6-07/810.00 Out-of-State Summons

• 6-07/810.10 Instructions

Service of a summons or citation issued from an out-of-state court must comply with the laws of that state. Both the method of service and any special requirements necessary for the return of service should be covered in the attorney's instructions and executed in conformance with such instructions. Service on a Sunday is void under the laws of most other states. Do not serve any process from another state on a Sunday unless the forwarding attorney has stated that such service would be valid.

Always make personal delivery of an out-of-state summons unless specifically instructed otherwise.

• 6-07/810.20 Affidavit of Service

When a court clerk is authorized to take the affidavit, it may be sworn to before a clerk of any court of record, i.e., superior court or municipal court. (Exceptions: Alabama and Missouri)

If an affidavit of service is furnished by the forwarding attorney, use that form. If no proof of service form is received from the attorney use the MAPAS generated form, Affidavit of Service of Process for Out-of-State Court. Modify the Sheriff's form when requested by the attorney or when a change is evident from an inspection of the papers to be served. For example, the process may be called Citation and Petition instead of Summons and Complaint.