6-07/710.00 Personal Delivery

A summons may be served by personal delivery of a copy of the summons and complaint to the person to be served. Service of a summons in this manner is deemed complete at the time of such delivery. The date upon which personal delivery is made shall be entered on or affixed to the face of the copy of the summons at the time of its delivery. However, service of a summons without such date shall be valid and effective. (CCP 415.10)

Service of process should not be made on a person so drunk or sick that he cannot comprehend or understand it.

A peace officer has no authority to break into a dwelling house for the service of process in a civil action. (Foley v. Martin, 142 CA 256)

A defendant cannot avoid service of a summons by refusing to accept it. It is not necessary that the defendant touch the process. However, the defendant must know that service is intended and the documents must be left for him. In the case of In Re Ball, 2 CA 2d 578, the process server was within 12 feet of the defendant and said: “I have here another one of those things for you,” tossed the process at the defendant, it falling within a few feet from him, and said, “Now you are served.” In sustaining the service the court stated:

> “We take it that when men are within easy speaking distance of each other and facts occur that would convince a reasonable man that personal service of a legal document is being attempted, service cannot be avoided by denying service and moving away without consenting to take the document in hand.”

Where a defendant attempted to avoid service by entering his automobile and rolling up the windows, service was upheld where the process server loudly explained the nature of the document through the locked door of the car and then placed it under the windshield wiper. (Trujillo v. Trujillo, 71 CA 2d 257)

Service of a summons on an evader was sustained when, after the defendant had refused to take the papers, the process server tossed the folded papers over a wire fence and they landed at the feet of the defendant as the server informed him that they were court summonses. (Thorndyke v. Jenkins, 61 CA 2d 119)

Finally, recently confirmed with County Counsel, personal service pursuant to CCP 415.10 cannot be made by video or telephone via a “Facetime Application”. "Personal service" is just that, and a proof of service cannot state that personal service was made unless the papers were handed to the person served. Facetime is no substitute for personal service.