

UNLAWFUL DETAINER ASSISTANT REGISTRATION INFORMATION
(CALIFORNIA BUSINESS AND PROFESSIONS CODE § 6400, et seq.)

To register as a Legal Document Assistant in Santa Clara County, please complete and provide the following:

1. **REGISTRATION FORM:** A completed registration form for an INDIVIDUAL or if appropriate, a CORPORATION / PARTNERSHIP form, must be **signed in our presence**. If a CORPORATION/PARTNERSHIP registration, at least ONE listed officer or partner must sign in our presence. The registration form must include all attachments and exhibits as required by law.
2. **BOND:** An Unlawful Detainer Assistant bond covering the two-year term of registration must be submitted at the time of filing. The effective date of the bond must match the date of registration, so plan accordingly.

Your Unlawful Detainer Assistant bond must:

- specify the term (dates) of coverage
- identify the name of the principal exactly as identified on the Unlawful Detainer Assistant application
- be in favor of the State of California
- indicate the name of the county in which it will be filed
- be issued by a corporate surety qualified to do business in California
- be signed by the surety company, with a proper acknowledgment for the signature

Bond amounts are as follows:

- INDIVIDUAL: \$ 25,000.00
- CORPORATION or PARTNERSHIP:

The bonding requirement for a CORPORATION or PARTNERSHIP is based on the total number of legal document assistants employed by the CORPORATION or PARTNERSHIP at the time of filing:

- One to Four Assistants: \$25,000.00
- Five to Nine Assistants: 50,000.00
- Ten or more Assistants: 100,000.00

If the PARTNERSHIP or CORPORATION increases the number of assistants it employs above the number stated in the application, the PARTNERSHIP or CORPORATION shall promptly increase the bond to the applicable amount as identified above, based on the actual number of assistants it employs, and shall promptly submit the increased bond to our office with the appropriate filing and recording fees.

In lieu of the bond requirement, a registrant may deposit the appropriate amount in cash or cashier's check with our office.

3. **CURRENT PHOTO IDENTIFICATION**, such as a current driver's license or passport.
4. **SECONDARY COUNTY REGISTRATION:** An application for secondary registration shall meet all of the above requirements except that in place of filing another original bond or cash deposit, a copy of the bond or cash deposit, certified by the primary county of registration, shall be submitted. THE TERM OF REGISTRATION WITH THE SECONDARY COUNTY SHALL BE THE REMAINING BALANCE OF THE TWO-YEAR TERM OF COVERAGE OF THE PRIMARY-COUNTY BOND.
5. **FEES:**

Filing fee (base) for registration as Unlawful Detainer Assistant:.....\$197.00
Primary or Secondary County (based on one-page bond)

Each additional bond page (if any):..... 3.00
(A cover page if needed, counts as a page and is charged as an additional page.)

Additional Identification Card:..... 10.00

Additional Bond Filing due to increase in number of assistants:
(CORPORATIONS and PARTNERSHIPS)

Filing Fee:..... 7.00

Recording Fee - first page:.....15.00

Recording fee - each additional bond page (if any):..... 3.00

(A cover page, if needed, counts as a page and is charged as an additional page.)

RENEWAL FILING INFORMATION: The Unlawful Detainer Assistant registration is effective for a period of two years, or the bond expiration date, whichever occurs *first*. The renewal can take place up to 60 days prior to the expiration date; the effective date of the renewal will be the date your current registration expires. As long as the renewal occurs on or up to 60 days *before* the expiration date, your registration number will remain the same. THE ABOVE-LISTED REQUIREMENTS (INCLUDING FEES) STILL APPLY WHEN RENEWING.

If the county clerk finds that the applicant has failed to demonstrate having met the requisite requirements..., the county clerk, within three business days of submission of the application and fee, shall return the application and fee to the applicant with a notice to the applicant indicating the reason for the denial and the method of appeal.

OFFICE OF THE COUNTY CLERK-RECORDER, 70 W. HEDDING STREET, 1ST FLOOR, EAST WING, SAN JOSE, CA 95110
HOURS: 8:00 A.M. TO 4:00 P.M. BUSINESS DIVISION (408) 299-5688

www.clerkrecorder.org

EXCERPTS FROM BUSINESS AND PROFESSIONS CODE § 6402-6406 REGARDING UNLAWFUL DETAINER ASSISTANT REGISTRATION

6402. A legal document assistant or unlawful detainer assistant shall be registered pursuant to this chapter by the county clerk in the county in which his or her principal place of business is located (deemed primary registration), and in any other county in which he or she performs acts for which registration is required (deemed secondary registration). Any registration in a county, other than the county of the person's place of business, shall state the person's principal place of business and provide proof that the registrant has satisfied the bonding requirement of Section 6405. No person who has been disbarred or suspended from the practice of law pursuant to Article 6 (commencing with Section 6100) of Chapter 4 may, during the period of any disbarment or suspension, register as a legal document assistant or unlawful detainer assistant.

6403. (a) The application for registration of a natural person shall contain all of the following statements about the applicant:

- (1) Name, age, address, and telephone number.
 - (2) Whether he or she has been convicted of a felony, or of a misdemeanor under Section 6126 or 6127, or found liable under Section 6126.5.
 - (3) Whether he or she has been held liable in a civil action by final judgment or entry of a stipulated judgment, if the action alleged fraud, the use of an untrue or misleading representation, or the use of an unfair, unlawful, or deceptive business practice.
 - (4) Whether he or she has ever been convicted of a misdemeanor violation of this chapter.
 - (5) Whether he or she has had a civil judgment entered against him or her in an action arising out of the applicant's negligent, reckless, or willful failure to properly perform his or her obligation as a legal document assistant or unlawful detainer assistant.
 - (6) Whether he or she has had a registration revoked pursuant to Section 6413.
 - (7) Whether this is a primary or secondary registration. If it is a secondary registration, the county in which the primary registration is filed.
- (b) The application for registration of a natural person shall be accompanied by the display of personal identification, such as a California driver's license, birth certificate, or other identification acceptable to the county clerk to adequately determine the identity of the applicant.
- (c) The application for registration of a partnership or corporation shall contain all of the following statements about the applicant:
- (1) The names, ages, addresses, and telephone numbers of the general partners or officers.
 - (2) Whether the general partners or officers have ever been convicted of a felony, or a misdemeanor under Section 6126 or 6127 or found liable under Section 6126.5.
 - (3) Whether the general partners or officers have ever been held liable in a civil action by final judgment or entry of a stipulated judgment, if the action alleged fraud, the use of an untrue or misleading representation, or the use of an unfair, unlawful, or deceptive business practice.
 - (4) Whether the general partners or officers have ever been convicted of a misdemeanor violation of this chapter.
 - (5) Whether the general partners or officers have had a civil judgment entered against them in an action arising out of a negligent, reckless, or willful failure to properly perform the obligations of a legal document assistant or unlawful detainer assistant.
 - (6) Whether the general partners or officers have ever had a registration revoked pursuant to Section 6413.
 - (7) Whether this is a primary or secondary registration. If it is a secondary registration, the county in which the primary registration is filed.
 - (d) The applications made under this section shall be made under penalty of perjury.

6405. (a) (1) An application for a certificate of registration by an individual shall be accompanied by a bond of twenty-five thousand dollars (\$25,000) executed by a corporate surety qualified to do business in this state and conditioned upon compliance with this chapter. The total aggregate liability on the bond shall be limited to twenty-five thousand dollars (\$25,000). An application for secondary registration shall meet all of the requirements of this subdivision, except that in place of posting another original bond or cash deposit, the applicant shall include a certified copy of the bond or cash deposit posted in the county in which the applicant filed the primary registration.

(2) An application for a certificate of registration by a partnership or corporation shall be accompanied by a bond executed by a corporate surety qualified to do business in this state and conditioned upon compliance with this chapter in the following amount, based on the total number of legal document assistants and unlawful detainer assistants employed by the partnership or corporation:

- (A) Twenty-five thousand dollars (\$25,000) for one to four assistants.
- (B) Fifty thousand dollars (\$50,000) for five to nine assistants.
- (C) One hundred thousand dollars (\$100,000) for 10 or more assistants. An application for a certificate of registration by a person employed by a partnership or corporation shall be accompanied by a bond of twenty-five thousand dollars (\$25,000) only if the partnership or corporation has not posted a bond in the amount required by this subdivision. An application for secondary registration shall meet all of the requirements of this subdivision, except that in place of posting another original bond or cash deposit, the applicant shall include a certified copy of the bond or cash deposit posted in the county in which the applicant filed the primary registration.

(3) If a partnership or corporation increases the number of assistants it employs above the number stated in its application for a certificate of registration, the partnership or corporation shall promptly increase the bond to the applicable amount in subparagraphs (B) or (C) of paragraph (2) based on the actual number of assistants it employs, and shall promptly submit the increased bond to the county clerk. The partnership or corporation shall promptly send a certified copy of the increased bond to the county clerk in any county of secondary registration.

(e) In lieu of the bond required by subdivision (a), a registrant may deposit the amount required by subdivision (a) in cash with the county clerk.

(h) The bond required by this section shall be in favor of the State of California for the benefit of any person who is damaged as a result of the violation of this chapter or by the fraud, dishonesty, or incompetency of an individual, partnership, or corporation registered under this chapter. The bond required by this section shall also indicate the name of the county in which it will be filed.

6406. (a) If granted, a certificate of registration shall be effective for a period of two years, until the date the bond expires, or until the total number of legal document assistants and unlawful detainer assistants employed by a partnership or corporation exceeds the number allowed for the amount of the bond in effect, whichever occurs first. Thereafter, a registrant shall file a new certificate of registration or a renewal of the certificate of registration and pay the fee required by Section 6404, and increase the amount of the bond if required to comply with subdivision (a) of Section 6405. A certificate of registration that is currently effective may be renewed up to 60 days prior to its expiration date and the effective date of the renewal shall be the date the current registration expires. The renewal shall be effective for a period of two years from the effective date or until the expiration date of the bond, or until the total number of legal document assistants and unlawful detainer assistants employed by a partnership or corporation exceeds the number allowed for the dollar amount of the bond in effect, whichever occurs first.

(b) Except as provided in subdivisions (d) to (f), inclusive, an applicant shall be denied registration or renewal of registration if the applicant has been any of the following:

- (1) Convicted of a felony, or of a misdemeanor under Section 6126 or 6127, or found liable under Section 6126.5.
- (2) Held liable in a civil action by final judgment or entry of a stipulated judgment, if the action alleged fraud, or the use of an untrue or misleading representation, or the use of an unfair, unlawful, or deceptive business practice.
- (3) Convicted of a misdemeanor violation of this chapter.
- (4) Had a civil judgment entered against him or her in an action arising out of the applicant's negligent, reckless, or willful failure to properly perform his or her obligation as a legal document assistant or unlawful detainer assistant.
- (5) Had his or her registration revoked pursuant to Section 6413.
- (c) If the county clerk finds that the applicant has failed to demonstrate having met the requisite requirements of Section 6402 or 6402.1, or that any of the paragraphs of subdivision (b) apply, the county clerk, within three business days of submission of the application and fee, shall return the application and fee to the applicant with a notice to the applicant indicating the reason for the denial and the method of appeal.