-filing.

When the County Clerk's Office has received the Certificate of Publication within the **50-day deadline**, your registration process is complete. A Certificate of Ownership of Business will be mailed to you.

Illinois Statute requires the filing of a **Supplementary Certificate** in the event of changes to do business under the Assumed Name.

Supplementary certificates are available at the County Clerk's Office and on the website. The fee for filing a supplementary certificate is \$1.50. It must also be notarized under oath. We can notarize for an additional \$1 per signature.

**CONSULT YOUR ATTORNEY OR STATUTE FOR VERIFICATION OF INFORMATION CONTAINED IN
THIS PACKET**

RESOURCES

STARTING A BUSINESS IN MC LEAN COUNTY

Illinois Department of Commerce and Economic Opportunity (DCEO)*	Information and assistance with start-up and existing businesses	Business questions, call 1-800-252-2923
IRS Forms & Publications	W-9 form for obtaining a Tax ID number	www.irs.gov
Illinois Small Business Development Center at Illinois Wesleyan University	“Free consultative assistance and professional advice to small businesses and aspiring entrepreneurs”	Request an appointment and find more information and resources on their website: https://www.iwu.edu/sbdc/about.html
Service Corps of Retired Executives (SCORE), sponsored by U.S. Small Business Administration	Information on starting a new business – All voluntary, no charge; free consultation – Available to all U.S. citizens	Call for an appointment: 309-664-0549 https://centralillinois.score.org
City of Bloomington Department of Building Safety	Information on zoning for home-based & commercial businesses	309-434-2226 www.cityblm.org
Town of Normal Inspections & Planning Director of Inspections: Greg Troemel	Information on zoning for home-based & commercial businesses	309-454-9580 www.normal.org
McLean County Building & Zoning Office	Information on zoning for home-based & commercial businesses in rural county/unincorporated areas only	309-888-5160

*Step by Step Guide to Starting a Business

<https://www2.illinois.gov/dceo/smallbizassistance/beginhere/pages/stepbystepguide.aspx>

POSSIBLE CHOICES FOR PUBLICATION OF THE LEGAL AD

The Pantagraph
205 N Main Street
Bloomington, IL 61701
Phone: (217) 421-7952
Fax: (217) 421-6942

McLean Chronicle
(309) 672-1600
Toll Free (866) 672-1600
notices@chronicleillinois.com
www.chronicleillinois.com

**THE FOLLOWING NEWSPAPERS ARE PART OF THE
NORMALITE GROUP**

309-454-5476

Email: thenormalite@gmail.com

The Normalite 1702 W College Avenue, Suite G Normal, IL 61761

The Ridgeview Review
The Heyworth Buzz
The Gridley Village Times
The LeRoy Leader

The Lexingtonian
The Chenoa Town Crier
The Carlock-Danvers-Hudson Quill

BUSINESS ORGANIZATIONS

(805 ILCS 405/) Assumed Business Name Act.

(805 ILCS 405/0.01) (from Ch. 96, par. 3m)

Sec. 0.01. Short title. This Act may be cited as the Assumed Business Name Act.

(Source: P.A. 86-1324.)

(805 ILCS 405/1) (from Ch. 96, par. 4)

Sec. 1. Certificate; misrepresentation. No person or persons shall conduct or transact business in this State under an assumed name, or under any designation, name or style, corporate or otherwise, other than the real name or names of the individual or individuals conducting or transacting such business, unless such person or persons shall file in the office of the County Clerk of the County in which such person or persons conduct or transact or intend to conduct or transact such business, a certificate setting forth the name under which the business is, or is to be, conducted or transacted, and the true or real full name or names of the person or persons owning, conducting or transacting the same, with the post office address or addresses of such person or persons and every address where such business is, or is to be, conducted or transacted in the county. The certificate shall be executed and duly acknowledged by the person or persons so conducting or intending to conduct the business.

Notice of the filing of such certificate shall be published in a newspaper of general circulation published within the county in which the certificate is filed. Such notice shall be published once a week for 3 consecutive weeks. The first publication shall be within 15 days after the certificate is filed in the office of the County Clerk. Proof of publication shall be filed with the County Clerk within 50 days from the date of filing the certificate. Upon receiving proof of publication, the clerk shall issue a receipt to the person filing such certificate but no additional charge shall be assessed by the clerk for giving such receipt. Unless proof of publication is made to the clerk, the certificate of registration of the assumed name is void.

If any person changes his name or his residence address or the address of any place of business in the county where such assumed name is being employed after filing a certificate, or if the name of a person is added to any business organization for which a certificate is on file, such person shall file an additional, duly acknowledged certificate in the office of the County Clerk of the county in which such person transacts business under an assumed name. The certificate shall set out the change or addition as the case may be. Such certificate shall also set out the post office address of the person. If any business organization for which such certificate has been filed in any county of this State shall remove its place of business to another county in this State or shall establish an additional location for doing business in another county of this State, a certificate shall be filed in the office of the County Clerk of such other county and notice of the filing of such certificate of a change or addition of a name shall be published and proof of publication made pursuant to the provisions of this section in the same manner as is provided for original certificates to do business under an assumed name.

A foreign person or foreign entity may not use an assumed or fictitious name in the conduct of its business to intentionally misrepresent the origin or location of the person or entity.

(Source: P.A. 91-906, eff. 1-1-01.)

(805 ILCS 405/2) (from Ch. 96, par. 5)

Sec. 2. Persons conducting such business or any business under an assumed name who have prior to August 16, 1963 changed their names or whose names are additions to a business organization conducting business under an assumed name, for which a certificate has previously been filed, shall file another certificate setting out the change in their names or that their names are additions to a business already in operation and every address where such business is conducted or transacted in the county within 30 days after August 16, 1963.

(Source: P. A. 76-893.)

(805 ILCS 405/3) (from Ch. 96, par. 6)

Sec. 3. The several County Clerks of this State shall keep an alphabetical index of all persons filing certificates pursuant to Sections 1 and 2, and for the indexing and filing of such certificate shall receive a fee of \$5.00. A copy of such certificate and receipt for proof of publication, duly certified to by the County Clerk in whose office the certificate is filed, shall be presumptive evidence in all courts of law in this State of the facts therein contained.

(Source: P.A. 85-186.)

(805 ILCS 405/3a) (from Ch. 96, par. 6a)

Sec. 3a. Any person who has executed and filed the certificate required by Section 1 or 2 of this Act and who wishes to withdraw his name from the business organization shall have the certificate cancelled in whole or in part by filing in the office of the County Clerk where the certificate is filed, a supplementary certificate under oath, showing that such person or persons have ceased doing business under the assumed name, or that the person or persons executing the supplementary certificate have no further connection with or financial interest in the business carried on under such assumed name; whereupon the County Clerk shall note opposite the trade name theretofore registered, the word "cancelled" and the date of cancellation, or, in the case of withdrawal only of one or more but less than all of the registrants, the clerk shall note the word "Withdrawn" after the name of each party filing the supplementary certificate indicating the withdrawal, together with the date of such withdrawal. When such withdrawal effectuates any change in or transfer of the ownership of 25% or more of the total ownership interest in any such business organization doing business under an assumed name, then notice of the filing of such certificate shall be published.

For filing a certificate noting the cancellation or withdrawal of one or more names, the County Clerk shall receive a fee of \$1.50.

Where a person files a certificate pursuant to Section 1 or 2 setting out a change of his name, or that his name is an addition to an organization doing business under an assumed name which has previously been registered, the County Clerk shall note on the index of such person's name the word "changed" or "addition" as the case may be.

(Source: Laws 1963, p. 2997.)

(805 ILCS 405/3b)

Sec. 3b. Locale misrepresentation.

(a) A person shall not advertise or cause to be listed in a telephone directory an assumed or fictitious business name that intentionally misrepresents where the business is actually located or operating or falsely states that the business is located or operating in the area covered by the telephone directory. This subsection (a) does not apply to a telephone service provider or to the publisher or distributor of a telephone service directory, unless the conduct prescribed in this subsection (a) is on behalf of that telephone service provider or that publisher or distributor.

(b) This Section does not apply to any foreign person or foreign entity that has gross annual revenues in excess of \$100,000,000.

(c) A foreign limited partnership that violates this Section is guilty of a petty offense and must be fined not less than \$501 and not more than \$1,000. A foreign limited partnership is guilty of an additional offense for each additional day in violation of this Section.

(Source: P.A. 91-906, eff. 1-1-01.)

(805 ILCS 405/4) (from Ch. 96, par. 7)

Sec. 4. This Act shall in no way affect or apply to any corporation, limited liability company, limited partnership, or limited liability partnership duly organized under the laws of this State, or any corporation, limited liability company, limited partnership, or limited liability partnership organized under the laws of any other State and lawfully doing business in this State, nor shall this Act be deemed or construed to prevent the lawful use of a partnership name or designation, provided that such partnership shall include the true, real name of such person or persons transacting said business or partnership nor shall it be construed as in any way affecting Sections 220 and 220a of Division I of "An Act to revise the law in relation to criminal jurisprudence", approved March 27, 1874, as amended. This Act shall in no way affect or apply to testamentary or other express trusts where the business is carried on in the name of the trust and such trust is created by will or other instrument in writing under which title to the trust property is vested in a designated trustee or trustees for the use and benefit of the cestuis que trustent.

(Source: P.A. 90-421, eff. 1-1-98.)

(805 ILCS 405/5) (from Ch. 96, par. 8)

Sec. 5. Any person or persons carrying on, conducting or transacting business as aforesaid, who shall fail to comply with the provisions of this Act, shall be guilty of a Class C misdemeanor, and each day any person or persons conducts business in violation of this Act shall be deemed a separate offense.

A person shall be exempt from prosecution for a violation of this Act if he is a peace officer who uses a false or fictitious business name in the enforcement of the criminal laws; provided such use is approved in writing by one of the following: (a) In all counties, the respective State's Attorney;

(b) The Director of State Police under Section 2605-200 of the Department of State

Police Law (20 ILCS 2605/2605-200); or

(c) In cities over 1,000,000, the Superintendent of Police.

(Source: P.A. 91-239, eff. 1-1-00.)

(805 ILCS 405/6) (from Ch. 96, par. 8a)

Sec. 6. If a person or persons required to register hereunder do not do so and such persons, or any of them, are unknown, civil actions may be brought against such person or persons, by filing suit against the business under its assumed name, naming all known owners, and designating as "unknown owner or owners" the other person or persons transacting business under such assumed name. A judgment rendered pursuant to this section shall be a personal judgment against all named owners and shall, in addition, be immediately enforceable against the property of the business and constitute a lien upon real estate held in the name of the business. At any time prior to satisfaction of judgment, if any, if the identity of a previously unknown owner is discovered, such person shall be named as a party defendant by motion to the court in which such case is pending or in which the judgment was entered, supported by an affidavit showing that notice of such motion has been given in the manner required for service of process upon an individual defendant by the Civil Practice Law, as heretofore or hereafter amended. Within 10 days after service of such notice, the previously unknown owner may appear and defend as in other civil cases; however, such defense shall not affect any judgment against any other person previously entered in the suit. If the defendant does not file an appearance within such 10 day period or if after hearing the defendant is found to be liable, the judgment, if any, theretofore entered in such suit shall be amended to include such person and shall at such time become a personal judgment against such person as if he had been individually named in the original complaint.