

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 99870 / April 1, 2024

Admin. Proc. File No. 3-21865

In the Matter of

CANG BAO TIAN XIA INT’L ART TRADE CENTER,
INC.

ORDER GRANTING MOTION TO SERVE RESPONDENT VIA THE
NEVADA SECRETARY OF STATE

The Securities and Exchange Commission issued an Order Instituting Proceedings (“OIP”) on February 27, 2024, pursuant to Section 12(j) of the Securities Exchange Act of 1934, against respondent Cang Bao Tian Xia International Art Trade Center, Inc. (“Respondent”).¹ The OIP states that Respondent is a defaulted Nevada corporation located in Hainan Province, China.

The Division seeks to serve the OIP under Rule of Practice 141(a)(2)(ii), which permits service, among other methods, by delivering a copy of the OIP to any “agent authorized by appointment or law to receive such notice.”² Corporations created in Nevada are required to have “a registered agent who resides or is located in” Nevada.³ The Division states that it sought to serve the OIP on Respondent via its registered agent in Nevada, but—as reflected in an exhibit to the Division’s motion—the registered agent resigned.

Under Nevada law, if a corporation fails to appoint a registered agent or fails to file a timely statement of change of registered agent service may be accomplished by serving the Nevada Secretary of State and complying with specified procedures.⁴ Among other things, a copy of the service papers must be sent by registered or certified mail to the last-known address

¹ *Cang Bao Tian Xia Int’l Art Trade Ctr, Inc.*, Exchange Act Release No. 99612, 2024 WL 835272 (Feb. 27, 2024).

² 17 C.F.R. § 201.141(a)(2)(ii); *cf. Wonhe High-Tech Int’l, Inc.*, Exchange Act Release No. 91467, 2021 WL 1235878, at *1 (Apr. 2, 2021) (stating that service of an OIP on a Nevada corporation located in China was consistent with Rule 141(a)(2)(ii) where delivery was made to its registered agent).

³ Nev. Rev. Stat. § 78.090.

⁴ Nev. Rev. Stat. § 14.030; *see also* Nev. R. Civ. P. § 4.2(c)(3).

of the corporation or any of its officers.⁵ Because the Nevada Rules of Civil Procedure require “leave of court” to serve an entity with a summons or complaint in a civil action via the Secretary of State, the Division requests that the Commission “grant leave to serve Respondent via the Nevada Secretary of State.”

Nevada Revised Statute Chapter 14.030, however, states that a Nevada corporation “may be served with any and all legal process” through the Nevada Secretary of State without such “leave of court,” if the other procedures specified therein are followed. It appears that those other procedures could be satisfied here without prior leave to do so from the Commission.⁶ Although it therefore does not appear that “leave of court” is required here, if such leave is required, this Order grants the Division’s request for permission to serve the OIP on Respondent via the Nevada Secretary of State.

To assist the Office of the Secretary in maintaining a record of service that establishes that the OIP has been properly served,⁷ IT IS ORDERED that the Division of Enforcement file a

⁵ See, e.g., *3D Pioneer Sys., Inc.*, Exchange Act Release No. 99453, 2024 WL 360898, at *1 & n.3 (Jan. 31, 2024).

⁶ We have previously stated that advance permission from the Commission is not required for the Division to serve an OIP on a Nevada corporation via the Nevada Secretary of State. See, e.g., *Emarine Glob., Inc.*, Exchange Act Release No. 93842, 2021 WL 6062970, at *1 (Dec. 21, 2021) (finding that it was appropriate for the Division to serve an OIP on a Nevada corporation via the Nevada Secretary of State where the corporation's registered agent had resigned, and that the Division could do so “without prior leave to do so from the Commission”).

⁷ See Rule of Practice 141(a)(3), 17 C.F.R. § 201.141(a)(3).

status report concerning service of the OIP by April 30, 2024, and every 28 days thereafter until service is accomplished.

The parties' attention is directed to the e-filing requirements in the Rules of Practice.⁸

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Secretary

⁸ See Rules of Practice 151, 152(a), 17 C.F.R. §§ 201.151, .152(a) (providing procedure for filing papers with the Commission and mandating electronic filing in the form and manner posted on the Commission's website); *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. Parties generally also must certify that they have redacted or omitted sensitive personal information from any filing. Rule of Practice 151(e), 17 C.F.R. § 201.151(e).