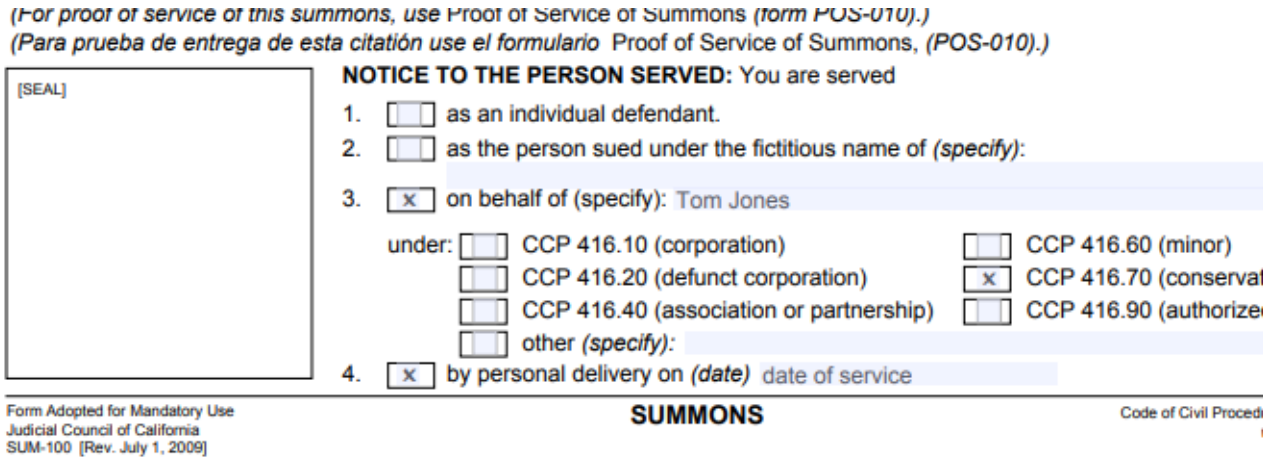
6-07/610.00 Incompetent or Where Guardian or Conservator Appointed

A summons may be served on a person (other than a minor) for whom a guardian, conservator, or similar fiduciary has been appointed by delivering a copy of the summons and of the complaint to his guardian, conservator, or similar fiduciary and to such person, but, for good cause shown, the court in which the action is pending may dispense with delivery to such person. (CCP 416.70)

Before a summons against an incompetent is assigned out for service, the "Notice to the Person Served" at the bottom of the summons shall be completed by (1) inserting the name of the defendant incompetent after the words "on behalf of," (2) checking the box "CCP 416.70 (conservatee)" and (3) when applicable, checking the box "You are served as an individual defendant." This shall be done on the copy of the summons that is left with the guardian or conservator. If the summons is served using the substitute method, all copies of the summons shall be completed in this manner.



(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, *(POS-010).)*

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify)*:
3. ☒ on behalf of (specify): Tom Jones

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☒ CCP 416.70 (conservat
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorize
☐ other *(specify)*:

4. ☒ by personal delivery on *(date)* date of service

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. July 1, 2009]

SUMMONS

Code of Civil Proced

Where no guardian has been appointed, personal service upon an alleged incompetent is sufficient. (Olivera v. Grace, 19 CA 2d 570; Briggs v. Briggs 160 CA 2d 312) A conservator is often appointed by the superior court to handle property of older people.

When completing the Proof of Service, be sure to include all information regarding the person served and the manner of such service. EXAMPLE: "Serve Tom Jones, by serving Joseph Smith, court appointed conservator." The process server makes contact with Joseph Smith. The Proof of Service should state the party served: Tom Jones, by serving Joseph Smith, conservator. The address of the service must appear on the Proof of Service. You must indicate the manner of service as personal (CCP 415.10).

3. a. Party served *(specify name of party as shown on documents served):*
   Tom Jones
   b. [x] Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) *(specify name and relationship to the party named in item 3*
   Joseph Smith, court appointed conservator
4. Address where the party was served:
   123 Main Street, Los Angeles California 90012
5. I served the party *(check proper box)*
   a. [x] **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on *(date):* date of service (2) at *(time):* time of service

If the service is made by substitution (CCP 415.20), you must include the name and title or relationship. The party must be informed of the general nature of the process. The name of the responsible party per CCP 416.70 must still be indicated. A copy of the Summons and Complaint must be mailed to the Party served. Service by substitution must show attempts (diligence). Dates and times of all previous attempts of service declaration of diligence must documented on the Proof of Service. The declaration of diligence will be on an attached page.

3. a. Party served *(specify name of party as shown on documents served):*
   Tom Jones
   b. [x] Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) *(specify name and relationship to the party named in item 3a):*
   Joseph Smith, court appointed conservator
4. Address where the party was served:
   123 Main Street, Los Angeles California 90012
5. I served the party *(check proper box)*
   a. [ ] **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on *(date):* (2) at *(time):*
   b. [x] **by substituted service.** on *(date):* date of service at *(time):* time I left the documents listed in item 2 with
   in the presence of *(name and title or relationship to person indicated in item 3):*
   Jane Bilingsly, secretary to Joseph Smith, conservator
   (1) [x] **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
   (2) [ ] **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
   (3) [ ] **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
   (4) [x] I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on *(date):* date mailed from *(city):* city mailed from **or** [ ] a declaration of mailing is attached
   (5) [x] I attach a **declaration of diligence** stating actions taken first to attempt personal service.