

Service Instructions to Plaintiff

You must serve the Defendant with the following:

1. Information and Instructions - Form 1.
2. Completed Summons - Form 1(a).
3. Completed Notice of Hearing & Appearance – Form 1(b).
4. Completed Petition - Form 2.
5. Completed Plaintiff's financial affidavit - Form 2(a) and continuation sheet – 2(b) if used.
6. Defendant's Admission of Service Form 2 (d) if used.
7. Defendant's Instructions – Form 3 series
8. Blank Defendant's Answer and Counterclaim – Form 3.
9. Blank Defendant's Financial Affidavit – Form 3(a).
10. Blank Defendant's Financial Affidavit continuation sheet - 3(b).
11. Service instructions to Defendant.
12. Blank Defendant's Affidavit of Mailing/Personal Service – 3(c).
13. Blank Plaintiff's Admission of Service – 3(d).

Proof of service is an important step in the legal process. Service may be done in three different ways and must be filed with the clerk.

1. **BY MAIL.**

If you elect to serve papers by mail, you must:

- A. Have someone who is at least 18 years of age and not a party of interest to this action send the documents listed above to the defendant. Send the items by **CERTIFIED MAIL, RETURN RECEIPT REQUESTED (RESTRICTED DELIVERY)** The envelope should be marked "DELIVER TO ADDRESSEE ONLY".
- B. Complete the "AFFIDAVIT OF MAILING" section of Form 2 (c) and have the person who mailed the forms (must be a person other than the plaintiff) sign the appropriate section **in front of a clerk of court or notary public.**
- C. File the AFFIDAVIT OF MAILING, TOGETHER WITH THE GREEN CARD RECEIPT SIGNED BY THE DEFENDANT SHOWING ACTUAL DELIVERY with the clerk.

2. **BY PERSONAL SERVICE.**

You may serve the defendant by personal service by:

- A. Giving the forms to the sheriff for service on the defendant (you will be charged a fee).
- B. You may have another person of legal age and who is not a party to or interested in the action give the papers to the defendant. If this is done, the person serving the papers must fill out the AFFIDAVIT OF PERSONAL SERVICE section of Form 2 (c) and sign the form **in front of a clerk of court or notary public.**
- C. File the AFFIDAVIT OF PERSONAL SERVICE or proof of service from the Sheriff's office with the clerk.

3. **BY OBTAINING THE DEFENDANT'S SIGNATURE on Form 2 (d).**

Service may be made by providing the defendant copies of all the forms listed above.

- A. Ask defendant to complete the ADMISSION OF SERVICE Form 2(d) and fill in the date he or she received the Summons, Petition, and Notice of Hearing.
- B. Ask the defendant to sign Form 2(d) and file it with the clerk.