**HOW TO SERVE AN EVICTION COURT CASE**

**SERVICE INFORMATION**

* The plaintiff/agent cannot serve the summons.
* Service of the summons must be completed at least seven (7) days before the hearing date.
* A summons cannot be served on a legal holiday.
* An affidavit of service must be filed with the court three (3) working days before the court date.

**SERVING THE SUMMONS**

 **PERSONAL SERVICE**

* A disinterested third party may hand the summons directly to the defendant at least 7 days before the court date.

**SUBSTITUTE SERVICE**

* The deliverer of the summons may leave a copy of the summons with a person of suitable age and discretion who lives/resides with the defendant.

**THE ORIGINAL SUMMONS ALONG WITH THE AFFIDAVIT(S) OF SERVICE IS THEN FILED WITH THE COURT.**

**POSTING AND MAILING**

Posting is used as a form of service when the defendant(s) cannot be found and if personal or substitute service has been attempted at least twice.

All of the following steps must be completed at least seven days before the hearing:

 **By the server**

1. Server has made at least two attempts at service at the premises. Attempts must be on different days with one attempt between 6:00 pm and 10:00 pm.
2. After this is completed, the server posts the Summons and Complaint on the door of the named premises. This must occur at least seven (7) days prior to the hearing.
3. Server completes an “Affidavit of Not Found” and an “Affidavit of Posting”.

**By the Plaintiff/Agent/Attorney**

1. The plaintiff, plaintiff’s agent or attorney mails a copy of the Summons and Complaint to each defendant at the named address OR the server could do the mailing.
2. The plaintiff, plaintiff’s agent or attorney completes an “Affidavit of Plaintiff” and an “Affidavit of Mailing”. IF THE SERVER MAILS THEN THE SERVER COMPLETES THE AFFIDAVIT OF MAILING.

**THE ORIGINAL SUMMONS ALONG WITH THE AFFIDAVIT OF PLAINTIFF, THE AFFIDAVIT OF MAILING, THE AFFIDAVIT OF NOT FOUND AND THE AFFIDAVIT OF POSTING ARE FILED WITH THE COURT.**

**ALL AFFIDAVITS MUST BE NOTARIZED.**

Housing Court 651-266-8230

|  |  |
| --- | --- |
| **State of Minnesota** | **District Court, 2nd Judicial Districtt** |
|  |  |
| **County of Ramsey**  | **Case No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**PERSONAL SERVICE**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­\_\_\_\_\_\_\_\_\_\_\_\_, being duly sworn upon oath says that in the City of

(Please print name of personal who served papers)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in the County of Ramsey, in said State, on the \_\_\_\_\_day

of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_, served the attached Summons and Complaint in Unlawful Detainer upon the within-named Defendant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ personally by then & there handing to & leaving with the Defendant a true & correct copy thereof.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subscribed and sworn to before me this Signature of person serving paper

\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 200\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Signature/Deputy Clerk

|  |  |
| --- | --- |
| **State of Minnesota** |  **SUBSTITUTE SERVICE** |
| **County of Ramsey**  |  |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, being duly sworn upon oath says that in the City of

(Please print name of personal who served papers)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in the County of Ramsey, in said State, on the \_\_\_\_\_day

of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_, served the attached Summons and Complaint in Unlawful Detainer upon the within-named Defendant[s]\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The within-named Defendant[s] not being found within Ramsey County, by handing to & leaving with a person of suitable age & discretion \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ residing therein.

Subscribed and sworn to before me this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 200\_\_\_ Signature of person serving paper

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Signature/Deputy Clerk

**State of Minnesota District Court, 2nd Judicial District**

**County of Ramsey Case No. 62-HG-CV-\_\_\_\_\_\_\_\_\_\_\_\_\_**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Plaintiff / Petitioner

V **Affidavit of Plaintiff**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Defendant / Respondent

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, (Attorney/Agent for) Plaintiff, being duly sworn, says that \_\_\_he/\_\_\_\_ she believes that the above Defendant(s) cannot be found or is not in this state.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 PLAINTIFF

Subscribed and sworn to before me this

\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 200\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Signature/Deputy Clerk

**Affidavit of Mailing Summons**

**In Unlawful Detainer/Eviction**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, (Attorney/Agent for) Plaintiff in the above entitled action, do Hereby swear that I mailed a copy of said posted summons to the Defendant at his/her last address known to me on \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 200\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Signature of person mailing Summons

Subscribed and sworn to before me this

\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 200\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Signature/Deputy Clerk

**State of Minnesota District Court, 2nd Judicial District**

**County of Ramsey Case No. 62-HG-CV-\_\_\_\_\_\_\_\_\_\_\_\_\_**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Plaintiff / Petitioner

V **Affidavit of Not Found**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Defendant / Respondent

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, being duly sworn, says that \_\_\_he/\_\_\_\_ she has attempted to make personal service of the Summons and Complaint in the above entitled action upon the herein named defendant(s). That service has been attempted at least twice on different days with at least one of the attempts having made between the hours of 6:00pm and 10:00pm in accordance with M.S. 566.06. That these attempts were

 at \_\_\_\_\_\_ AM/PM on \_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_ and at \_\_\_\_\_\_\_ AM/PM on \_\_\_day of

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_, and no personal service could be made. That to the best of my knowledge the defendant(s) cannot be found or on belief that the defendant(s) (is)(are) not in this state.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subscribed and sworn to before me this SIGNATURE

\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 200\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Signature/Deputy Clerk

**Affidavit of Posting Summons**

**In Unlawful Detainer/Eviction**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby swear that on the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, I posted a copy of the original summons and complaint in the above entitled action in a conspicuous place on the premises at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as and for service upon \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Signature of person posting Summons

\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 200\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Signature/Deputy Clerk