Serving Documents by Mail

These instructions were written for documents in civil cases in the the Sacramento County Superior Court, but are generally applicable in any California Superior Court. However, for any other court, confirm the details in the local rules and procedures, usually found on its website.

All documents you file with the court in your case must be served on all other parties. Some documents, such as discovery requests and responses, are not filed with the court but must still be served. See our videos and Step-by-Step guides on Discovery for more information (https://www.saclaw.org/legal_topic/discovery-process-to-get-evidence-from-other-side/) .

You cannot serve your own documents.

Documents must be served by someone over 18 who is not a party to the case.

Templates and Forms

- Proof of Service by Mail (POS-030) (https://www.courts.ca.gov/documents/pos030.pdf)
- Attachment to Proof of Service by First-Class Mail – Civil (Persons Served) (POS-030(P)) (https://www.courts.ca.gov/documents/pos030p.pdf)
- Attachment to Proof of Service by First-Class Mail – Civil (Documents Served) (POS-030(D)) (https://www.courts.ca.gov/documents/pos030d.pdf)

These instructions apply to most types of responsive pleadings, such as Answers and Demurrers. They also apply to Motions.

These instructions **DO NOT** apply to case-initiating paperwork, such as Summons, Complaints, Orders to Show Cause, Ex Parte Motions, or Restraining Orders. Case-initiating documents generally require Personal Service. See our Step-by-Step guide on Personal Service (https://saclaw.org/resource_library/personal-service/) for more information.

Responsive paperwork and Motions are served prior to filing with the court. The court will not accept these documents unless they are accompanied by a signed Proof of Service.

Step by Step Instructions

Filing Party: Preparing Documents to be Served

1 Step 1: Complete Forms and Make Photocopies

Complete the forms or documents you wish to have served.

In some cases you must file separate documents, such as a Separate Statement of Disputed Facts or multiple declarations. Any separate documents will be treated exactly like the main document.

Make one complete photocopy of each document for each party, plus an optional extra copy for the court to stamp (“endorse)” and return to you. (The court will only endorse one copy for you.) Make an additional copy for yourself, if you want one for your records while you wait for the court to return the endorsed copies, which may take up to six weeks if you submit by mail or drop-box.

2 Step 2: Select Your Server

Crucial: Documents must be served by someone over 18 who is not a party to the case. If not, the paperwork will be invalid.

This person is called the “server.”

Give the copies you made in Step 1 to the server.

3 Step 3: Fill out Proof of Service by Mail Form

The server can complete this step and the next step if preferred. A sample completed form with instructions is at the end of this Guide.

Fill out the caption, the name(s) of the documents being served in Item 3, and the name(s) and addresses of the parties in Item 5 of *Proof of Service by Mail* (POS-030) (https://www.courts.ca.gov/documents/pos030.pdf). Leave items 2, the rest of 3, and 4 blank for the server to complete.

If more than one party is being served, attach *Attachment to Proof of Service by First-Class Mail – Civil (Persons Served)* (POS-030(P)) (https://www.courts.ca.gov/documents/pos030p.pdf), and list all persons to whom copies were mailed.

If there is not enough room on *Proof of Service by Mail* (POS-030) to list all the documents being served, attach *Attachment to Proof of Service by First-Class Mail – Civil (Documents Served)* (POS-030(D)) (https://www.courts.ca.gov/documents/pos030d.pdf), and list each document served.

4 Step 4: Photocopy the Proof of Service Form

Make a photocopy of the **unsigned** *Proof of Service* (POS-030) (and attachments, if used) for each party to be served. Give those copies to the server, as well.

5 Step 5: Prepare the Documents to be Served

The party can prepare these ahead of time, or have the server do it.

For each party to be served, put one copy of the document or documents to be served in an envelope, along with a copy of the unsigned *Proof of Service* (POS-030).

Address the envelope(s) to the attorney(s) or self-represented party(s) being served. If the party is represented by an attorney, the attorney, rather than the party, should be served. Use the listed in the caption of their most recent court papers.

Adequate postage must be on the envelope. Make a copy of the envelope for the records of the party for whom you are serving the documents.

Server: Mail Documents, Sign Proof of Service

1 Step 1: Mail the Documents

Deposit the envelope with the US Postal Service, either at the post office or in a regular USPS mail box. If your place of business has regular mail pick-up, and mail deposited in the business's outgoing mail is delivered to the post office the **same day**, the envelope may be placed in your business's outgoing mail drop.

Use standard first class mail. You do not need to use certified mail or any other special type of delivery.

2 Step 2: Sign the Original Proof of Service Form and Return to Party

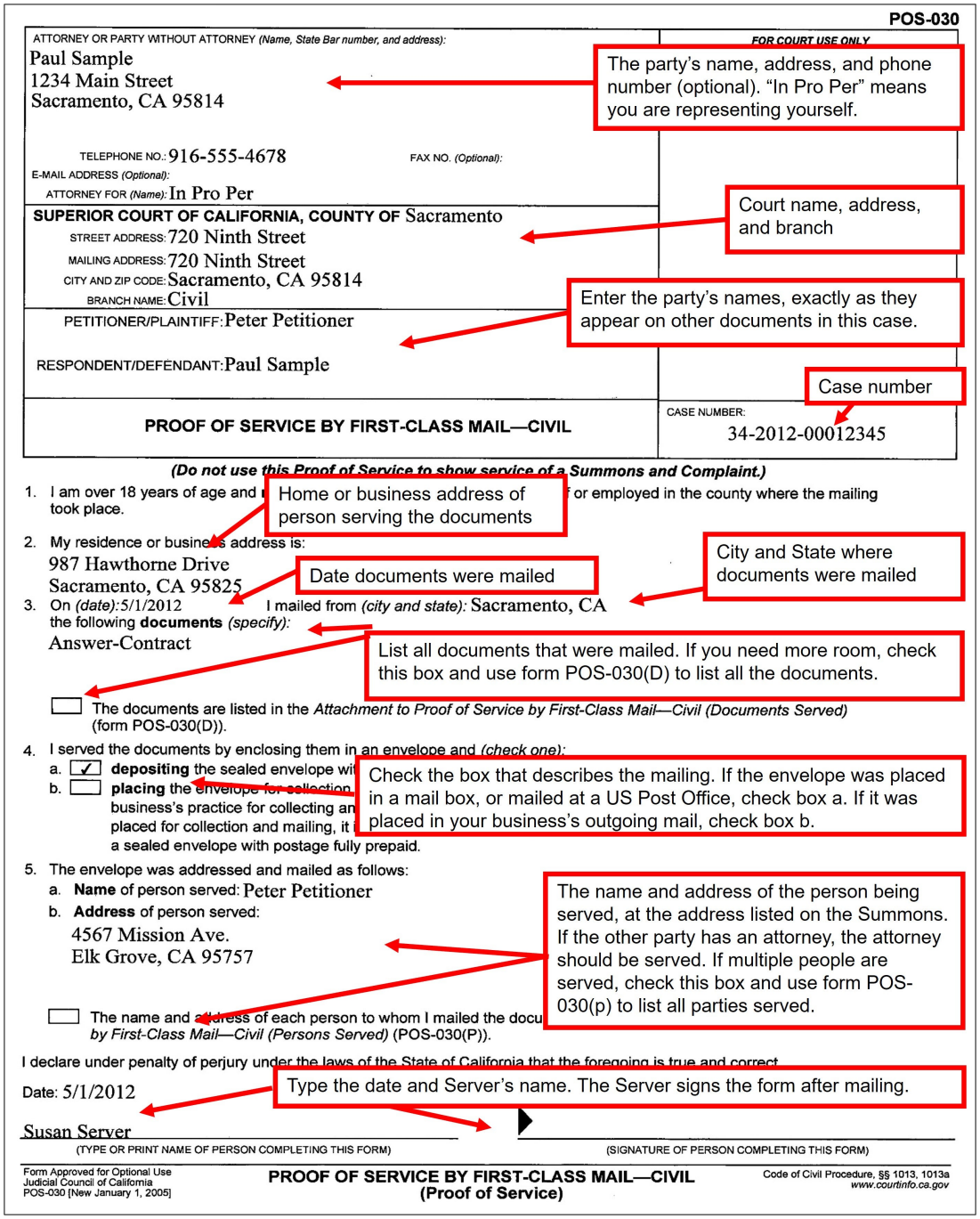
Sign the Proof of Service using a blue or black ink pen. This signed version is sometimes called the "wet" signature as opposed to copies of the signature, and the court needs this specific version filed.

You will be signing under penalty of perjury that you mailed the documents on the date and location the Proof of Service says.

Return the signed Proof of Service to the party.

Next: Filing in Court

Samples



POS-030

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): FOR COURT USE ONLY
Paul Sample
1234 Main Street
Sacramento, CA 95814

The party's name, address, and phone number (optional). "In Pro Per" means you are representing yourself.

TELEPHONE NO.: 916-555-4678 FAX NO. (Optional):
E-MAIL ADDRESS (Optional):
ATTORNEY FOR (Name): In Pro Per

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento
STREET ADDRESS: 720 Ninth Street
MAILING ADDRESS: 720 Ninth Street
CITY AND ZIP CODE: Sacramento, CA 95814
BRANCH NAME: Civil

Court name, address, and branch

PETITIONER/PLAINTIFF: Peter Petitioner
RESPONDENT/DEFENDANT: Paul Sample

Enter the party's names, exactly as they appear on other documents in this case.

Case number

PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL

CASE NUMBER: 34-2012-00012345

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and [illegible] or employed in the county where the mailing took place.

Home or business address of person serving the documents

2. My residence or business address is:
987 Hawthorne Drive
Sacramento, CA 95825

Date documents were mailed

City and State where documents were mailed

3. On *(date)*: 5/1/2012 I mailed from *(city and state)*: Sacramento, CA
the following **documents** *(specify)*:
Answer-Contract

List all documents that were mailed. If you need more room, check this box and use form POS-030(D) to list all the documents.

☐ The documents are listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)).

4. I served the documents by enclosing them in an envelope and *(check one)*:
a. ☑ **depositing** the sealed envelope wit
b. ☐ **placing** the envelope for collection
business's practice for collecting an
placed for collection and mailing, it
a sealed envelope with postage fully prepaid.

Check the box that describes the mailing. If the envelope was placed in a mail box, or mailed at a US Post Office, check box a. If it was placed in your business's outgoing mail, check box b.

5. The envelope was addressed and mailed as follows:
a. **Name** of person served: Peter Petitioner
b. **Address** of person served:
4567 Mission Ave.
Elk Grove, CA 95757

The name and address of the person being served, at the address listed on the Summons. If the other party has an attorney, the attorney should be served. If multiple people are served, check this box and use form POS-030(p) to list all parties served.

☐ The name and address of each person to whom I mailed the docu
by First-Class Mail—Civil (Persons Served) (POS-030(P)).

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

Date: 5/1/2012

Type the date and Server's name. The Server signs the form after mailing.

Susan Server
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

Form Approved for Optional Use
Judicial Council of California
POS-030 [New January 1, 2005]

PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL
(Proof of Service)

Code of Civil Procedure, §§ 1013, 1013a
www.courtinfo.ca.gov

Proof of Service by Mail (POS-030)

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