

INSTRUCTIONS FOR COMPLETING PROOF OF SERVICE IN CIVIL CASES

These instructions serve as a guide only. For further information on service and proof of service, please see the Rules of Civil Procedure, 4.103 – 4.107. It is recommended that you contact an attorney if you have questions or need further legal advice.

A person filing a document with the court must serve a copy of the document on all interested parties to the case.

Proof of Service may be included at the end of a filing, or it may be filed as a separate document. It must be filed promptly and at least at or before a hearing to which the paper relates.

Service in civil actions may be served by any legally competent adult who is NOT a party or an officer of a corporate party (*see CR 4.103(A)*).

Service that requires seizure of property may only be served by:

- 1) An LRBOI Department of Public Safety officer, a sheriff or deputy sheriff, or a bailiff or court officer appointed by the court for that purpose;
- 2) An officer of the Michigan Department of State police in an action in which the State of Michigan is a party; or
- 3) A police officer of an incorporated city or village in an action in which the city or village is a party.

Service of Summons & Complaint

Proof of Service on a Summons & Complaint may be made by:

- 1) Written acknowledgement of receipt of a summons & copy of complaint, dated and signed by the person to whom the service is directed (or other authorized person under the Civil Rules of Procedure);
- 2) Certificate stating the facts of service (including the manner, time, date, and place of service, who completed service, and who was served); or
- 3) Affidavit stating the facts of service (including the manner, time, date, and place of service, who completed service, and who was served).

Service and Filing of Pleadings and other Papers (*see Court Rule 4.107*)

Every party who has filed a pleading, an appearance, or a motion must be served with a copy of every paper later filed in the action, except:

- 1) A non-party who has filed a motion or appeared in response to a motion need only be served with papers that relate to that motion.
- 2) A party against whom a default has been entered

If an attorney has filed an appearance on behalf of a party, then service shall be made upon the attorney. If two or more attorneys represent the same party, service of papers on one of the attorneys is sufficient. If a party represents him/herself, service shall be made upon the party.

Service on a party must be by one of these three methods:

- 1) Delivery to Attorney:
 - a. Handing it to the attorney personally
 - b. Leaving it at the attorney's office with the person in charge or by leaving it in a conspicuous place
 - c. If the attorney has no office or the office is closed, leaving it at the attorney's residence with some person of suitable age and discretion residing there.
- 2) Delivery to Party:
 - a. Handing it to the party personally
 - b. Leaving it at the party's residence with some person of suitable age and discretion residing there
- 3) Mailing: Mailing a copy by enclosing it in a sealed envelope with first class postage fully prepaid, addressed to the person to be served, and depositing the envelope in the US mail.

****Note on Electronic Service:*** The Rules of Civil Procedure are silent on electronic service; however, if all parties agree to electronic service, the Court will accept Proofs of Service that indicate that method of service.

The Tribal Court has Proof of Service forms available on the Tribal Court website under "Court Forms." They are also available for pickup at the Tribal Court office or via email upon request.

Little River Band of Ottawa Indians Tribal Court	PROOF OF SERVICE (personal service)	CASE NO.
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Court Address
3031 Domres Road, Manistee, MI 49660

Court Telephone No.
(231) 398-3406

To the Process Server: You must make and file your return with the Court Clerk. If you are unable to complete service you must return this original and all copies to the Court Clerk.

Document(s) Served: _____

CERTIFICATE/AFFIDAVIT OF SERVICE/NON-SERVICE		
OFFICER CERTIFICATE: I certify that I am a Tribal Police Officer, State or County Officer, Bailiff, or Court Officer and that:	OR	AFFIDAVIT OF PROCESS SERVER: Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a Corporate party and state that: <i>(must be notarized)</i>

Name of Recipient	Address of Service
_____	_____
Date: _____	Time: _____
<p>I personally served a copy of the above-referenced documents upon the recipient.</p> <p>After diligent search and inquiry, I have been unable to find and serve the recipient.</p> <p>I have personally attempted to serve the above-referenced documents upon the recipient and have been unable to complete service because his/her address was incorrect at the time of filing.</p>	

I declare that the statements above are true to the best of my information, knowledge, and belief.

Signature: _____

Title: _____

*Acknowledged by _____ before me on this date: _____			
Signature _____	Service fee	Miles traveled	Fee
Printed name _____	\$		\$
Notary public, State of Michigan, County of _____	Incorrect address fee	Miles traveled	Fee
Acting in the County of _____	\$		\$
My commission expires _____	TOTAL FEE		
			\$
			*Process Server Only

Acknowledgment of Service: I acknowledge that I have received service of the above-referenced documents on:	
Date: _____	Signature _____
Printed Name: _____	

Return Proof of Service to: _____

