

**Superior Court, County of
Ventura
Self-Help Legal Access Center**

**DEFENDING LAWSUITS
FOR
BREACH OF CONTRACT
OR
COLLECTION OF MONEY
(COMMON COUNT)**

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Completing the Certificate of Service By Mail

SERVING THE ANSWER AND COMPLETING THE CERTIFICATE OF SERVICE BY MAIL

Before you can file your answer with the court, you first have to make sure that a copy is **served** on the other side. This means that a copy of the answer with the proof of service has to be given to the attorney for the plaintiff, or the plaintiff if not represented by an attorney. It can be **served** by mail or hand delivered, but only by a person who is not a **plaintiff** or **defendant** in the case. (Hand delivered documents require a different **proof of service**.)

The **certificate of service by mail** form is used to show the court that a copy of your answer was sent to the other side before you file the original. It does not have to be received by the other side before you file, only put in the mail. The certificate must be signed by a person over age 18 who is **not** a party to the case. This means that neither you, nor any other defendant in the case, can sign the proof of service. A completed sample form is found at the back of this booklet.

**THE COURT WILL NOT ACCEPT AN ANSWER FOR
FILING WITHOUT A SIGNED PROOF OF SERVICE
ATTACHED.**

Completing the Certificate of Service By Mail

To complete the certificate of service by mail first fill in the caption box at the top of the form just as you completed the caption on your answer form.

1. In paragraph one put “Answer-Contract.”
2. Paragraph 2 does not need a response. It is a statement certifying that the documents are mailed in the same county where the person putting them in the mail either lives or works.
3. A copy of the Answer and Certificate of Service by Mail should be mailed to the name and address that appear in the middle portion of the **summons** just below the name and address of the court. The **summons** is the coversheet that you were given when you were **served** with the complaint. If the plaintiff’s name and address are shown on the summons the answer must be mailed to the plaintiff. If the plaintiff’s attorney’s name and address are shown on the summons, the answer must be sent to the attorney.
 - a. In paragraph 3(a) put the name of the plaintiff if he or she is not represented by an attorney. If the plaintiff is represented by an attorney put the attorney’s name and the name of the plaintiff as follows:

Mary Jones, Esq.

Attorney for Plaintiff, John Smith

- b. In paragraph 3(b) put the name of the law firm, if there is one, and the address of plaintiff’s attorney, or plaintiff if he or she is not represented by an attorney.

4. In paragraph 4 state the city and county where the copy of the Answer and Certificate of Service by mail is put into the mail and the date when mailed.

5. In paragraph 5 put the name, address and telephone number of the person who will mail a copy of the Answer and Certificate of Service by Mail to the other side. Either a work address or home address may be given where he or she can be contacted if there are any questions about the service.

6. In paragraph 6 the person who mails a copy of the Answer and Certificate of Service by Mail dates and signs the Certificate of Service by Mail. This must be the same person who actually puts the copy of the Answer and Certificate of Service by Mail in the mailbox, addressed to the other side. The envelope must have enough postage to cover the cost of mailing by first class mail. You can buy a stamped envelope from the court clerk in room 208, window 1 in Ventura, or from the clerk's office in Simi Valley at the window where you buy court forms.

MAKE SURE A **COPY** OF THE ANSWER AND CERTIFICATE OF SERVICE BY MAIL IS MAILED, NOT THE ORIGINAL. You need to file your original Answer at the Court Clerk's office together with the **Certificate of Service by Mail**. You should have an extra copy with you when you file the original so the clerk can stamp the copy and give it back to you. This is called a **conformed** copy. You should always keep a **conformed** copy of each paper you file with the court.