6-07/720.00 Substitute Service

If the party is not directly served in person after several attempts at service, substitute service is allowed. (CCP 415.20) Diligence at personal service shall be documented and be included on the Proof of Service.

• 6-07/720.10 Natural Person Defendant

If a copy of the summons and of the complaint cannot with reasonable diligence be personally delivered to the person to be served, a summons may be served by leaving a copy of the summons and of the complaint at such person's dwelling house, usual place of abode, usual place of business, or usual mailing address other than a United States Postal Service post office box, in the presence of a competent member of the household or a person apparently in charge of his or her office, place of business, or usual mailing address other than a United States Postal Service post office box, at least 18 years of age, who shall be informed of the content thereof, and by thereafter mailing a copy of the summons and of the complaint (by first-class mail, postage prepaid) to the person to be served at the place where a copy of the summons and of the complaint were left. Service of a summons in this manner is deemed complete on the 10th day after the mailing. (CCP 415.20(b))

Judicial Council Comment: "Personal delivery must be attempted in all cases where this alternative (substitute) method of service is used."

The term "usual place of business" includes a defendant's customary place of employment as well as his own business enterprise.

• 6-07/720.20 Artificial Person Defendant (Corporation, Partnership, Etc.)

A summons may be served on an artificial person (other than a natural person) by leaving a copy of the summons and complaint in the office of the person to be served, during usual office hours, with the person who is apparently in charge thereof, and by thereafter mailing a copy of the summons and of the complaint (by first-class mail, postage prepaid) to the person to be served at the place where a copy of the summons and of the complaint were left. Or, the summons and complaint may be served by substitution at the defendant's usual mailing address, other than a United States Postal post office box , if no physical address is known. Service of a summons in this manner is deemed complete on the 10th day after such mailing. (CCP 415.20(a))

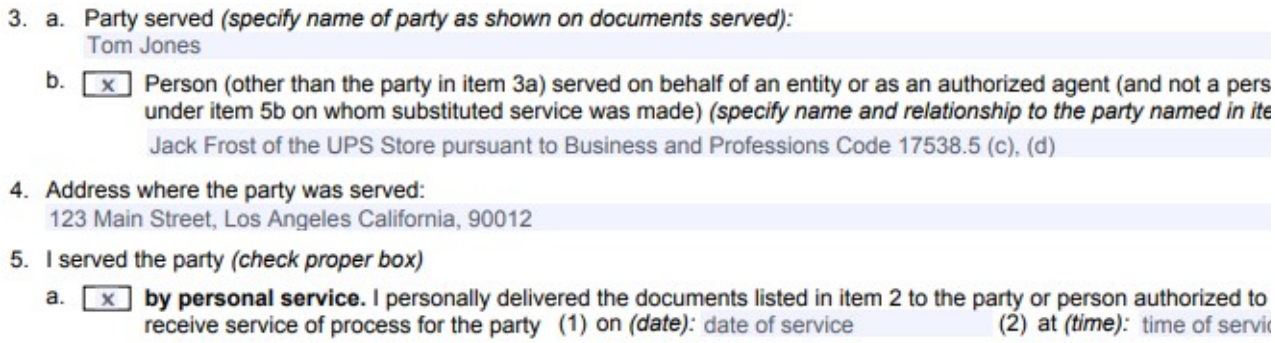
Judicial Council Comment: "The papers must be delivered to a person who is apparently in charge of such office, such as the personal secretary of the person to be served, and such delivery must be made during usual office hours." Due diligence is not required for substitute service on an artificial person.

• 6-07/720.30 Commercial Mail Receiving Agency (CMRA)

Pursuant to signed, written instructions to do so, the sheriff may serve process on a Commercial Mail Receiving Agency (CMRA) owner or operator as the agent for service of a person or business that uses a private mailbox for commercial purposes. A CMRA owner or operator remains the agent for the service of process for up to two years following the termination of the customer's mail service account.

(BPC 17538.5(c),(d)) Note: Incorporated CSD Directive 96-10 (revised 3/29/96)

If service is made by this method, add 15 days to the last day for service. The CMRA has 5 days for to send the process by first-class mail to the personal address of the customer and service is deemed complete 10 days after the date of mailing by the CMRA. The Proof of Service should include BPC 17538 (c), (d).



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 pers
   under item 5b on whom substituted service was made) *(specify name and relationship to the party named in ite*
   Jack Frost of the UPS Store pursuant to Business and Professions Code 17538.5 (c), (d)
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 servi

• 6-07/720.40 Unknown Business Entity

Historically, process could not be served on an artificial person (corporation, partnership, unincorporated association, etc.) without ascertaining the capacity (business form, entity) of the defendant. Thus, a summons and complaint could only be served on the president, vice president, secretary or other designated officer if the defendant is determined to be a corporation or on a partner if the defendant is a partnership. Sponsored by the California Association of Photocopiers and Process Servers, CCP 415.95 was codified to permit the service of a summons and complaint on a defendant whose business form is unknown. As a result, a default judgment may be entered against the defendant without indicating whether the business is a corporation, partnership, unincorporated association, etc.

As it is the policy of this Department to not enforce a writ against an artificial person unless the defendant/debtor's capacity (business form, entity) is listed on the writ, a summons and complaint shall not be served pursuant to CCP 415.95 without ascertaining the defendant's business form. Litigants requesting service pursuant to CCP 415.95 should be advised to contact a registered process server.

• 6-07/720.50 Gated Community

Guards at gated communities must allow peace officers and licensed process servers access for the purpose of serving process, upon proper identification. (CCP 415.21) If access is refused, substitute service may be made upon the gate guard. A gate guard at a gated community or a doorman in an apartment building is considered a “competent member of the household” and a person “apparently in charge” of a corporate office where they control access to the residence. The guard gate or front door of the apartment house constitutes part of the dwelling for service of process purposes: “The outer bounds of the actual dwelling place must be deemed to extend to the location at which the process server’s progress is arrested.” (Bein v. Brechtel-Jochim Group, Inc., 6 CA 4th 1387)