

REQUEST FOR ALTERNATE SERVICE METHOD

If you are not able to serve another party using any of the methods listed in [Oregon Rules of Civil Procedure \(ORCP\) Rule 7D\(2\)](#)¹, you can ask the court to allow you to serve by another method. You will have to explain why you cannot use any of the ORCP 7D(2) service options and why your request is reasonably likely to let the other party know about the case.

Other service methods include publication in a newspaper of general circulation, email or social media posting, and text message or fax. Any alternative service method must be the most reasonably likely way to inform the other party of the action. If there is another way you think you can notify the other party, specify your request in the “other” sections.

You will also have to explain what you have done to try to find the other party. Some common efforts include contacting the party’s employer, friends, and family, searching public utility and court records, the DMV or post office, and the internet.

STEP 1: FILLING OUT THE FORMS

Fill out the *Ex Parte Motion for Alternative Service & Declaration in Support*. Specify how you intend to serve the other party and why you believe your request is likely to advise the party of the case.

- **Parties & Case Number** – the parties and the case number are the same as they are on your filing papers

Make copies for your records

STEP 2: FILE YOUR FORMS

File the original *Motion & Declaration* with the court clerk where you filed your case. Courts handle these matters differently. You may be scheduled for an appearance, or you may have to file and appear at a certain time scheduled for all “ex parte” matters. Ask the clerk at your court how to proceed. Filing this motion is free.

STEP 3: SERVICE

If the court grants your motion, read the *Order* carefully. The judge may have made changes to your request or ordered additional actions. If you fail to follow the judge’s orders, you risk the court dismissing your case. If your case is dismissed for failure to serve and you want to refile, you may need to pay your case filing fees again.

Publication: You can take or send the *Summons for Service by Publication* to the approved newspaper. You do not need to publish the other documents you filed. Your Summons must include a summary of the case and the relief you are asking the court to order. If the court orders mailing in addition to publication, you must mail the Summons *and* other filed documents both by first class mail and by certified mail, return receipt requested.

¹ In person, by residential or office service, or by certified mail, return receipt requested

For any other method of service, you must be able to show the court that you successfully completed the requirements. For electronic service methods, this can mean a screenshot of the email, share, or text message, especially if it shows that the other party actually opened or viewed the message. For faxes, keep the confirmation page.

STEP 4: PROOF OF SERVICE

An original proof of service must be filed with the court in all cases

- **For publication** - you must file the *Declaration of Publication* completed by a representative of the newspaper that published your Summons. You only need to file a *Certificate of Alternative Service* if the court also ordered you to mail copies. If so, you must file both a *Declaration of Publication* and a *Certificate of Alternative Service*.
- **For electronic methods** (email, text message, social media, fax, etc.) – complete and file a *Certificate of Alternative Service*. You can include screenshots or images.
 - The receiver must be able to open and read true copies of the documents
 - If you later learn that the other party did not personally receive the message, you must file an amended *Certificate of Alternative Service* to let the court know
- **For any other method** - complete and file a *Certificate of Alternative Service*

After you file your proof of service, refer to your original instruction document for the next steps in your case

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

Case No: _____

Plaintiff /Petitioner

v.

Defendant /Respondent

**EX PARTE MOTION FOR
ALTERNATIVE SERVICE and
DECLARATION IN SUPPORT**

Motion

I am the Plaintiff /Petitioner or Defendant/Respondent in this case

Based on the *Declaration* below, I ask that this court grant an *Order* allowing an alternative method of service as follows:

Service on the other party (*name*): _____ to be made by:

mail or private courier or delivery service of the Summons and all non-confidential filed documents to (*address*) _____

email or social media as follows: _____

Email address or social media service and userID: _____

text message or fax as follows: _____

Phone or fax number: _____

publication once per week for 4 consecutive weeks in (*publication name*) _____ which is a newspaper of general circulation in this county or _____ County because there is no newspaper of general circulation in the county where this case is filed, but publication in the alternate county is reasonably likely to advise the recipient of the case.

posting for a period of 30 days in the courthouse for this county *and* at the following locations where it is reasonably likely to advise the recipient of the case:

other: _____

Documents will also be mailed by first class mail *and* by certified mail, return receipt requested, to the party's current address (or the last known address if current address is not known)

No address is available for mailing and no address can reasonably be discovered. I ask the court to waive the mailing requirement.

Statement of Points and Authorities

Oregon Rules of Civil Procedure (ORCP) Rule 7D(6) allows a court to order alternative methods of service if service cannot be made by any other method specified by rule or statute. Service may be made by any method or combination of methods most reasonably calculated to advise the recipient of the action.

Declaration

I have made the following efforts to locate the other party (*explain who you contacted or steps taken to locate the other party or find a valid contact address*): _____

Service cannot be made in person, at the other party's residence or office, or by mail¹, because: (*Explain why you cannot serve by these methods and the efforts you have made*): _____

I believe the requested method of alternative service is the most reasonably likely to advise the recipient of the action because: _____

For electronic service: I believe the other party has recently sent and received messages from this email address, text message or fax line, or social media account because: _____

¹ Under [Oregon Rules of Civil Procedure \(ORCP\) Rule 7D\(2\)](#)

The documents to be served are *(list all document titles)*: _____

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Date

Signature

Name (printed)

Contact Address

City, State, ZIP

Contact Phone

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

Case No: _____

Plaintiff/Petitioner

v.

**ORDER ON MOTION
FOR ALTERNATIVE SERVICE**

Defendant/Respondent

The court reviewed the *Motion and Declaration for Alternative Service* filed in this case by the
 Plaintiff/Petitioner or Defendant/Respondent

The *Ex Parte Motion for Alternative Service* is:

DENIED

GRANTED. The court finds that the method of service ordered is the most reasonably likely to advise the recipient of the pendency and nature of this case. Service may be made as listed in the *Motion* or as follows: _____

For electronic service: The following information must appear in the subject line (for email), in the first line or top line (for text message or social media post), or on the first page (for fax):

- Case name, case number, and the name of the court where the action is filed

A link to all filed documents must be attached to or included in the transmission in a format capable of showing a true copy of the document

Time for response

The party being served must file a responsive document or enter an appearance in this court by:

_____ days *plus* 3 days after mailing to an Oregon address or *plus* 7 days after mailing to a non-Oregon address (*if you were served by mail*)

_____ days from date of the first attempted email, social media post, text message, or fax (*if you were served electronically*)

_____ days from the first day of posting or publication

Other: _____

Submitted by: Plaintiff/Petitioner Defendant/Respondent Other: _____

Signature

Print Name

Judge Signature:

Certificate of Readiness

This proposed judgment is ready for judicial signature because this order is submitted **ex parte** as allowed by statute or rule

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

Case No: _____

Plaintiff/Petitioner
vs

Defendant/Respondent

**CERTIFICATE OF
ALTERNATIVE SERVICE**

(ORCP 7D(6))

I, (name) _____ certify that I served true copies of
the original documents listed below on (name of party being served): _____

(check all that apply):

- Summons
 - Petition, Claim, or Complaint
 - Order to Show Cause
 - Other (name all forms or documents served) _____
- _____

by (check all that apply and complete all information):

Certified or Registered Mail, Return Receipt Requested on (date) _____

I personally deposited true copies with the U.S. Postal Service by certified or registered mail,
Return Receipt Requested, or by express mail, postage paid or by delivery service or courier
(name of service or courier) _____ addressed to the party to be
served: (name) _____ at (address) _____

Electronic service by email social media text message fax
at (addresses, sites, or numbers): _____

on (dates): _____

The service transmission/message/posting was made in such a way that the case
name, case number, and court name were most likely to be read first. For email, this
information was in the subject line. For fax, text message, or social media post, this information
was in the first/top line.

The served documents were linked or attached in a file format that is capable of
showing a true copy of the original document

Posting at the courthouse for this county and

Dates:	Location:

Other method authorized by court order on (date) _____

(describe) _____

AND

First Class Mail on (date) _____ I personally deposited true copies with the U.S. Postal Service by first class mail addressed to the party to be served:

(name) _____ at (address) _____

Amended Certificate

I previously filed a *Certificate of Alternative Service* for service by electronic means. I now believe that the recipient did not personally receive the electronic transmission.

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Date

Signature of Server

Print Name

If person serving is NOT a sheriff or sheriff's deputy, address and phone number of server:

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

Case No: _____

Plaintiff/Petitioner
v.

Defendant/Respondent

**DECLARATION OF
PUBLICATION**
(ORCP 7D(6))

I, (name) _____, am the (job title) _____
of the (name of publication) _____, a newspaper of
general circulation in (county and state) _____.

I declare to the court that I have personal knowledge that copies of the documents attached were
published by this publication on the following dates:

1. _____
2. _____
3. _____
4. _____

**I hereby declare that the above statements are true to the best of my knowledge
and belief. I understand they are made for use as evidence in court and I am
subject to penalty for perjury.**

Date

Signature

Print Name

Address City, State, ZIP Phone

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

Case No: _____

Plaintiff/Petitioner

v.

**SUMMONS
FOR SERVICE BY
PUBLICATION**

Defendant/Respondent

Date of First Publication: _____ (response must be filed within 30 days of this date)

(Filer's name): _____ has filed a (type of case) _____ case asking the court to order (explain what you want the court to order) _____

NOTICE TO DEFENDANT: READ CAREFULLY!

You must “appear” in this case or the other side will win automatically. To “appear,” you must file a legal Response, Answer, or Motion. Forms may be available through the court above or online at www.courts.oregon.gov/forms. Talk to a lawyer for information about appearing by motion.

Your response must be filed with the court named above **within 30 days of the date of first publication** (noted above), along with the required filing fee (go to www.courts.oregon.gov for fee information). It must be in proper form. You must show that the other party’s lawyer (or the party if they do not have a lawyer) was formally served with a copy of your response according to the service rules. Service rules are in the [Oregon Rules of Civil Procedure \(ORCP\) Rule 9](#).

If you have questions, see a lawyer immediately. If you need help finding a lawyer, you can call the Oregon State Bar’s Lawyer Referral Service at 503.684.3763 or toll free in Oregon at 800.452.7636, or go to www.oregonstatebar.org.

Date

Signature

Name (printed)

Contact Address

City, State, ZIP

Contact Phone