

Service Instructions to Defendant

You must serve the Plaintiff with the following:

1. Defendant's Answer and Counterclaim – Form 3.
2. Completed Defendant's Financial Affidavit – Form 3(a).
3. Completed Defendant's financial affidavit continuation sheet - 3(b) if used.

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 to the plaintiff by U.S. MAIL.
- B. Complete the "AFFIDAVIT OF MAILING" section of Form 3 (c) and have the person who mailed the forms (must be a person other than the defendant) sign the appropriate section **in front of a clerk of court or notary public**.
- C. File the AFFIDAVIT OF MAILING with the clerk.

2. BY PERSONAL SERVICE

You may serve the plaintiff by personal service by:

- A. Giving the forms to the sheriff for service on the plaintiff (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 plaintiff. If this is done, the person serving the papers must fill out the AFFIDAVIT OF PERSONAL SERVICE part of Form 3 (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 with the clerk of court.

3. BY OBTAINING THE PLAINTIFF'S SIGNATURE on Form 3 (d)

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

- A. Ask plaintiff to complete the ADMISSION OF SERVICE Form 3 (d) and fill in the date he or she received the Defendant's Answer and Defendant's Financial Affidavit forms.
- B. Ask the plaintiff to sign Form 3 (d) and file it with the clerk.