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SERVING DOCUMENTS BY MAIL

Mail Court Papers to the Other Party

Disclaimer: This guide is intended as general information only. Your case may have factors requiring different procedures or forms. The information and instructions are provided for use in the Sacramento County Superior Court. Please keep in mind that each court may have different requirements. If you need further assistance, consult an attorney.

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FORMS

The Judicial Council form commonly used in this procedure is:

- *Proof of Service by Mail* (POS-030)
www.courts.ca.gov/documents/pos030.pdf

These instructions apply to most types of responsive pleadings, such as Answers and Demurrers. They also apply to Motions, with the exception that you may file three, rather than two, copies with the court. Two is the maximum number of copies the court will officially stamp “Endorsed/Filed,” and give back to you, but with Motions, the court requires an extra copy for the judge to review prior to the hearing. Motions are also filed at a window rather than in the drop box. See the Step-by-Step guide on Writing and Scheduling Motions on our website at saclaw.org/motions-general for more information.

Be sure to research the type of document you need to serve, to determine if the court has any special filing rules, such as requiring a different number of copies, or whether the documents to be filed in a different department. More information is available on the Sacramento County Superior Court’s web site at www.saccourt.ca.gov/civil/filing-instructions.aspx.

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 the Step-by-Step guide on Personal Service on our website at saclaw.org/personal-service for more information.

All of the 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 the videos and Step-by-Step guides on Discovery on our website at saclaw.org/law-101/discovery-topic/ for more information.

**You cannot serve your own documents.
Documents must be served by someone over 18 who is not a party to the case.**

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.

saclaw.org/mail-service

STEP-BY-STEP INSTRUCTIONS

FILING PARTY:

STEP 1: COMPLETE YOUR FORMS

Complete the forms or documents you wish to have served.

STEP 2: MAKE PHOTOCOPIES

Make a photocopy of your forms for each party, plus two photocopies for the court (two is the maximum number of copies the court will endorse, or officially stamp “Endorsed/Filed”). 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.

STEP 3: SELECT YOUR SERVER

Documents must be served by someone over 18 who is not a party to the case. Give the copies you made in Step 2 to the person mailing your documents.

SERVER:

STEP 1: COMPLETE A PROOF OF SERVICE BY MAIL FORM

Fill out, but **don't sign** a *Proof of Service by Mail* (POS-030). Instructions for completing this form are at the end of this Guide.

If more than one party is being served, attach *Attachment to Proof of Service by First-Class Mail – Civil (Persons Served)* (POS-030(P)), available online at 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)), available online at www.courts.ca.gov/documents/pos030d.pdf, and list each document served.

STEP 2: PHOTOCOPY THE PROOF OF SERVICE FORM

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

STEP 3: PREPARE THE DOCUMENTS FOR SERVICE

For each party to be served, put one copy of the 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 litigant(s) persons being served at the address listed in the caption of his/her/its/their court papers. If the party is represented by an attorney, the attorney, rather than the party, should be served. 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.

STEP 4: MAIL THE DOCUMENTS

Deposit the envelope with the US Postal Service, either at the post office or in a regular post office 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.

STEP 5: SIGN THE ORIGINAL PROOF OF SERVICE FORM

You will be signing under penalty of perjury that you mailed the documents listed on the *Proof of Service* (POS-030) form.

FILING PARTY, SERVER, or ANYONE ELSE

STEP 1: MAKE PHOTOCOPIES

Make two photocopies of the signed *Proof of Service* (POS-030) form. Make an additional copy if the party for whom the documents were served wants one for his or her records while waiting for the court to return the endorsed copy.

STEP 2: ASSEMBLE THE DOCUMENTS FOR FILING

Create packets of documents:

Originals packet - The original document(s) served, and the original *Proof of Service* (POS-030). The original document is the one with original signatures. All original documents should be left unstapled.

Copies packets - Photocopies of the documents served and signed *Proof of Service* (POS-030). These packets should be stapled. You should have at least two copies packets. You may have a third copies packet if the filing party made one to keep for their records while waiting for the court to return the endorsed copies.

STEP 3: FILE THE DOCUMENTS AT THE COURT HOUSE

Most documents will be placed in the drop box in Room 100 in the Sacramento Superior Court at 720 Ninth Street. Fill out and attach the *Civil Document Drop-Off Sheet* (www.saccourt.ca.gov/forms/docs/cv-drop-off-sheet.pdf) and date stamp the back of the original packet. A supply of *Civil Document Drop-Off Sheets*, *Credit Card Authorization Forms* (www.saccourt.ca.gov/forms/docs/cv-201.pdf), and a date stamp are located near the drop box. Following the instructions posted at the drop box, place the unstapled original document packet plus two copies of the packet in the drop box, along with a check or *Credit Card Authorization Form* for the filing fee, if any. Provide the court with a self-addressed stamped envelope with sufficient postage to facilitate the return of your documents to you. The remaining copy packet, if any, is for the filing party's records. The court will process the paperwork, and return the two copies packets, stamped "Endorsed/Filed," to the filing party. The court will retain the original papers for its file.

IF YOU HAVE QUESTIONS ABOUT THIS GUIDE, OR IF YOU NEED HELP FINDING OR USING THE MATERIALS LISTED, DON'T HESITATE TO ASK A REFERENCE LIBRARIAN.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Paul Sample 1234 Main Street Sacramento, CA 95814 TELEPHONE NO.: 916-555-4678 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): In Pro Per		FOR COURT USE ONLY	
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			
PETITIONER/PLAINTIFF: Peter Petitioner RESPONDENT/DEFENDANT: Paul Sample			
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL		CASE NUMBER: 34-2012-00012345	

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

Court name, address, and branch

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

Case number

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

1. I am over 18 years of age and not a minor. I am employed in the county where the mailing took place.

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

3. On (date): **5/1/2012** I mailed from (city and state): **Sacramento, CA**

the following documents (specify):
Answer-Contract

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 in a mail box or at a US Post Office.
 b. **placing** the envelope for collection in my business's practice for collection and mailing, or placed for collection and mailing in a sealed envelope with postage fully prepaid.

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 each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

Home or business address of person serving the documents

City and State where documents were mailed

Date documents were mailed

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.

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.

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.

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

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

(SIGNATURE OF PERSON COMPLETING THIS FORM)