

Change in Requirement for Service of Process Address on NYS Filings

July 15, 2005

Effective immediately, the New York State Department of State will reject any business entity or not-for-profit filing that includes an address for service of process outside of the United States or its territories. *(Previously, there was no limitation on the address provided for service of process – it could be anywhere in the world.)*

Any certificate of amendment, change, merger or any other filing requiring an address for service of process will be similarly rejected if the address is outside of the country. All of the various New York business entity/not-for-profit laws include language stating that a copy of each process served on the Department of State must be sent to the address for service of process *“by certified mail, return receipt requested”*. The United States Postal Service will not deliver mail in that manner to any foreign jurisdiction; therefore such addresses will no longer be permitted. All process previously sent by certified mail to an out of the country address were returned to the Department of State by the Post Office as undeliverable, noted as such on the computer and destroyed.