

## Mail and Post Instructions

### Overview

Service may be completed by way of Mailing and Posting if the defendant(s) cannot be found and if personal or substitute service has been attempted at least twice on different days with at least one of the attempts having been made between the hours of 6:00 p.m. and 10:00 p.m.

### Procedures:

1. Plaintiff is provided with the following documents; Affidavit of Not Found, Affidavit of Plaintiff, Affidavit of Service by Mail and Affidavit of Service by Posting.
2. Plaintiff is to make extra copies of the Summons and Complaint for the defendant. Plaintiff or the plaintiff's attorney at law mails copy of Summons and Complaint to the defendant at the defendant's last known address.
3. Process Server makes at least two attempts at personal service at the premises. The attempts must be on different days. One of the attempts must be between 6:00 p.m. and 10:00 p.m.
4. Process Server completes Affidavit of Not Found.
5. Plaintiff or Plaintiff's attorney at law completes Affidavit of Plaintiff.
6. Plaintiff or the Plaintiff's attorney at law (whoever did the mailing) completes Affidavit of Mailing.
7. Someone files the Affidavit of Not Found, Affidavit of Plaintiff and Affidavit of Mailing with the court.

### **AFTER AND ONLY AFTER THESE AFFIDAVITS ARE FILED, PROCEED TO NEXT STEPS:**

8. Process server posts the Summons and Complaint in a conspicuous (easy-to-notice) place on the premises (for example, on the front door of the apartment). **This must occur at least 7 days prior to the hearing but may be done after business hours.**
9. Process server completes Affidavit of Posting. Someone files this document at least 3 business days before the hearing.

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.