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## ASSUMED BUSINESS NAME APPLICATION FILING INSTRUCTIONS

### NECESSITY OF CERTIFICATE

The following is an excerpt from Chapter 805 of the Illinois Compiled Statutes 405/1:

*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, 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.*

**NOTE: CORPORATIONS AND LIMITED PARTNERSHIPS FILE WITH THE SECRETARY OF STATE.  
YOU SHOULD SEEK LEGAL ADVICE TO DETERMINE WHAT FILINGS ARE NECESSARY IN  
SUCH CASES.**

### FILING PROCEDURE:

1. Complete the Assumed Business Name Application. Please type or print in black ink.
2. All owners must sign the form in the presence of a Notary Public and have it notarized.
3. Return the form to the Livingston County Clerk's Office with the \$5.00 filing fee.  
We will give you an Assumed Name Publication Notice for filing.
4. Take the Notice to a Livingston County newspaper for publication once a week for three consecutive weeks. The first publication must appear in the newspaper within fifteen days after the date you filed the form in our office. The newspaper will typeset the legal notice from your Notice.
5. File the original "certificate of publication" (issued by the newspaper after the third week, check with the newspaper they sometimes will mail the certificate of publication to us) with our office within fifty (50) days of the date you filed the Assumed Business Name Application in our office (steps 1,2 & 3 above). We will issue an Assumed Business Name Certificate.

**UNLESS PROOF OF PUBLICATION IS FILED WITH THE COUNTY CLERK, THE  
APPLICATION OF THE ASSUMED BUSINESS NAME IS VOID**

## **SUPPLEMENTARY ASSUMED BUSINESS NAME FILING INSTRUCTIONS**

### **NECESSITY OF CERTIFICATE:**

The appropriate Supplementary Assumed Business Name form must be filed under the following circumstances:

1. Owner changes his name or his residential address
2. The address of any place of business is changed.
3. A person's name is added to the business organization.
4. An additional business address is established.
5. A person withdraws his name from the business organization.

### **FILING PROCEDURES FOR SUPPLEMENTARY FILINGS:**

1. Complete the appropriate Supplementary Assumed Business Name form. Please type or print in black ink.
2. Sign the form in the presence of a Notary Public and have it notarized.
3. Return the forms to the County Clerk's office with the \$5.00 filing fee except when filing a withdrawal certificate in which case the fee is \$1.50. An Assumed Name Publication Notice is issued.
4. Take the Notice to a Livingston County newspaper for publication once a week for three consecutive weeks. The first publication must appear in the newspaper within fifteen (15) days after the date you filed the form in our office. The newspaper will typeset the legal notice from your Assumed Name Publication Notice. (Publication is not necessary for a Supplementary Certificate for Withdrawal if less than 25% of the ownership is withdrawing).
5. File the original "certificate of publication" (issued by the newspaper after the third week, check with the newspaper they sometimes will mail the certificate of publication to us) with our office within fifth (50) days of the date you filed the supplementary form in our office.

**UNLESS PROOF OF PUBLICATION IS FILED WITH THE COUNTY CLERK, THE  
SUPPLEMENTARY FORM OF THE ASSUMED BUSINESS NAME IS VOID**

## **WHY DO I NEED TO FILE AN ASSUMED NAME CERTIFICATE?**

The Illinois Business Code requires businesses to file Assumed Name Certificates. Also, most banks will not allow a business account to be opened without a proper filing.

The filing of an Assumed Name Certificate of registration of a company name imparts no real protection to the party filing. It is a formal process that informs the general public of the registered agent, and official contact with the business can be made.

To find out more about the Assumed Business Names Act check 805 ILCS 405/Assumed Business Name Act.

For more information on starting a Small Business in Illinois, please see this IRS website:

<http://www.irs.gov/Businesses/Small-Businesses-&-Self-Employed/Checklist-for-Starting-a-Business>