

## How to fill out

# PROOF OF SERVICE OF SUMMONS (POS-010)

## DIRECTIONS

- ▶ Find the number on the sample form. *Example:* 1
- ▶ Go to the same number below to find out how to fill out the form.
- ▶ Type or print in black ink
- ▶ Fill out one proof of service form for each defendant.

1 Plaintiff (if not self) Name, address, phone, and fax number ATTORNEY (if known)	POS-010 Process Server Name
2 SUPERIOR COURT OF CALIFORNIA, COUNTY OF COURT ADDRESS CITY AND ZIP CODE MAILING ADDRESS	
3 PLAINTIFF (PERSON): EMPLOYMENT (RESPONDENT):	4 Case Number: Ref. No. (if any):
<b>PROOF OF SERVICE OF SUMMONS</b> <small>(Separate proof of service is required for each party served.)</small>	
5 1. At the time of service I was at least 18 years of age and not a party to this action. 2. I served copies of: a. <input type="checkbox"/> summons b. <input type="checkbox"/> complaint c. <input type="checkbox"/> Alternative Dispute Resolution (ADR) package d. <input type="checkbox"/> Civil Case Cover Sheet (required in complex cases only) e. <input type="checkbox"/> cross-complaint f. <input type="checkbox"/> other (specify documents): 3. a. Party served (specify name of party as shown on documents served): b. Person served: <input type="checkbox"/> party in item 3a <input type="checkbox"/> other (specify name and relationship to the party named in item 3a): 4. Address where the party was served: 5. I served the party (attach paper box): a. <input type="checkbox"/> by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party. (1) on (date): (2) at (time): b. <input type="checkbox"/> by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b): 6. (1) <input type="checkbox"/> I furnished a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers. (2) <input type="checkbox"/> I (have) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers. (3) <input type="checkbox"/> I (physically address envelope) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers. (4) <input type="checkbox"/> I transferred (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.23). I mailed the documents on (date): from (city): or <input type="checkbox"/> I attach a declaration of diligence containing instructions to be first to attempt personal service. (5) <input type="checkbox"/> I attach a declaration of diligence containing instructions to be first to attempt personal service.	
8 8. Check by personal service if you delivered the papers to the Defendant or their authorized agent for service. Include the date and time. Check by substituted service if you left the papers with someone other than the Defendant. Include date and time. Write the name of the person, their title or relationship to the Defendant.	
9 9. Check the box that says where you delivered the legal papers: • <b>Business (1)</b> , Defendant's <b>home (2)</b> , or other place (address not known and NOT a U.S. post office box). NOTE: The person receiving the legal papers must be at least 18 years of age. • If you served the documents by substitute service, you must check (4) and ALSO mail copies of the papers to the Defendant at the address of the residence. Include date and city of mailing. • If you served a defendant by substituted service, check the box that says you are attaching a <b>declaration of diligence</b> and attach one.	

- 1 Write your name, address, phone, and fax number (if you have one).
- 2 If not filled in for you, write "Fresno" after COUNTY OF. Write the address of the court location where you are filing your papers.
- 3 Fill in the names of the Plaintiff and Defendant. (The Plaintiff is the person that starts a case against another person, the Defendant.)
- 4 Your case number needs to be on the form **DO NOT FILL OUT THE REST OF THIS PAGE: the process server fills out the rest of this form.**
- 5 **Process Server:** You must be at least 18 years old and not involved with this case. Check boxes for each legal paper delivered. If you served papers other than the four listed, check the "other" box and write the names of the documents.
- 6 Write the name of the Defendant as the party served. For b. check the first box if you delivered the legal papers to the Defendant. Check the second box if you delivered them to another person. Write the name of this person, and explain their relationship to the Defendant (husband or wife, adult family member, roommate).
- 7 Write the address where you delivered the legal papers.
- 8 Check by **personal service** if you delivered the papers to the Defendant or their authorized agent for service. Include the date and time. Check by **substituted service** if you left the papers with someone other than the Defendant. Include date and time. Write the name of the person, their title or relationship to the Defendant.
- 9 Check the box that says where you delivered the legal papers:
  - **Business (1)**, Defendant's **home (2)**, or other place (address not known and NOT a U.S. post office box). NOTE: The person receiving the legal papers must be at least 18 years of age.
  - If you served the documents by substitute service, you must check (4) and ALSO mail copies of the papers to the Defendant at the address of the residence. Include date and city of mailing.
  - If you served a defendant by substituted service, check the box that says you are attaching a **declaration of diligence** and attach one.

PLAINTIFF/PETITIONER: DEPENDANT/RESPONDENT:	<b>10</b>	CASE NUMBER
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c.  by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.

**11**

(1)  on (date): \_\_\_\_\_ (2) from (city): \_\_\_\_\_

(3)  with two copies of the *Notice and Acknowledgment of Receipt* (form 982(a)(4)) and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt* (form 982(b)(4)).) (Code Civ. Proc., § 415.30.)

(4)  to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d.  by other means (specify means of service and authorizing code section): \_\_\_\_\_

**12**

Additional page describing service is attached.

8. The "Notice to the Person Served" (on the summons) was completed as follows:

a.  as an individual defendant.

b.  as the person sued under the fictitious name of (specify): **13** \_\_\_\_\_

c.  On behalf of (specify): \_\_\_\_\_

under the following Code of Civil Procedure section

<input type="checkbox"/> 418.10 (corporation)	<input type="checkbox"/> 415.85 (business organization, form unknown)
<input type="checkbox"/> 416.20 (delunct corporation)	<input type="checkbox"/> 416.80 (minor)
<input type="checkbox"/> 418.50 (joint stock company/association)	<input type="checkbox"/> 416.70 (ward or conservatee)
<input type="checkbox"/> 416.40 (association or partnership)	<input type="checkbox"/> 416.80 (authorized person)
<input type="checkbox"/> 416.50 (public entity)	<input type="checkbox"/> 415.46 (occupant)
	<input type="checkbox"/> other

7. Person who served papers **14**

a. Name \_\_\_\_\_

b. Address \_\_\_\_\_

c. Telephone number: \_\_\_\_\_

d. The fee for service was: \$ \_\_\_\_\_

e. I am:

(1)  not a registered California process server.

(2)  exempt from registration under Business and Professions Code section 22356(b).

(3)  registered California process server:

(i)  Employee or independent contractor.

(ii) Registration No.: \_\_\_\_\_

(iii) County: \_\_\_\_\_

9.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or **15**

9.  I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: \_\_\_\_\_

**16**

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NAME OF PERSON WHO SERVED PAPERS (SHERIFF OR MARSHAL) \_\_\_\_\_ (SIGNATURE) \_\_\_\_\_

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## PROOF OF SERVICE OF SUMMONS (POS-010)

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### DIRECTIONS:

- ▶ Find a number on the sample form  
*Example:* **10**
- ▶ Go to the same number below to find out how to fill out the form
- ▶ Type or print in black ink
- ▶ Fill out one proof of service form for each defendant.

- 10** Fill in the names of the Plaintiff and Defendant. Your case number needs to be on the form. **DO NOT FILL OUT THE REST OF THIS PAGE.** *The process server fills out the rest of the form.*
- 11** *Process Server:* This section continues from the previous page.
- Check c., if you served the legal papers using first class mail and postage prepaid. Include date and city of mailing (example: Fresno). You must also check either box 3 or box 4, whichever applies.
  - Check box 3 and include two copies of "Notice and Acknowledgment of Receipt" and a postage-paid envelope addressed to YOU. Be sure to attach the completed "Notice and Acknowledgment" form
  - Check box 4, IF you mailed the legal papers to an address outside of California with "return receipt requested." You must also attach the signed return receipt or other evidence showing that the defendant actually received the letter (this is done by restricting delivery to the defendant only).
- 12** Check d, if you served the legal papers some other way. Write the method in the space provided and include the legal code that gives you permission to do this. Check box and attach an additional page if you need more space.
- 13** Check all boxes that apply concerning the "Notice to the Person Served." Write names where asked. Check box a) if a person, b) if a person sued under fictitious name, or c) if for another person. If d) check the code number.
- 14** *Process server:* You must write your name, address, and telephone number. If you were paid for delivering the legal papers, write that amount in d. For e, check all boxes that apply and fill in information where asked.
- 15** Check first box if you are NOT a California sheriff or marshal. Check second box if you are a sheriff or marshal in California.
- 16** Date the form. Type or print your name on the left. Sign your name on the right.