

Alternative Form of Service Instructions

This packet is for a person who has filed a petition or motion for divorce, separation, custody or parenting time (visitation), and cannot complete service by the usual methods, including:

- personal service (having the papers delivered directly to other party),
- substitute service (delivery of papers to a person living at other party's home who is at least 14 years old, and mailing of documents to home address),
- office service (delivery of papers to the person apparently in charge at other party's office during working hours), and
- service by mail (delivery to other party by first class mail and by certified, registered or express mail provided other party signs a receipt for the certified, registered or express mail. The other party must not be a minor or incapacitated.)

The law requires that you try to locate other party through all possible methods before an alternative method of service is allowed. This may include:

- Certified letter sent to other party with FORWARDING REQUESTED and with ADDRESS CORRECTION REQUESTED endorsements;
- Call made to Information with the telephone company showing no telephone listing in the city of last known residence, and if possible, in state of last known residence;
- Contact with at least three known relatives and/or close friends and/or business associates who say they do not know other party's whereabouts;
- Check with the business directory in the city of last known residence;
- If incarceration is suspected, verification with the Department of Corrections that other party is not in custody;
- Any equivalent method to search for other party's whereabouts. If any of these produces a new address or location where the other party resides, that must be explored to make sure it is not the current address or will lead directly to current address through forwarding.

If you cannot locate the other party, these forms allow you to request permission from the Court to use one of the following methods of service: publication, posting, or mailing to a specified post office address.

STEP 1

- Fill Motion for Order to Allow an Alternative Form of Service.
- Fill out the case heading on the Order Regarding Request for Alternative Form of Service.

STEP 2

- File the **original** MOTION and ORDER with the court clerk.

STEP 3

Check back in a week to 10 days to see if the ORDER was signed by a judge, and if so, what method of service the judge has allowed you to use (if any).

STEP 4

- If an alternative method was allowed in the ORDER, follow the instructions in the ORDER to complete service.
- To serve by publication, you must fill out the Summons in this packet completely and have it published in the newspaper specified in the ORDER. You must also mail a copy of the summons and petition to the other party if you know his or her post office box number or can find out what the post office box number is with reasonable diligence. If you can't find out the post office box number by exercising reasonable diligence, you may mail the documents to the other party's last known address. If you can't find out the last known address using reasonable diligence, you don't have to mail the documents.
- To serve by mail, send the documents by first class mail and by any of the following: certified or registered mail, return receipt requested or express mail.

STEP 5

Once service is complete, file a proof of service with the court. You may do this by filing the Certificate of Service if service was completed by posting or mailing. If service was completed by publication, submit the Affidavit of Publication and the Certificate of Mailing (if you are able to mail; see Step 4).

STEP 6

Wait until the period for the other party to file a response has passed. If you don't receive a copy of a response in the mail, check with the court clerk to see if one was filed. If no response was filed, you may file your request for a default according to the instructions in the packet you used to file your petition.

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

Case No: _____

Petitioner

and

☐ PETITIONER'S ☐ RESPONDENT'S
SUMMONS

Respondent

and

☐

Unmarried children 18, 19, or 20 years old (per ORS 107.108) (*full names*)

TO: _____, ☐ PETITIONER ☐ RESPONDENT

A Petition or Motion has been filed asking for: _____

If you do not file the appropriate legal paper with the court in the time required (see below), the petitioner may ask the court for a judgment against you that orders the relief requested.

NOTICE: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear", you must file with the Court a legal paper called a "Response" or "Motion." This paper must be given to the Court within thirty (30) days along with the required filing fee. It must be in proper form and you must show that the petitioner's attorney (or the petitioner if he or she does not have an attorney) was served with a copy of the "Response" or "Motion." Response forms may be available through your local court located at:

PHYSICAL LOCATION is:
300 Fourth Avenue, SW, Room 107
Albany, OR

MAILING ADDRESS is:
Linn County Circuit Court
P.O. Box 1749
Albany, OR 97321

WEBSITE ADDRESS is:
www.courts.oregon.gov/courts/linn

If you have legal questions, you should see an attorney immediately. If you need help finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll free in Oregon at (800) 452-7636.

Petitioner, Signature

Print Name

Contact Address

City, State, Zip

Contact Telephone

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

Case No: _____

_____ and _____

Petitioner

☐ PETITIONER'S ☐ RESPONDENT'S
EX PARTE MOTION FOR ORDER
TO ALLOW ALTERNATIVE FORM
OF SERVICE
and DECLARATION IN SUPPORT

Respondent

Motion

Based on my Declaration, I request the court issue an Order allowing alternate service.

☐ If the court orders service by publication, I request that I be allowed to publish notice
in _____, a newspaper of general circulation in
_____ County.

Points and Authorities

ORCP 7D(6)(a) allows the court to order service by any method or combination of methods which
under the circumstances is most reasonably calculated to apprise the party of the existence and pendency of
the action, upon a showing that service cannot be made by any method otherwise specified by law.

Declaration

I have had no contact with the other party since (date) _____. His/Her last known
address is _____

_____ and I am not presently aware of his/her whereabouts, mailing address or how to get in contact with
him/her.

1. ☐ I attempted to have the other party personally served at his or her dwelling house or usual place of
abode located at _____

2. ☐ I attempted to complete substitute service on other party but was unsuccessful because:

3. Check one: ☐ I attempted to complete office service on other party but was unsuccessful because:
- _____
- ☐ The other party does not have an office for the conduct of business.
4. ☐ I attempted to mail the documents to other party at the following address(es):
- _____
- by ☐ first class mail and ☐ certified or registered mail, return receipt requested, or ☐ express mail, but was not able to get a receipt signed by other party because: _____
- _____
5. I ☐ have ☐ have not found a post office address for the other party. I have made the following efforts to locate a post office address: _____
- _____
6. In addition to the methods described above, I have tried to locate the other party using the following methods: (Describe methods, list dates they were used, and explain why efforts to locate through utility company records, driving records, postal records of family members, friends and any other reasonable means has not been successful. Attach additional pages if necessary).
- _____
- _____
- _____

See Attached Exhibit A or _____, incorporated herein as if fully set out in this document.

7. **Check one:**
- ☐ I know of a specific location outside of _____ County where
- (List county of filing)
- publication might reasonably result in actual notice to the other party: _____.
- (List county and state)
- ☐ I do not know of a specific location where publication might result in actual notice to the other party.

8. ☐ I am without funds to pay for publication by newspaper. A copy of the order deferring or waiving my filing fee is attached.

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

<hr style="border: none; border-top: 1px solid black;"/>	<hr style="border: none; border-top: 1px solid black;"/>
Date	Signature

<hr style="border: none; border-top: 1px solid black;"/>
Name (printed)

<hr style="border: none; border-top: 1px solid black;"/>	<hr style="border: none; border-top: 1px solid black;"/>	<hr style="border: none; border-top: 1px solid black;"/>
Contact Address	City, State, ZIP	Contact Phone

I have contacted people who are or at one time were acquaintances, friends, relatives, or neighbors of the other party as follows:

Name	Relationship to Other party	Date contacted	Contacted by Phone, Mail, Other (describe)	Phone# and/or Address used for Contact	Detailed Results

I have searched the Internet as follows: (If you do not have Internet access, it may be available at your local public library)

Site Address	# of Name Matches Found	Name Matches Contacted by Phone, Mail, Other (describe)	Phone # and/or Address	Detailed Results
www.whitepages.com				
www.dexknows.whitepages.com				

I have contacted utility companies, Post Offices and motor vehicle offices as follows:

Company or Agency Name and City	Date Contacted	Company or Agency Phone # and/or Address	Detailed Results

I have contacted former or likely employers as follows:

Company or Agency Name and City	Date Contacted	Company or Agency Phone # and/or Address	Detailed Results

Case No: _____

ORDER TO ALLOW ALTERNATIVE FORM OF SERVICE

Based upon the motion and declaration of the applicant on file herein, the request for the use of an alternative service method is hereby:

- IT IS HEREBY ORDERED that service shall be made as follows:

☐ **By mailing.** The ☐summons and petition ☐Other: _____ shall be mailed to the other party at the following address:_____

by first class mail and by certified or registered mail, return receipt requested or express mail. The other party shall have _____ days to respond from the following date: the signing of the receipt of mailing (if applicable), three days after the mailing if mailed to an Oregon address, or seven days after the mailing if mailed to an out of state address, whichever comes first.

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☐ **By posting.** The summons and petition shall be posted at the following location(s): _____
_____ for a period of four (4) weeks. The other party shall have _____ days to respond from the date of first posting (insert date): _____.

Judge Signature:

Certificate of Readiness under UTCR 5.100

This proposed judgment is ready for judicial signature because service is not required under UTCR 5.100 or because this judgment is submitted ex parte as allowed by statute or rule.

Submitted by:

☐ Petitioner ☐ Respondent, Signature Print Name

Contact Address City, State, Zip Contact Telephone

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

Case No: _____

Petitioner

and

AFFIDAVIT OF PUBLICATION

Respondent

STATE OF _____)
County of _____) ss.

I, _____, being first duly sworn, say that I am the
_____ of _____, a newspaper
(job title/description)
of general circulation published in _____ located in _____
(town/state)
County; that I know from my personal knowledge that the summons and summary of the petition, a
printed copy of which is attached, were published in the entire issue of said newspaper four times in the
following issues: _____

Signature

Print Name

Contact Address

City, State, Zip

Contact Telephone

SIGNED AND SWORN to before me this _____ day of _____, 20_____,
by _____.

Notary Public for _____/Court Clerk
My Commission Expires: _____

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

Case No: _____

and _____ Petitioner

AFFIDAVIT OF SERVICE

Respondent

STATE OF _____)
County of _____) ss.
_____)

I, _____, being first duly sworn, say: I am
a resident of the County of _____, State of _____. I
am a competent person 18 years of age or older.

☐ **Service by Posting.** I am not a party to or attorney in this proceeding. I
personally posted the summons and petition at (location):
_____ for a period of four
(4) weeks, beginning _____ and ending _____.

☐ **Service by Mailing.** I personally deposited a true copy of the summons, petition, and
_____ in the United States first class mail and by: ☐ certified mail or ☐ registered mail, return receipt
requested, or ☐ express mail on _____. ☐ The return receipt is attached to
(Date)
this affidavit.

Signature of Server

Print Name

Contact Address

City, State, Zip

Contact Telephone

SIGNED AND SWORN to before me this _____ day of _____,
20_____, by _____.

Notary Public for _____/Court Clerk
My Commission Expires: _____

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

Case No: _____

CERTIFICATE OF MAILING

Petitioner

and

Respondent

I certify that on _____, 20_____, I mailed a true
copy of:

(List documents)

previously filed in this case: ☐ to the other party directly, at the following address, because s/he
has no attorney: _____

☐ to the other party's attorney _____ at the
(Name of other party's attorney)
following address: _____

Mailing was done by ☐ first class mail and by ☐ certified or ☐ registered mail, return
receipt requested, or ☐ express mail.

☐ Petitioner ☐ Respondent, Signature

Print Name

Contact Address

City, State, Zip

Contact Telephone