

HOW DO YOU “SERVE” THE DEFENDANT?

The plaintiff must officially notify all defendants that a case has been filed. This is known as service. **Important Note:** If you are suing the Department of Corrections or any other state agency, you MUST serve BOTH the agency *and* the [Attorney General](#). You must also send copies of anything you file to the Attorney General (*see below for information about service*).

Acceptance of Service – You can ask the defendant to sign an **Acceptance of Service** form as an alternative to formal service. The defendant can accept the claim and other papers from you and sign the form to prevent having a sheriff or process server perform service. Signing the **Acceptance of Service** does *not* mean the defendant agrees with anything in your claim, only that he or she received the papers. NOTE: this is NOT required.

If the defendant does not want to sign the **Acceptance of Service**, you must use another method. There are four ways you can serve a defendant *after* you file your claim:

NOTE: Serving Public Bodies – If you are suing the state, use personal service to serve the Attorney General. Or your server can leave the papers with a deputy, assistant, or clerk at the Attorney General’s office. For any other public body, you can use personal service or office service on an officer, director, managing agent, or lawyer for the defendant. If you are suing any state agency, you must *also* serve all papers on the state Attorney General.

1. **Personal Service:**

- a. **By Process Server:** Take a copy of the claim to the sheriff’s office in the county where the defendant is located and have a sheriff’s officer serve the defendant. The sheriff’s office charges a fee for service. You can also hire a private process server of your choice.
- b. **By a Non-Party:** Have a competent* person 18 years or older who is a resident of Oregon **and who is neither a party** to the case (plaintiff or defendant), **nor** the lawyer of a party, serve the defendant. If you have safety concerns, have the sheriff serve the defendant. The server cannot be an employee or director/ officer of any defendant. If the defendant is not in Oregon, the process server can be a resident of the state where the defendant is.

*competent means a person who can understand, remember, and tell others about an event.

A **Certificate of Service** must be filed with the court by whoever serves the defendant, including the date of service and the name of the person served.

2. **Substituted Service:** The process server may leave the notice at the defendant’s residence (where the defendant normally lives) with someone 14 or older who lives there. The process server must also mail a copy of the papers (with a statement of the date, time, and place that the papers were served) to the respondent by first class mail. Make sure the process server completes a **Certificate of Service**. The date of service is the day the first class mailing is put in the mail.
3. **Office Service:** The process server may leave the papers with someone *in charge* of the defendant’s office or normal workplace. The process server must also mail a copy of the papers (with a statement of the date, time, and place that the papers were served) to the respondent by first class mail. Make sure the process server completes a **Certificate of Service**. The date of service is the day the first class mailing is put in the mail.

1. **By Mail:** You must do **TWO** things to serve by mail. First, send the claim to each defendant's home or business address by first class mail. Second, send a copy by certified mail, return receipt requested, Restricted Delivery (delivery only to the addressee). You **must** file proof of service with the court, including the signed green card, date of receipt and item number along with a **Certificate of Service by Mail**. If you do not receive the green card back, or if someone other than the defendant signed for it, service by mail was not effective and you must try another type of service. The date of service is:
 - a. If the defendant is an individual, the day the defendant signs the green receipt card
 - b. If the defendant is *not* an individual (for example, a business or public agency), then the earlier of:
 - i. (*if mailed to an Oregon address*) 3 days *after* you put the first class mailing in the mail **or**
 - ii. (*if mailed outside of Oregon*) 7 days *after* you put the first class mailing in the mail

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the envelope, or on the front if space permits.</p>		A. Received by (Please Print Clearly)	B. Date of Delivery
1. Article Addressed to:		<p>C. Signature</p> <p>X</p> <p><input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
2. Article Number (Copy from service label)		<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<small>PS Form 3811, July 1999 Domestic Return Receipt 102595-00-00-0952</small>			

**An original proof of service must be filed with the court for your case to proceed. If proof of service is not received within 63 days of the day you filed your claim, your case may be dismissed without notice to you.