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# 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](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/](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/) ([https://www.saclaw.org/resource\\_library/finding-people-and-businesses/](https://www.saclaw.org/resource_library/finding-people-and-businesses/))

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

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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/general/docs/newspapers-gen-circulation.pdf) (<https://www.saccourt.ca.gov/general/docs/newspapers-gen-circulation.pdf>).

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) (<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.

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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](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 \(https://prod-portal-sacramento-ca.journaltech.com/public-portal/\)](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 \(https://www.saccourt.ca.gov/home/showpublisheddocument/861/639099448674370000\)](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** (<http://www.saccourt.ca.gov/fees/docs/fee-schedule.pdf>) ([Cal. Gov. Code § 70617\(c\)\(3\) \(https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=70617.&lawCode=GOV\)](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.

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## 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.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=417.10) ([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=417.10](http://leginfo.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.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2010) ([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CCP&sectionNum=2010](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2010))). Pursuant to [California Government Code § 6064](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=6064) ([http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=6064](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=6064)), service is deemed complete on the 29<sup>th</sup> 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 \(https://www.saclaw.org/resource\\_library/request-a-default-judgment-by-clerk-2/\)](https://www.saclaw.org/resource_library/request-a-default-judgment-by-clerk-2/) ” and “[Request a Default Judgment by Court \(https://www.saclaw.org/resource\\_library/request-a-default-judgment-by-court/\)](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 \(https://www.saclaw.org/legal\\_topic/discovery-process-to-get-evidence-from-other-side/\)](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.

1 WILLIAM SMITH  
 2 10294 MAIN STREET  
 3 SACRAMENTO, CA 95814

4 WILLIAM SMITH, IN PRO PER

5  
 6  
 7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 8 COUNTY OF SACRAMENTO

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

13  
 14 Application is hereby made for an order directing that summons or citation in this  
 15 action be served on defendant/respondent Thomas Abbott, by publication of the  
 16 summons or citation in The Sacramento Daily Recorder, which is a newspaper of  
 17 general circulation in this state and is most likely to give defendant actual notice of the  
 18 pendency of this action because the defendant was last known to reside in this county.

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

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

25 Dated: January 12, 2009

26 Sign and date WILLIAM SMITH  
 27 PLAINTIFF IN PRO PER

28

1  
 Ex Parte Application for Order for Publication of Summons

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

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.
2		
3	I. Background	
4	The complaint or petition, which is for <b>breach of contract</b> , was filed on <b>January 3,</b>	
5	<b>2009.</b>	
6	The plaintiff has been diligently attempting to have the defendant served with the	
7	Summons and Complaint, however despite exercising diligence, the plaintiff has been	
8	unable to locate the defendant for service. The plaintiff now asks that the court permit	
9	the Summons to be served by publication in <b>The Sacramento Daily Recorder</b> , a	
10	newspaper of general circulation in the county in which the <del>defendant was last known to</del>	Enter the name of the newspaper in which you will publish the summons.
11	reside.	
12	II. Legal Argument	
13	A SUMMONS MAY BE SERVED BY PUBLICATION	
14	California Code of Civil Procedure §415.50 permits a Summons to be served upon	
15	the defendant by publication upon demonstration by affidavit that the party cannot be	
16	served with reasonable diligence personally, by mail, or by substitute service, and that a	
17	cause of action exists against that party, or that person is a necessary party, or the	
18	party claims an interest in real or personal property that is subject to the jurisdiction of	
19	the court. In the present case, the plaintiff has asserted a cause of action against the	
20	defendant, and for the reasons explained in the attached declaration cannot with	
21	reasonable diligence locate the defendant.	
22	For these reasons, the plaintiff asks that the court permit the service of the Summons by	
23	publication.	
24	Dated: <b>January 12, 2009</b>	
25		
26		Sign and date
27		<b>WILLIAM SMITH</b>
28		<b>PLAINTIFF IN PRO PER</b>
	2	
	Ex Parte Application for Order for Publication of Summons	

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





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	Declaration of Margaret Wilson	

# Exhibit A

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

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<b>DECLARATION</b>	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.
<p>I, Margaret Wilson, declare the following:</p> <ol style="list-style-type: none"><li>1. I am over the age of 18 and not a party to this case.</li><li>2. I am a California registered process server, registration 01-234.</li><li>3. On December 20, 2008, I was hired by the William Smith to serve Thomas Abbott with the Summons and Complaint in this case.</li><li>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.</li><li>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.</li><li>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.</li><li>7. At 8:00 a.m. on January 7, 2009, I returned to 987 Squirrel Run Apt 42, and found nobody home.</li><li>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.</li><li>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.</li><li>10. I have been unable to locate any further information regarding the whereabouts of Thomas Abbott.</li></ol> <p>I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p> <p>Dated: January 11, 2009</p> <p style="text-align: center;"><i>Margaret Wilson</i> _____ Margaret Wilson</p>		
Declaration of Margaret Wilson		

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

## Proposed Order

1	WILLIAM SMITH		
2	10294 MAIN STREET	Enter your name and Address. In Pro Per means you are representing yourself.	
3	SACRAMENTO, CA		
4	95814		
5	WILLIAM SMITH, IN PRO PER		
6			
7			
8			
9			Case number.
10	WILLIAM SMITH, Plaintiff/Petitioner,	Enter party names.	CASE NO. 34-2009-999999
11	vs.		ORDER AFTER EX PARTE APPLICATION FOR PUBLICATION OF SUMMONS
12	THOMAS ABBOTT, Defendant/Respondent.		
13	_____		Enter the name(s) of the people whose declarations were attached to your Application.
14	On reading the filings and evidence consisting of plaintiff's application		
15	order and the affidavit(s), declaration(s) or certificate(s) of William Smith and Margaret Wilson, and it		
16	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.	Enter the name of the newspaper in which you wish to publish the summons.
17	_____ in reasonable diligence be served in any other manner		
18	mode of Civil Procedure, and that the defendant is a natural person		
19	IT IS ORDERED that the summons be served by publication in the Sacramento Daily Recorder, a		County in which the newspaper is published.
20	newspaper of general circulation published in Sacramento County, California, hereby designated as the		
21	newspaper most likely to give defendant actual notice of the action, and _____		
22	once a week for four successive weeks.		
23	IT IS FURTHER ORDERED that a copy of the summons, a copy of the complaint, and a copy of		
24	this order be forthwith mailed to defendant if his/her address is ascertained before expiration of the time		
25	herein prescribed for publication of summons.		
26	Dated: _____.		
27			Judge of the Superior Court
28			

Proposed Order for Publication of Summons

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