

## **Service requirements**

The law requires that when you sue a person, partnership, corporation, or government entity, you must give the other party formal notice that you have started the legal process. In fact, the judge cannot make any permanent orders or judgments unless and until the other party has been properly "served" (given) all the appropriate documents within the proper time frame.

The rules about serving the paperwork involved in an eviction (unlawful detainer) case are complicated and you must follow them carefully.

If you have any questions about the rules and how they apply to your case, you should contact a legal advisor **before** you serve the papers.

## **Who can serve your documents?**

Anyone other than you who is 18 years of age or older and is not a party to your case can serve your documents. This includes friends, relatives, a Deputy Sheriff, or a process server. You **cannot** be the one to serve your documents on the other party in your case.

## **UNLAWFUL DETAINER**

## **SELF-HELP CENTER**

## **DAYS AND HOURS OF OPERATION**

Open MONDAY through FRIDAY  
8:30 a.m. to 4:30 p.m.

We appreciate your comments about the services provided at the Self-Help Center. Please take a moment to complete the exit survey

**ASK ABOUT THE SELF-  
HELP WORKSHOPS THAT  
MAY BE AVAILABLE TO  
HELP YOU.**

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## **WHAT YOU SHOULD KNOW ABOUT SERVING COURT PAPERS**

## **UNLAWFUL DETAINER SELF-HELP CENTER**

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**Our mission is to provide  
justice, equality and fairness for  
all under the law.**

For information call:  
(916) 876-5132  
301 Bicentennial Circle  
Sacramento, CA 95825

## **IF YOU ARE FILING A COMPLAINT:**

When you file your complaint with the court, you will receive an original summons form. The back of that form is called a Proof of Service. Each person who is named as a defendant must be served with a copy of the summons and complaint. A separate proof of service must be completed for each person served.

**Personal service:** In most cases, the summons and complaint are personally served on the defendants (tenants). This means that **someone other than you** who is 18 years of age or older and is not a party to your case hands your documents to the tenant. When personal service is made, the defendant has 5 calendar days (excluding court holidays) to file a response with the court.

**Substitute service:** Under certain circumstances, the law provides that the summons and complaint may be personally served on **someone other than the defendant** and then copies of the documents are mailed to the defendant. Check with a legal advisor for information about when this type of service is allowed. When substitute service is made, the defendant has 15 calendar days from the date the documents were mailed to file a reply with the court.

**Service pursuant to a posting order:** If you are unable to serve the defendant any other way, you may apply to the court for an order that allows you to have a copy of the summons and complaint posted on the property and then mailed to the defendant. You must have a court order to do this. Check with a legal advisor for information about when this type of service is allowed.

This type of service is sometimes referred to as “nail and mail. When service is done by posting, the defendant has 15 calendar days from the date the documents were mailed to file a reply with the court.

**Proof of service requirement:** The person who serves the summons and complaint must complete a separate Proof of Service for each person served. You should file the original summons and all of the proofs of service with the court as soon as possible. When you file the original papers, you should take an extra copy to the court so that the clerk can give you a copy to keep for your own records

## **IF YOU ARE THE TENANT FILING AN ANSWER, MOTION OR DEMURRER:**

Before you file your papers with the court, you first have to make sure that a copy of the papers is served on the landlord of the property. This means that a copy of the papers along with a proof of service form must be mailed or hand delivered to the attorney for the landlord or, if the landlord is not represented by an attorney, to the landlord. Only by a person who is at least 18 years of age and is not a plaintiff or defendant in the case can serve the papers.

A Proof of Service form is used to show the court that a copy of your papers were sent to the other party in the case before you filed the original papers. The papers do not have to be received by the other party before you file them; they must only be put in the mail. The proof of service must be signed by a person over 18 who is not a party to the case. This means that neither you, nor any other tenant in the case, can sign the Proof of Service form. You can obtain this form at the court, on line at

[www.saccourt.com](http://www.saccourt.com), or from books containing general legal forms available at the Sacramento County Public Law Library

The court will not accept an answer or other papers for filing without a signed Proof of Service form attached.

**Proof of service requirement :** After your documents have been served, you must show the court that the other party was properly served. The means used to show the court that the other party was properly served varies depending on whether the other party was served personally or by mail. You must file the original copy of the signed proof of service with the court. When you file the original, you should take an extra copy to the court so that the clerk can give you a copy to keep for your own records

## **IF YOU ARE THE DEFENDANT, THE TIME TO FILE A RESPONSE WITH THE COURT VARIES BY TYPE OF SERVICE:**

If you were **personally** served, you have 5 calendar days (excluding court holidays) from the date you were served to file a response.

If **substitute** service was made, you have 15 calendar days (excluding court holidays) from the date the documents were mailed to you were served to file a response

If service was made under a **posting order** from the court, you have 15 calendar days (excluding court holidays) from the date the documents were mailed to you were served to file a response.