January 11, 2011

MEMO TO: Out-of-State Seed Dealers selling or shipping seed into Georgia

FROM: Aida Galarza
Seed Section Director

SUBJECT: Registration for Seed Dealer's License in Georgia

According to the Official Code of Georgia Annotated § 2-11-26 and Georgia Department of Agriculture Rules Chapter 40-12-8, all seed dealers must apply for a Seed Dealers License, including out-of-state seed dealers selling or shipping seed into Georgia. Rules Chapter 40-12-8, entitled Seed Dealer License Fee, outlines requirements of license registration, expiration and renewal as follows:

40-12-8-.01 Seed Dealer License Fees. Pursuant to Code § 2-11-26, during August 1997, each retail and wholesale dealer shall apply for a separate license for each point of sale from which seed are sold, offered for sale, or exposed for sale. Out-of-state wholesale and retail seed dealers who sell or ship seed into this state shall obtain a single license for their headquarters' location in the same manner. Application for license is made on forms supplied through the Seed Division of the Georgia Department of Agriculture. License applicants shall be assessed a fee of $100 for each three (3) year period or any portion thereof. All licenses shall expire on July 31, 2000, and every third year thereafter. Authority O.C.G.A. 2-11-26

First time <u>out-of-state</u> Georgia Seed Dealer License applicants must submit:

1) a completed Seed Dealer's License application form,

2) the $100.00 license fee made payable to the Georgia Department of Agriculture and

3) one of the additional enclosed forms needed by out-of-state companies selling or shipping into Georgia to comply with Georgia Department of Agriculture Registration, License and Permit Act to accept service of legal process.

For your information, listed below are three (3) ways an out-of-state company may comply with the requirement to accept legal process.

1. By letter designating a place in Georgia where the applicant may be personally served with legal process.

2. By letter designating appointment of an agent in Georgia for acceptance of service of legal process, together with the Georgia address.

3. Designation of the Georgia Secretary of State for acceptance of service of legal process. Forms are enclosed to designate the Georgia Secretary of State. Please select the form that applies to your business.

Your Georgia Seed Dealer's License will be issued as soon as your application file is complete.

To renew an expired Seed Dealer License please fill out a new application form and mail it in with the required $100.00 fee. Renewal advisement letters are sent out in June of the expiration year. Current licenses will expire on July 31, 2012.

Please contact me if you have any questions about your application for a Georgia out-of-state Seed Dealer's License or if I may assist in any other manner relating to shipping or selling seed in Georgia.

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Enclosures

To be used with a Corporation

STATE OF GEORGIA

SECRETARY OF STATE

CONSENT TO SERVICE OF PROCESS
UNDER DEPARTMENT OF AGRICULTURE
REGISTRATION, LICENSE AND PERMIT ACT

KNOW ALL MEN BY THESE PRESENTS:
That_____
_____, a corporation organized and existing under and by virtue of the laws of the State of _____, for the purpose of complying with Section 3 of the Department of Agriculture Registration, License and Permit Act of 1966, approved March 10, 1966 (Georgia Laws, 1966, pgs. 307-310), does hereby appoint the Secretary of State of the State of Georgia, or his successor in office, as its true and lawful attorney in fact upon whom may be served any summons or process in any action or proceeding against it in any court or administrative tribunal of competent jurisdiction of the State of Georgia or before the Commissioner of Agriculture of the State of Georgia and does hereby consent and agree that the service of said summons or process on the Secretary of State shall be of the same legal force and validity as if due service had been made upon it within the State of Georgia; and the said corporation does hereby direct that the Secretary of State forward the said summons or process to it at the following address:

_____
____

IN WITNESS WHEREOF, said corporation, in accordance with authority granted by a resolution of its Board of Directors, has caused this instrument to be executed by its president and secretary and its corporate seal to be affixed this _____day of _____, 20_____.

(CORPORATE SEAL) _____

By: _____President

By: _____Secretary

To be used with a Partnership

STATE OF GEORGIA

SECRETARY OF STATE

CONSENT TO SERVICE OF PROCESS
UNDER DEPARTMENT OF AGRICULTURE
REGISTRATION, LICENSE AND PERMIT ACT

KNOW ALL MEN BY THESE PRESENTS:

That_____
_____, a partner in the partnership named
_____with its principal office at
_____, composed solely of himself and the
following partner or partners: _____

for the purpose of complying with Section 3 of the Department of Agriculture Registration, License and Permit Act of 1966, approved March 10, 1966 (Georgia Laws, 1966, pps. 307-310), does hereby appoint the Secretary of State of the State of Georgia, or his successor in office, as their true and lawful attorney in fact upon whom may be served any summons or process in any action or proceeding against him or said partnership in any court or administrative tribunal of competent jurisdiction of the State of Georgia or before the Commissioner of Agriculture of the State of Georgia and hereby does consent and agree that the service of said summons or process on the Secretary of State shall be of the same legal force and validity as if due service had been made upon him within the State of Georgia; and the said partner does hereby direct that the Secretary of State forward the said summons or process to him at the following address:

_____
_____

IN WITNESS WHEREOF, the partner first above mentioned for and in behalf of himself and the partnership

has caused this instrument to be duly executed under seal this _____ day of
_____, 20_____.

Name of Partnership _____ (SEAL)

Name of Partner _____ (SEAL)

By: _____ (SEAL)
Signature of Partner in behalf of himself and Partnership

(STATE OF _____)

(COUNTY OF_ _____)

On this _____ day of _____, 20_____ before me, a notary public in and for the said county and state, personally appeared _____, to me known to be the person first above mentioned in and who executed the foregoing instrument and who, being by me first duly sworn, did depose and say that he is a partner in the partnership described in the foregoing instrument, that he and the other partner or partners mentioned in the said instrument constitute all of the partners in the said partnership, that the said instrument was executed in behalf of himself and the said partnership with the knowledge and consent of the other partner or partners, and that the averments contained therein are true and correct.

(NOTARIAL SEAL)

_____ Notary Public

My Commission Expires: _____

EACH PARTNER MUST EXECUTE A SEPARATE CONSENT TO SERVICE OF PROCESS.

To be used with a Proprietorship

STATE OF GEORGIA

SECRETARY OF STATE

CONSENT TO SERVICE OF PROCESS
UNDER DEPARTMENT OF AGRICULTURE
REGISTRATION, LICENSE AND PERMIT ACT

KNOW ALL MEN BY THESE PRESENTS: That_____ a

sole proprietor, d/b/a

_____ with his

principal office at _____

for the purpose of complying with Section 3 of the Department of Agriculture Registration, License and Permit Act of 1966, approved March 10, 1966, (Georgia Law, 1966, pp. 307-310), does hereby appoint the Secretary of State of the State of Georgia, or his successor in office, as his true and lawful attorney in fact upon whom may be served any summons or process in any action or proceeding against him in any court or administrative tribunal of competent jurisdiction of the State of Georgia or before the Commissioner of Agriculture of the State of Georgia and does hereby consent and agree that service of said summons or process on the Secretary of State shall be of the same legal force and validity as if due service had been made upon him within the State of Georgia; and the said sole proprietor does hereby direct that the Secretary of State forward the said summons or process to him of the following address:

_____

IN WITNESS WHEREOF, said sole proprietor has here unto set his hand affixed his seal this _____ day of _____, 20_____.

Sole Proprietor signature: _____ (SEAL)

STATE OF _____) COUNTY OF _____)

On this _____ day of _____, 20_____ before me, a notary public in and for the said county and state, personally appeared _____, to me known to be the person described in and who executed the foregoing instrument and who, being by me first duly sworn, did depose and say that he is the sole proprietor of the business described in the foregoing instrument and that the averments contained therein are true and correct.

_____, Notary Public

(NOTARIAL SEAL)

My Commission Expires: _____

To be used with a LLC

STATE OF GEORGIA

SECRETARY OF STATE

CONSENT TO SERVICE OF PROCESS
DEPARTMENT OF AGRICULTURE REGISTRATION, LICENSE AND PERMIT ACT

KNOW ALL MEN BY THESE PRESENTS:

That _____, a limited liability corporation (LLC) organized and existing under and by virtue of the laws of the State of _____, does hereby appoint the Secretary of State of the State of Georgia as its attorney-in fact, as follows:

RESOLUTION:
For the purpose of complying with Section 2-5-3 of the Department of Agriculture Registration, License and Permit Act, _____, does hereby appoint the Secretary of State of the State of Georgia, or his successor in office, as its true and lawful attorney in fact upon whom may be served any summons or process in any jurisdiction of the State of Georgia or before the Commissioner of Agriculture of the State of Georgia and does hereby consent and agree that the service of said summons or process on the Secretary of State shall be of the same legal force and validity as if due service had been made upon it within the State of Georgia; and the said corporation does hereby direct that the Secretary of State forward the said summons or process to it at the following address: _____
STREET ADDRESS ONLY. NO P.O. BOX NUMBER

IN WITNESS WHEREOF, said corporation, in accordance with authority granted by the foregoing resolution of its Board of Directors, has caused this instrument to be executed by its president and secretary and its corporate seal to be affixed this _____ day of _____, 20 _____.

- (CORPORATE SEAL)
  (optional)

By: _____
President

By: _____
Secretary

(STATE OF _____)
( ) SS.
(COUNTY OF _____)

On this _____ day of _____, 20 _____, before me a notary public in and for said county and state,personallyappeared_____and_____ to me known to the (President) (Secretary) persons described in and who executed the foregoing instrument and who, being by me first sworn, did say that they are the president and secretary, respectively, of the Corporation described in the foregoing instrument, that the seal affixed to said instrument in the corporate seal of the said Corporation by authority of its Board of Directors, and that the averments contained therein are true and correct.

* (NOTARIAL SEAL) _____ Notary Public

My Commission Expires: _____

(Please fill in every blank) (*Affix seal or write none)

Georgia Seed Dealer's License Application

Gary W. Black
Commissioner

Application is hereby made for license to sell seed in accordance with the Georgia Seed Law section 2-11-26, and Georgia Department of Agriculture Rule 40-12-8-.01: Seed Dealer License Fees.

COMPANY NAME _____

P.O. BOX NO. _____

ADDRESS _____

CITY _____ **STATE** _____ **ZIP CODE** _____

TELEPHONE _____ **FAX** _____

COUNTY _____ **E-MAIL** _____

APPLICATION MADE BY _____
PRINT NAME TITLE

_____
SIGNATURE DATE

** Please remit the $100.00 fee (check or money order only), payable to the Georgia Department of Agriculture, with the completed application to: Seed Section-Agriculture Building, Room 536, 19 M. L. King Jr. Drive, SW, Atlanta, GA 30334.