RONALD REAGAN, GOVERNOR, STATE OF CALIFORNIA
ROBERT H. VOLK, COMMISSIONER OF CORPORATIONS

Release No. 7-C

NOTICE OF ISSUANCE OF SECURITIES PURSUANT TO
CLOSE CORPORATION EXEMPTION -
PROOF OF MAILING BY STATEMENT UNDER PENALTY OF PERJURY

This Release sets forth the views of the Commissioner concerning the question whether the mailing of the notice referred to in Section 260.102.8 of the Commissioner's Rules may be proved by an unsworn written statement of a person who is not an active member of the California State Bar, made "under penalty of perjury" and otherwise meeting the requirements of Section 2015.5, Code of Civil Procedure.

Section 260.102.9 of the Commissioner's Rules provides that the mailing of the aforementioned notice may be proved in the manner provided in Section 1013a of the California Code of Civil Procedure for proof of mailing of papers in civil actions, except that the affidavit of mailing need not be filed but should be retained in duplicate in the records of the attorney and of the issuer.

The reference in Section 260.102.9 of Section 1013a, Code of Civil Procedure, and especially the reference to the requirement of an affidavit contained in subparagraph (1) of said section, includes a reference to Section 2015.5, Code of Civil Procedure, which provides that in lieu of such affidavit an unsworn statement made "under penalty of perjury," and meeting certain other requirements, may be used. Therefore, in accordance with Section 260.102.9 of the Commissioner's Rules, the mailing of the notice referred to in Section 260.102.8 of the Rules may be proved by an unsworn statement "under penalty of perjury" in accordance with Section 2015.5, Code of Civil Procedure, and otherwise meeting the requirements of Section 1013a, subparagraph (1), of said Code, provided that the statement so made "under penalty of perjury" need not be filed, but should be retained in duplicate in the records of the attorney and of the issuer.

Dated: February 11, 1969

By order of
ROBERT H. VOLK
Commissioner of Corporations

HANS A. MATTES
Assistant Commissioner
Office of Policy