

Information Sheet on Service

The plaintiff is the person who starts the case. The plaintiff must **serve** the defendant (the person who is being sued) with court papers. **Service** of the papers means giving a copy of the **summons** and **complaint** to the defendant. The papers must be served exactly as the law says or service is not good and the case can be dismissed (thrown out).

A “summons” is a paper from the person suing you (the plaintiff) that has these words at the top: CONSUMER CREDIT TRANSACTION. It says you must answer the plaintiff’s complaint by a certain time. The complaint shows all of the information that the plaintiff will have to prove is true in court in order to win the case against the defendant.

The court papers starting the case have to be given to you (“served”) exactly as the law says in one of these ways:

1. **Personal Delivery**

Hand it to you. Service is good if it is handed to you. No other steps have to be followed. **OR**

2. **Substituted Service**

The law allows service on another person who is called a “substituted person.” The papers must be handed to someone who lives with you, or works for you in your home, or works with you at your usual place of business. This person must be someone who understands the importance of giving you the papers and is old enough to be responsible. Also, a copy of the summons and complaint must be mailed to you by first class mail to where you live or work in an envelope marked “Personal and Confidential” within 20 days of the date the papers were given to the substituted person who took the papers for you. The envelope may not say that it is from an attorney or that it is about a case against you. Proof that the papers were served on you must be filed with the court by the plaintiff within 20 days of the date the substituted person was handed the papers or of the date the papers were mailed to you, whichever is later. All these steps must be followed to have good service. **OR**

3. **Conspicuous (Nail and Mail) Service**

The plaintiff must try to serve you with the papers three times and at different times of the day when you (or someone who lives with you, or works for you in the home, or works with you at your usual place of business) are most likely to be around to take the papers. If nobody can be found on the third try, the plaintiff can tape the papers on the door and mail you a copy by first class mail to where you live or work in an envelope marked “Personal and Confidential” within 20 days of leaving the papers at your door. The envelope may not say that it is from an attorney or that it is about a case against you. Proof that the papers were served on you must be filed with the court by the plaintiff within 20 days of the date the papers were put on your door or when the papers were mailed, whichever is later. All these steps must be followed to have good service.