Publication of Summons

Publishing a Notice in the Newspaper When You Can't Find the Other Party

When filing a lawsuit, you are required to serve the other party with your summons and complaint, to notify them of the lawsuit. If the other party cannot be located, you will have to ask the court for permission to publish the summons in the newspaper. Publication of summons, as set forth in California Code of Civil Procedure (CCP) § 415.50 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=415.50.), is considered a method of last resort. The court can only approve your request for an order for publication of summons if you show that the other party cannot be served in any other manner. You will need to prove to the court that you have made thorough, exhaustive attempts to locate the other party.

Templates and Forms

- Application for Publication of Summons Template (DOCX) (https://saclaw.org/sbs-publication-of-summons-application-2/)
- Declaration of [Name of Person Attempting Service] Re: Diligence (DOCX) (https://saclaw.org/wp-content/uploads/2026/03/sbs-personal-service-declaration-of-diligence.docx)
- *Declaration* (MC-030) (http://www.courts.ca.gov/documents/mc030.pdf), with *Attachment to Judicial Council Form* (MC-025) (http://www.courts.ca.gov/documents/mc025.pdf), or Declaration Template on pleading paper (https://saclaw.org/wp-content/uploads/2023/11/form-generic-declaration.docx)
- Order for Publication of Summons Template (DOCX) (https://saclaw.org/sbs-publication-of-summons-order-2/)

The procedures described in this Guide apply only to civil cases. If you are attempting to serve documents in a family law case, see the guide on "Service by Publication or Posting – Family Law Cases (https://www.saclaw.org/resource_library/family-law-service-by-publication-or-posting/)."

Related Step-by-Step Guides

Finding People and Businesses (https://www.saclaw.org/resource_library/finding-people-and-businesses/)

Family Law: Service by Publication or Posting (https://www.saclaw.org/resource_library/family-law-service-by-publication-or-posting/) or-posting/)

Step-by-Step Instructions

1 Search for the Absent Party

The court will require an exhaustive search for the other party before permitting publication of a summons. To conduct an exhaustive search for the other party:

- Try personal service, using the Sheriff or a process server. If using a process server who attempts to locate persons, ask for documentation of their attempts to locate the party. The person or people attempting service can use the Declaration of [Name of Person Attempting Service] Re: Diligence linked above.
- Contact all relatives and friends who might know the party's whereabouts. Keep records of all these contacts, such as a diary detailing telephone calls and copies of letters you send, etc.
- Contact the party's last known employer.
- Search the telephone directory for the city where the party was last known to live, and attempt contact at any listings that could possibly be the person to be served.
- Check the County Recorder's and County Tax Assessor's indexes for the location where the party was last known to live or own real property.
- Check the local jail inmate list and the California Department of Corrections and Rehabilitation inmate locator service.
- Search for the defendant using common, free, search engines.

For more information on locating a person or business, see the guide on "Finding People and Businesses (https://www.saclaw.org/resource_library/finding-people-and-businesses/) ."

Keep careful records of your efforts. You will need to write a declaration explaining all of your attempts to find the person when you ask the court for permission for publish your summons in the newspaper.

You can use either *Declaration* (MC-030), with *Attachment to Judicial Council Form* (MC-025) attached if you need more space, or you can use the Declaration Template on pleading

paper. Both of those forms are linked above.

2 Select a Newspaper for Publishing your Summons

In your application, you must specify the newspaper in which you plan to publish your Summons. This must be a paper of general circulation in the location where the party was last known to reside. A list of newspapers of general circulation in Sacramento County can be found on the court's website (https://www.saccourt.ca.gov/self-help/name-gender-change/civil-newspapers-of-general-circulation-for-name-change) .

If the other party was last known to reside outside Sacramento County, check with the Superior Court in that county. The courts typically maintain a list of all approved newspapers of general circulation in their county. These lists are often available on the court's website. Links to the websites of each California Superior Court are available at California Courts: "Find My Court." (http://www.courts.ca.gov/find-my-court.htm)

Please be aware that each newspaper is a private company, and **the fee to publish the summons is not waived by a court fee waiver.** Each newspaper sets its own rate for publication, which can range from $35 to as much as $400.

Each newspaper also has its own policy as to whether the paper files the proof of publication, or whether they give it to you and require you to file it with the court yourself.

3 Obtain Declarations and Supporting Documents

You will need to obtain declarations from anyone else involved in the search for the other party. You can use either *Declaration* (MC-030), with *Attachment to Judicial Council Form* (MC-025) attached if you need more space, or you can use the Declaration Template on pleading paper. Both of those forms are linked above.

If you use pleading paper, do not forget to include the declaration under penalty of perjury clause, "I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct."

If you had the Sheriff or process server attempt service, ask them to provide documentation of their attempts.

These declarations and supporting documents will be attached to your application as exhibits. See Step 6 for more information.

4 Complete the Necessary Pleadings

Instructions for completing the necessary pleadings are included at the end of this packet. The documents you will need to prepare are available from the links at the top of this Guide.

If you prefer, you may prepare your Application, Points and Authorities, and Declaration as separate documents, or they may be combined into a single document, as in the case of the template and sample included in this Guide. The Order must always remain a separate document. (California Rule of Court Rule 3.1112 (https://www.courts.ca.gov/cms/rules/index.cfm?title=three&linkid=rule3_1112)). You may download customizable templates of the application and order from the links listed above.

5 Make Photocopies, if Desired, and Assemble For Filing

You must file the originals of your documents. If you want, you can also file a copy for the court to stamp and return to you. You can also always download a copy from the court's website. The papers will include:

- Ex Parte Application, including the points and authorities and your supporting declaration
- Any supporting declarations you obtained documenting your search (see Step 1 and 3)
- Order for Publication of Summons

Group the Application and any supporting declarations, together with your copy if desired, into one packet. Group the Order, together with your copy if desired, into a second packet. Staple each set of photocopies, but **leave the originals unstapled**. The originals will be scanned into the court's filing system, and the staple will damage the scanner. Put the originals at the top of each packet.

6 File your Papers

Ex parte applications for publication of summons are filed Filing Room, Second Floor, at the new courthouse at 500 G Street, Sacramento CA 95814.

In Sacramento, most motions are heard in the “Civil Home Court” department assigned to the case, which will be either department 8C, 8D, 16C, or 16D. Check your case file online (https://prod-portal-sacramento-ca.journaltech.com/public-portal/) to find which department your case is assigned to.

Effective April 13, 2026: Department 25 changed Department 8D; Department 28 changed to Department 8C; Department 53 changed to Department 16D; and Department 54 changed to Department 16C of the Tani G. Cantil-Sakauye Courthouse (500 G Street). If your case was filed before that date, **its assigned department has changed**, so check before scheduling a hearing.

Fill out and attach the Civil Document Drop-Off Sheet (https://www.saccourt.ca.gov/home/showpublisheddocument/861/639099448674370000), and date stamp the back of the original packets. Following the instructions posted at the drop box, place the unstapled original document packet plus two (2) photocopies of the packet in the drop box, along with a check or money order for the filing fee, currently $20 (https://www.saccourt.ca.gov/home/showpublisheddocument/219/639084032985130000) (Cal. Gov. Code § 70617(c)(3)) (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=70617.&lawCode=GOV). Your documents will be forwarded to the law and motion department and will be processed without hearing. Provide the court with a self-addressed stamped envelope to facilitate the return of the order to you.

If your application is granted, the court will mail your signed Order for Publication of Summons to you. If your request is denied, you will receive an order from the court denying your request. The notice will state the reason for denial. Most often the reason a request is denied is because the court does not feel that adequate steps have been taken to attempt to find the person to be served. If you are able to correct the problems found by the court, such as conducting a more thorough search for the absent party, you may file a new Application.

8 Publish the Summons

Once the court grants the order to publish, your next step is to publish the summons in the newspaper you listed in your Application (Step 2).

Note: Even though you are publishing the summons, if you discover the whereabouts of the defendant you should arrange to have that defendant personally served with the summons and complaint.

Submit your summons and signed order to the newspaper you listed in your application.

The newspaper will publish your summons once a week for four weeks, and then provide you with confirmation of publication. Some newspapers will mail you a confirmation, some will have you pick it up, and some will even file it with the court. Contact the newspaper for details.

9 File Your Proof of Publication

If the newspaper does not file proof of publication with the court, you will need to do this yourself. This is a very important step; your case cannot move forward until proof of publication is filed with the court. The proof of publication will include an affidavit or declaration from the publisher listing the dates your summons was published (CCP § 417.10(b) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=417.10.)), attached to a copy of the document that appeared in the paper (CCP § 2010 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2010.)). Pursuant to California Government Code § 6064 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=6064.) , service is deemed complete on the 29th day after the first date of publication.

10 Next Steps

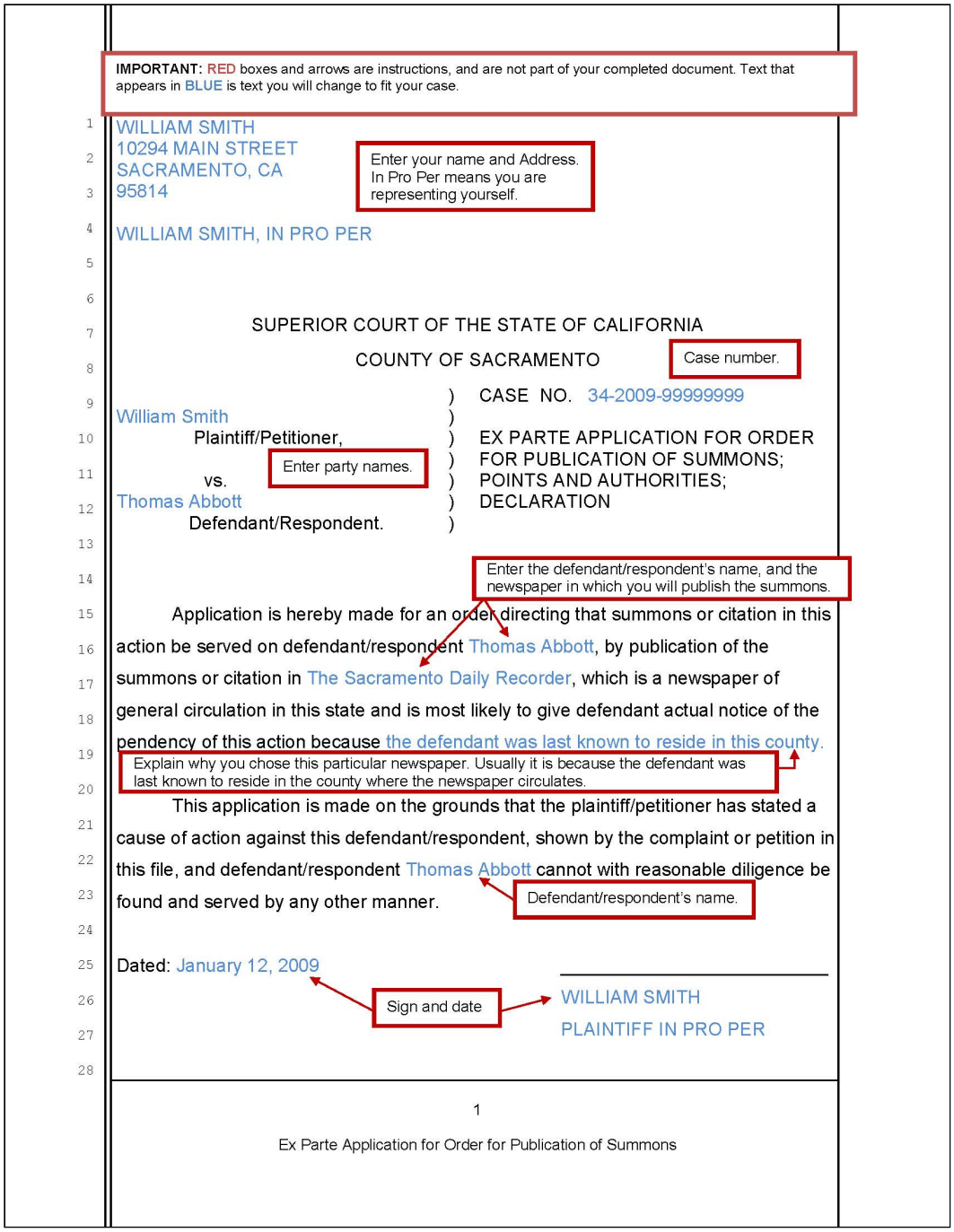
If the other party has not filed a response 30 days after the effective date for service, you may request a default against the other party. You will then be able to continue your case without the other party's participation. For more information on your next steps, see the guides "Request a

Default Judgment by Clerk (https://www.saclaw.org/resource_library/request-a-default-judgment-by-clerk-2/) " and "Request a Default Judgment by Court (https://www.saclaw.org/resource_library/request-a-default-judgment-by-court/) ."

If the other party **does** respond to the lawsuit, your case will move into the discovery phase. There are many procedures available to you during discovery. See Discovery (https://www.saclaw.org/legal_topic/discovery-process-to-get-evidence-from-other-side/) topic page for informational guides and videos.

Samples

Ex Parte Application



IMPORTANT: RED boxes and arrows are instructions, and are not part of your completed document. Text that appears in BLUE is text you will change to fit your case.

WILLIAM SMITH
10294 MAIN STREET
SACRAMENTO, CA
95814

Enter your name and Address. In Pro Per means you are representing yourself.

WILLIAM SMITH, IN PRO PER

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

Case number.

William Smith Plaintiff/Petitioner, vs. Thomas Abbott Defendant/Respondent.	CASE NO. 34-2009-99999999 EX PARTE APPLICATION FOR ORDER FOR PUBLICATION OF SUMMONS; POINTS AND AUTHORITIES; DECLARATION

Enter party names.

Enter the defendant/respondent's name, and the newspaper in which you will publish the summons.

Application is hereby made for an order directing that summons or citation in this action be served on defendant/respondent Thomas Abbott, by publication of the summons or citation in The Sacramento Daily Recorder, which is a newspaper of general circulation in this state and is most likely to give defendant actual notice of the pendency of this action because the defendant was last known to reside in this county.

Explain why you chose this particular newspaper. Usually it is because the defendant was last known to reside in the county where the newspaper circulates.

This application is made on the grounds that the plaintiff/petitioner has stated a cause of action against this defendant/respondent, shown by the complaint or petition in this file, and defendant/respondent Thomas Abbott cannot with reasonable diligence be found and served by any other manner.

Defendant/respondent's name.

Dated: January 12, 2009

Sign and date

WILLIAM SMITH
PLAINTIFF IN PRO PER

1

Ex Parte Application for Order for Publication of Summons

Ex Parte Application for Publication of Summons (p.1)

MEMORANDUM OF POINTS AND

Enter the cause of action you are alleging in your complaint or petition, e.g., "breach of contract" or "personal injury," and date the case was filed.

I. Background

The complaint or petition, which is for breach of contract, was filed on January 3, 2009.

The plaintiff has been diligently attempting to have the defendant served with the Summons and Complaint, however despite exercising diligence, the plaintiff has been unable to locate the defendant for service. The plaintiff now asks that the court permit the Summons to be served by publication in The Sacramento Daily Recorder, a newspaper of general circulation in the county in which the defendant was last known to reside.

Enter the name of the newspaper in which you will publish the summons.

II. Legal Argument

A SUMMONS MAY BE SERVED BY PUBLICATION

California Code of Civil Procedure §415.50 permits a Summons to be served upon the defendant by publication upon demonstration by affidavit that the party cannot be served with reasonable diligence personally, by mail, or by substitute service, and that a cause of action exists against that party, or that person is a necessary party, or the party claims an interest in real or personal property that is subject to the jurisdiction of the court. In the present case, the plaintiff has asserted a cause of action against the defendant, and for the reasons explained in the attached declaration cannot with reasonable diligence locate the defendant.

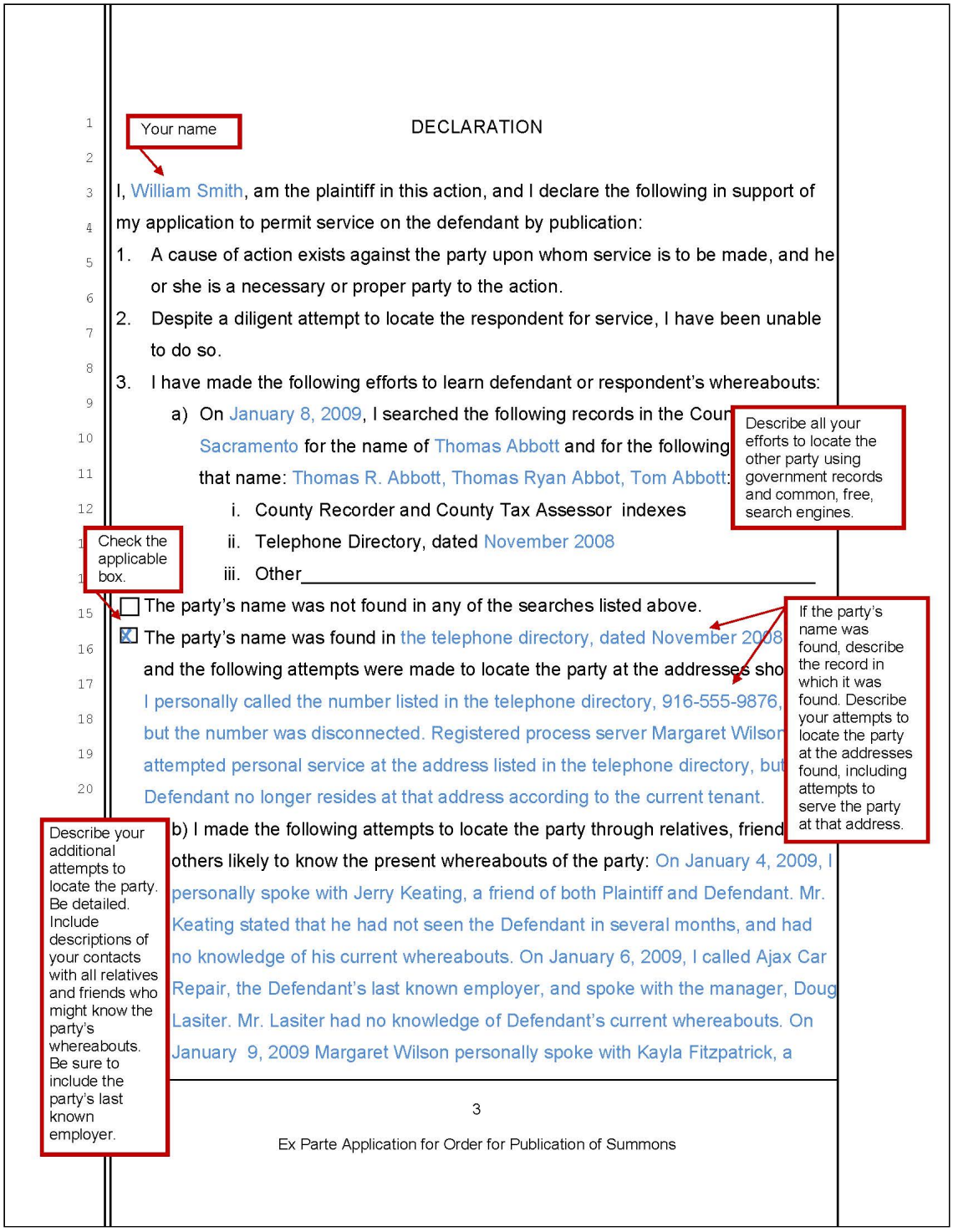
For these reasons, the plaintiff asks that the court permit the service of the Summons by publication.

Dated: January 12, 2009

Sign and date

WILLIAM SMITH
PLAINTIFF IN PRO PER

Ex Parte Application for Publication of Summons (p. 2)



DECLARATION

Your name

I, William Smith, am the plaintiff in this action, and I declare the following in support of my application to permit service on the defendant by publication:

1. A cause of action exists against the party upon whom service is to be made, and he or she is a necessary or proper party to the action.

2. Despite a diligent attempt to locate the respondent for service, I have been unable to do so.

3. I have made the following efforts to learn defendant or respondent's whereabouts:

a) On January 8, 2009, I searched the following records in the Coun
Sacramento for the name of Thomas Abbott and for the following
that name: Thomas R. Abbott, Thomas Ryan Abbot, Tom Abbott:

Describe all your efforts to locate the other party using government records and common, free, search engines.

i. County Recorder and County Tax Assessor indexes
ii. Telephone Directory, dated November 2008
iii. Other_____

Check the applicable box.

☐ The party's name was not found in any of the searches listed above.

☒ The party's name was found in the telephone directory, dated November 2008

If the party's name was found, describe the record in which it was found. Describe your attempts to locate the party at the addresses found, including attempts to serve the party at that address.

and the following attempts were made to locate the party at the addresses sho
I personally called the number listed in the telephone directory, 916-555-9876,
but the number was disconnected. Registered process server Margaret Wilson
attempted personal service at the address listed in the telephone directory, but
Defendant no longer resides at that address according to the current tenant.

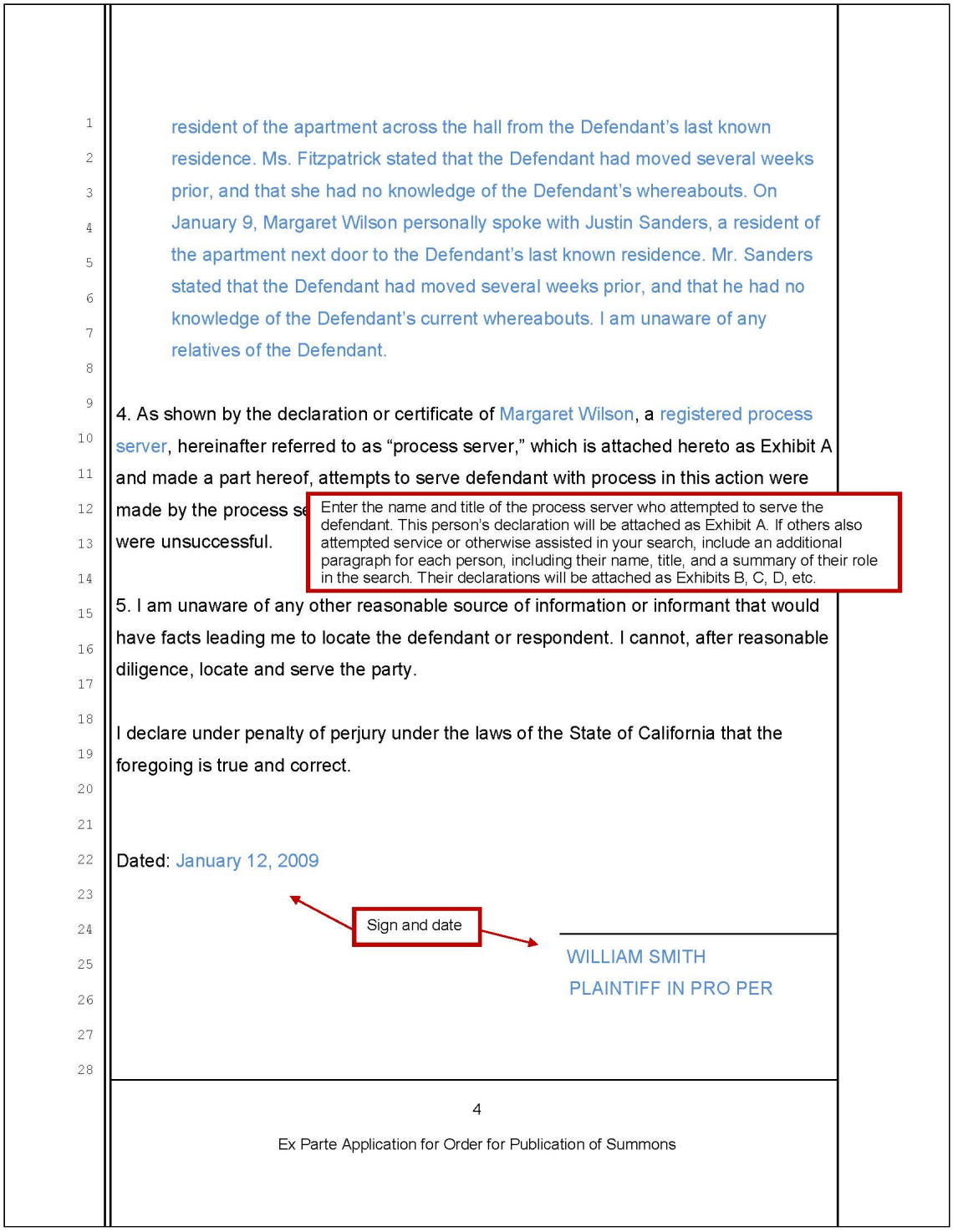
b) I made the following attempts to locate the party through relatives, friend
others likely to know the present whereabouts of the party: On January 4, 2009, I personally spoke with Jerry Keating, a friend of both Plaintiff and Defendant. Mr. Keating stated that he had not seen the Defendant in several months, and had no knowledge of his current whereabouts. On January 6, 2009, I called Ajax Car Repair, the Defendant's last known employer, and spoke with the manager, Doug Lasiter. Mr. Lasiter had no knowledge of Defendant's current whereabouts. On January 9, 2009 Margaret Wilson personally spoke with Kayla Fitzpatrick, a

Describe your additional attempts to locate the party. Be detailed. Include descriptions of your contacts with all relatives and friends who might know the party's whereabouts. Be sure to include the party's last known employer.

3

Ex Parte Application for Order for Publication of Summons

Ex Parte Application for Publication of Summons (p.3)



resident of the apartment across the hall from the Defendant's last known residence. Ms. Fitzpatrick stated that the Defendant had moved several weeks prior, and that she had no knowledge of the Defendant's whereabouts. On January 9, Margaret Wilson personally spoke with Justin Sanders, a resident of the apartment next door to the Defendant's last known residence. Mr. Sanders stated that the Defendant had moved several weeks prior, and that he had no knowledge of the Defendant's current whereabouts. I am unaware of any relatives of the Defendant.

4. As shown by the declaration or certificate of Margaret Wilson, a registered process server, hereinafter referred to as "process server," which is attached hereto as Exhibit A and made a part hereof, attempts to serve defendant with process in this action were made by the process se
were unsuccessful.

Enter the name and title of the process server who attempted to serve the defendant. This person's declaration will be attached as Exhibit A. If others also attempted service or otherwise assisted in your search, include an additional paragraph for each person, including their name, title, and a summary of their role in the search. Their declarations will be attached as Exhibits B, C, D, etc.

5. I am unaware of any other reasonable source of information or informant that would have facts leading me to locate the defendant or respondent. I cannot, after reasonable diligence, locate and serve the party.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: January 12, 2009

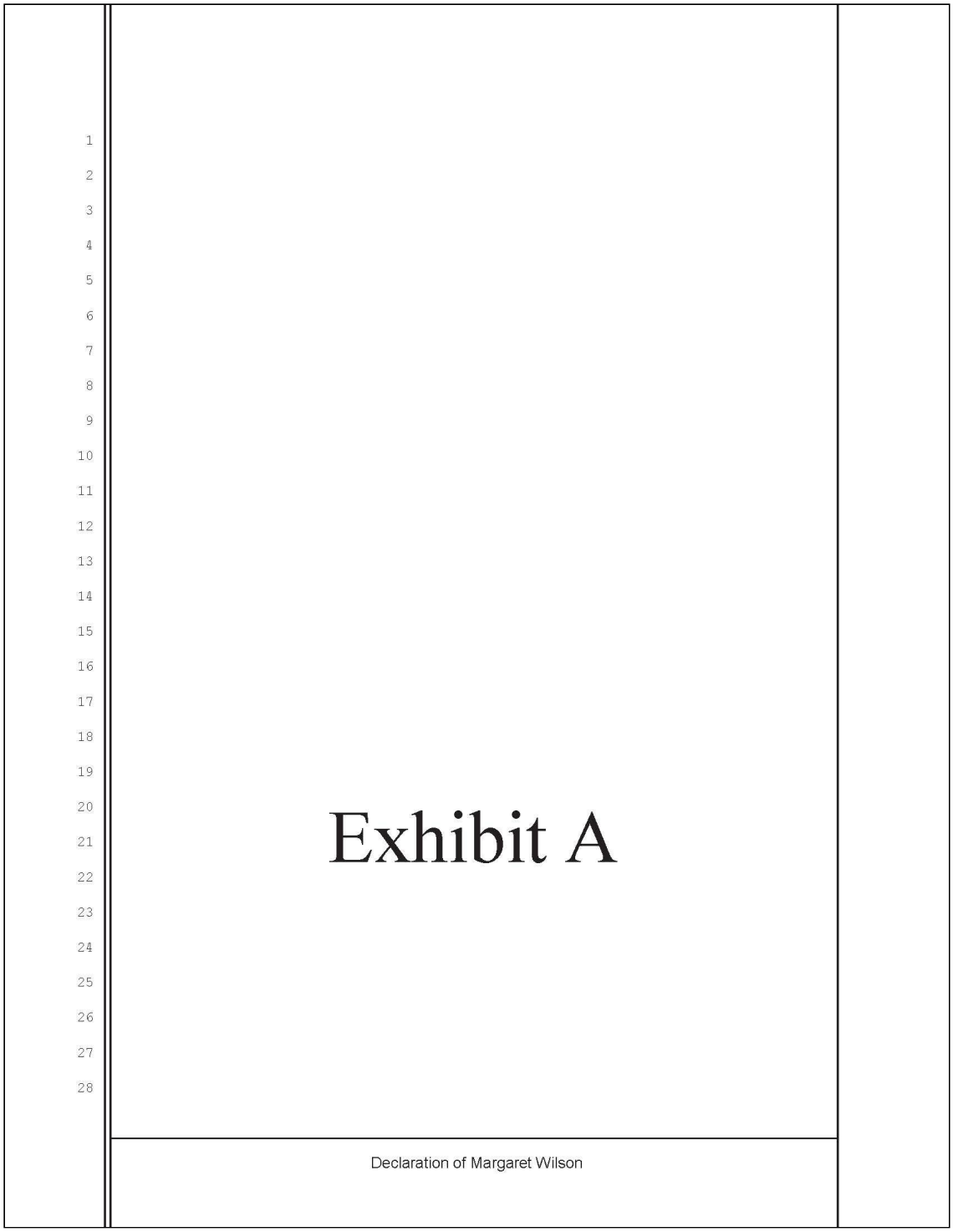
Sign and date

WILLIAM SMITH
PLAINTIFF IN PRO PER

4

Ex Parte Application for Order for Publication of Summons

Ex Parte Application for Publication of Summons (p. 4)



Ex Parte Application for Publication of Summons (p. 5)

Your process server and anyone else who attempted to serve or locate the defendant/respondent should write a declaration identifying themselves, and detailing their attempts.

DECLARATION

I, Margaret Wilson, declare the following:

1. I am over the age of 18 and not a party to this case.
2. I am a California registered process server, registration 01-234.
3. On December 20, 2008, I was hired by the William Smith to serve Thomas Abbott with the Summons and Complaint in this case.
4. On December 21, 2008, I searched the person locator database on LexisNexis, and located two possible addresses for Thomas Abbott based upon William Smith's description of him.
5. I traveled to the first address, 1313 Mockingbird Lane, Sacramento, California 95834 on December 26, 2008. The residence at that address appeared dilapidated and worn down. The windows were boarded up, and nobody appeared to live there. I knocked on the door without answer, and noticed that a "Condemned" notice had been taped to the door and window. I left a business card on the door with a note to contact me.
6. I traveled to the second address, 987 Squirrel Run, Apt. 42, in Sacramento, California 95898 on January 6, 2009 at 2:30 p.m. There was no answer to my knocks or the doorbell.
7. At 8:00 a.m. on January 7, 2009, I returned to 987 Squirrel Run Apt 42, and found nobody home.
8. I returned to 987 Squirrel Run on January 9, 2009, at 5:30 p.m. While I was knocking on the door, a young man who identified himself as Justin Sanders came from the next door apartment and informed me that Thomas Abbott moved out early in December, and that he did not know any forwarding address, and that I might talk to Kayla Fitzpatrick across the hall in Apt. 40, as she was the on-site manager.
9. I then spoke with Kayla Fitzpatrick, who confirmed that Thomas Abbott had moved out unexpectedly, and that he did not leave a forwarding address, which frustrated her because she needed someplace to send his security deposit.
10. I have been unable to locate any further information regarding the whereabouts of Thomas Abbott.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: January 11, 2009

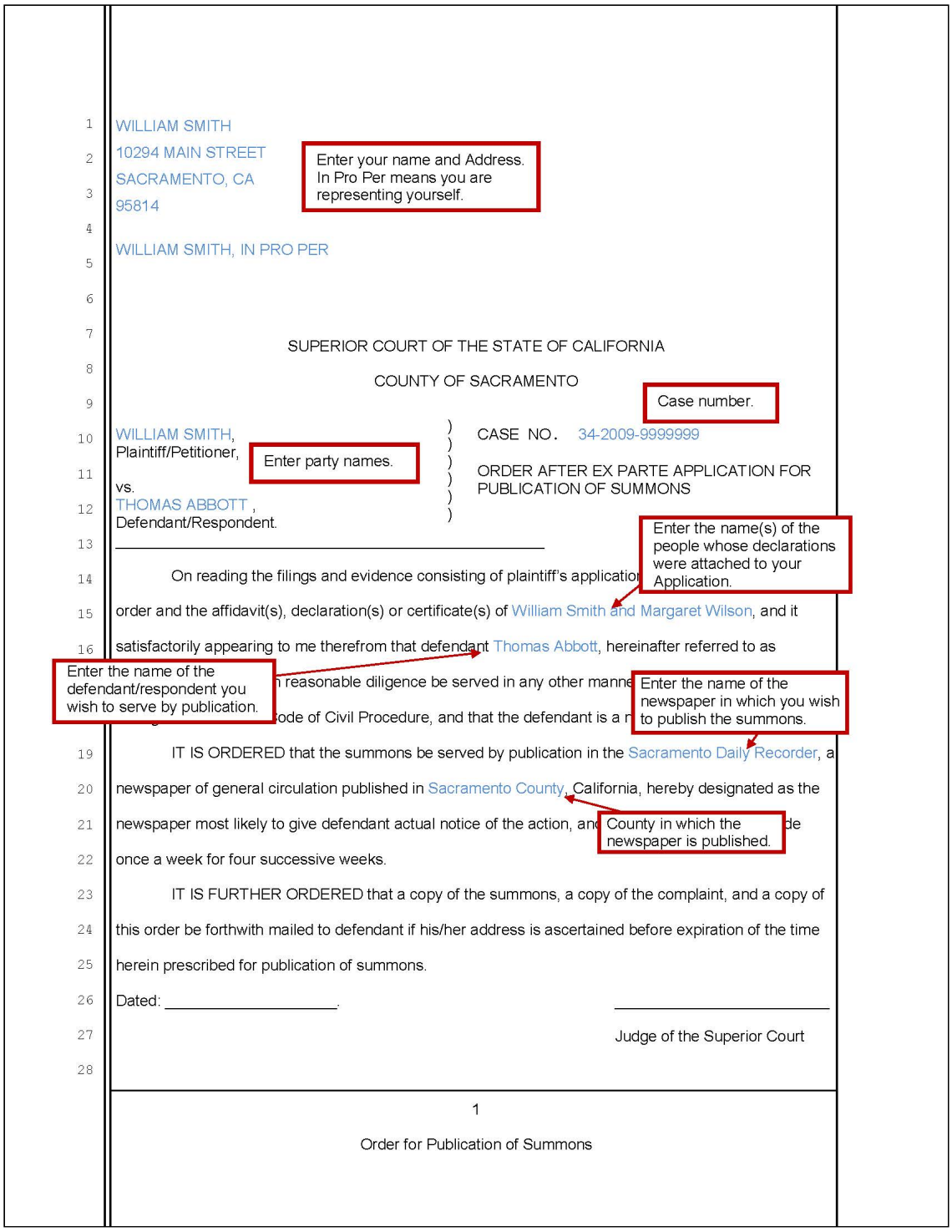
Margaret Wilson

Margaret Wilson

Declaration of Margaret Wilson

Ex Parte Application for Publication of Summons (p. 6)

Proposed Order



WILLIAM SMITH
10294 MAIN STREET
SACRAMENTO, CA
95814

Enter your name and Address. In Pro Per means you are representing yourself.

WILLIAM SMITH, IN PRO PER

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SACRAMENTO

Case number.

WILLIAM SMITH,
Plaintiff/Petitioner,

Enter party names.

vs.
THOMAS ABBOTT ,
Defendant/Respondent.

CASE NO. 34-2009-9999999

ORDER AFTER EX PARTE APPLICATION FOR PUBLICATION OF SUMMONS

Enter the name(s) of the people whose declarations were attached to your Application.

On reading the filings and evidence consisting of plaintiff's application

order and the affidavit(s), declaration(s) or certificate(s) of William Smith and Margaret Wilson, and it

satisfactorily appearing to me therefrom that defendant Thomas Abbott, hereinafter referred to as

Enter the name of the defendant/respondent you wish to serve by publication.

reasonable diligence be served in any other manne

Enter the name of the newspaper in which you wish to publish the summons.

ode of Civil Procedure, and that the defendant is a r

IT IS ORDERED that the summons be served by publication in the Sacramento Daily Recorder, a

newspaper of general circulation published in Sacramento County, California, hereby designated as the

newspaper most likely to give defendant actual notice of the action, and

County in which the newspaper is published.

de

once a week for four successive weeks.

IT IS FURTHER ORDERED that a copy of the summons, a copy of the complaint, and a copy of this order be forthwith mailed to defendant if his/her address is ascertained before expiration of the time herein prescribed for publication of summons.

Dated: _____.

_____

Judge of the Superior Court

1

Order for Publication of Summons

Proposed Order for Publication of Summons

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