

III. SERVICE OF SUMMONS

After the complaint is filed, a summons is issued. The defendant is given an appearance date of 7 to 21 days to appear to admit or deny the claim. The summons may be served by the Sheriff, a licensed private investigator or a private process server. If the plaintiff wishes to have service of summons made by private process server, a written motion and proposed order should be filed at the same time as the complaint (*scroll to page 13 to view Motion to Appoint Special Process Server form*). If a summons is to be served by the Sheriff, it must be served by the Sheriff of the County where the defendant resides.

The case cannot go forward against a defendant until process has been served upon that defendant. If process cannot be served because the defendant cannot be located or because the defendant is avoiding service, publication of service or posting of service may be used in place of personal service. If service of process is made by publication or posting, then the judgment against any defendant served only by publication or posting will be for possession of the premises only and will not include a judgment for rent. A court order allowing publication or posting for service of process is not needed.