

**INSTRUCTIONS FOR MOTION FOR SERVICE OF SMALL CLAIMS
COMPLAINT BY CERTIFIED MAIL**

I. Explanation of Motion For Service Of Small Claims Complaint By Certified Mail

An Affidavit of Complaint filed in a small claims action must be personally served on the defendant(s) by a third party process server before you may be heard in court. In instances where your process server has made multiple efforts to personally serve the defendant(s) but has been unsuccessful, you may request the court to allow you to attempt to serve the defendant(s) by certified mail, return receipt requested.

PLEASE NOTE, you will need to file with the court the certified mail receipt that shows the defendant(s) signed for the certified mail. If the defendant(s) do(es) not sign the certified receipt, this will not be considered adequate proof of service and your claim will not be permitted to proceed to trial.

A. This package contains the following documents:

1. Motion For Service Of Small Claims Complaint By Certified Mail;
2. Declaration of Due Diligence In Support Of Service Of Small Claims Complaint By Certified Mail;
3. Order For Service Of Small Claims Complaint By Certified Mail;
and
4. Certificate of Mailing.

B. You can use this package if:

1. You have filed a small claims action in the Las Vegas Justice Court;
2. You have given a copy(ies) of your Affidavit of Complaint to a process server or another third party over the age of 18 to serve the defendant(s);
3. The third party process server has made diligent attempts to serve the Affidavit of Complaint on the defendant(s) but, despite their best efforts, they have been unable to accomplish personal service;
and
4. You know the defendant(s)' address and believe that you can serve the defendant(s) with the Affidavit of Complaint if you are permitted to send it by certified mail.

II. Step 1: Make sure that you have had your process server attempt to serve your Affidavit of Complaint.

You will be required to demonstrate that, despite your best efforts, you have been unable to successfully serve the defendant(s) with the Affidavit of Complaint.

III. Step 2: Prepare your paperwork.

A. Complete the Motion For Service Of Small Claims Complaint By Certified Mail.

This is your request to the Court to allow you to attempt to serve the defendant(s) by certified mail.

1. Insert your name in the blank space above the word "Plaintiff" in the caption and the defendant(s)' name(s) above the word "Defendant(s)."
2. Fill in the case number that appears on your Affidavit of Complaint in the blank space next to the term "Case No.:"
3. Fill in all remaining blanks and sign the Motion.

B. Have your process server complete a Declaration of Due Diligence.

Many professional process servers use their own forms. If you hire a business to serve the defendant(s), you should ask them to complete this form.

1. Insert your name in the blank space above the word "Plaintiff" in the caption and the defendant(s)' name(s) above the word "Defendant(s)."
2. Fill in the case number that appears on your Affidavit of Complaint in the blank space next to the term "Case No.:"
3. Insert the name of your process server on the blank line in the first paragraph.
4. Your process server will need to complete the remainder of the Declaration.

C. Prepare the Order

1. Insert your name in the blank space above the word "Plaintiff" in the caption and the defendant(s)' name(s) above the word "Defendant(s)."

2. Fill in the case number that appears on your Affidavit of Complaint in the blank space next to the term “Case No.:”

III. Make copies of your documents and file them with a self-addressed, stamped envelope.

You will need to file (1) original and (1) copy of each of the Motion, Declaration, and Order, along with a self-addressed, stamped envelope with the clerk of the Las Vegas Justice Court. No filing fees are required.

IV. Wait for the signed order.

A signed order either approving or denying your Motion will be mailed to you.

V. Steps following receipt of the signed order.

If your Motion is denied, or if the defendant(s) do not sign for the certified mail, you will be required to have your Affidavit of Complaint personally served on the defendant(s). If your Motion is granted:

- A. Mail a file-stamped copy of your Affidavit of Complaint to the defendant(s) via certified mail, return receipt requested (the defendant(s) must sign for the mail within 10 business days prior to the date set for your trial);
- B. If the defendant(s) signed for the mail, you will receive the return receipt in the mail on a green postcard with the recipient’s signature;
- C. Mount the return receipt onto the Certificate of Mailing and file (1) original and (1) copy with the clerk of the Las Vegas Justice Court. Pursuant to Justice Court Rules of Civil Procedure 91, the return receipt must be filed immediately with the court.