

1 **IN THE DELAWARE MUNICIPAL COURT OF DELAWARE COUNTY, OHIO**

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3 \_\_\_\_\_  
4 Plaintiff  
5 vs.  
6 \_\_\_\_\_  
7 Defendant

8 **Case No.** \_\_\_\_\_  
9 **Special Process Server**  
10 **Application and Affidavit for Appointment**  
11 **Civil Rule 4.1(D)**

12 **A. I hereby apply to the court to be designated as a process server in this case. I satisfy all of the following requirements per Civil Rule 4.1(D):**

- 13 (1) I am not less than eighteen years of age;
- 14 (2) I am not a party or related to a party in the case, and I have no financial interest in the outcome of the case;
- 15 (3) I am a United States citizen or a legal resident of the United States;
- 16 (4) I hold a valid government-issued identification card, passport, or driver license;
- 17 (5) In the last ten years, I have not been convicted of a felony, offense of violence, or offense involving dishonesty or false statement; I am not now under community control sanctions, probation, post-release control, or parole;
- 18 (6) I am not now a respondent under any civil protection order;
- 19 (7) I am familiar with the required procedure for service of process; and
- 20 (8) I will conduct myself in a professional manner.

21 **B. I swear/affirm that the forgoing is true.**

22 X \_\_\_\_\_ print name

23 Signature of Applicant

24 \_\_\_\_\_ Street Address

25 Phone Number

26 \_\_\_\_\_ City, State Zip

27 email address

28 **C. Subscribed and sworn to / affirmed in my presence this \_\_\_\_\_, 20\_\_\_\_. [seal]**

29 X \_\_\_\_\_ print name

30 Notary Public /Dep. Clerk

31 **Journal Entry / Magistrate Order**

32 The applicant hereinabove is hereby designated for a period not to exceed one year to make personal or residence service of process under Civil Rule 4.1(B) or (C) in this case. If said designated process server fails at any time hereafter to satisfy the above requirements during the period of appointment, the authority to serve process shall cease forthwith without further order. When requesting service, a party must direct the clerk whether to deliver documents for service to the bailiff, a designated special process server, or the local sheriff (for out-of-county service)..

33 \_\_\_\_\_ Civ SpecialProcessServerAppWEntry.docx

34 Judge / Magistrate Ver 09May14 © K. Pelanda

35 copy served \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_, Dep Clerk on:

36  Attorney for Plaintiff by EM OM  Attorney for Defendant by EM OM

37  Plaintiff by EM OM  Defendant by EM OM  \_\_\_\_\_ by EM OM

1 RULE 4.1. Process: Methods of Service.

2 . . .

3 (B) Personal service.

4 When the plaintiff files a written request with the clerk for  
5 personal service, service of process shall be made by that  
6 method.

7 (1) Civil process server; general.

8 When process issued from the Supreme Court, a court of  
9 appeals, a court of common pleas, or a county court is to be  
10 served personally under this division, the clerk of the court  
11 shall deliver the process and sufficient copies of the process  
12 and complaint, or other document to be served, to the  
13 sheriff of the county in which the party to be served resides  
14 or may be found. When process issues from the municipal  
15 court, delivery shall be to the bailiff of the court for service  
16 on all defendants who reside or may be found within the  
17 county or counties in which that court has territorial  
18 jurisdiction and to the sheriff of any other county in this  
19 state for service upon a defendant who resides in or may be  
20 found in that other county. In the alternative, process  
21 issuing from any of these courts may be delivered by the  
22 clerk to a person designated by court order to serve civil  
23 process under division (E) of this rule.

24 (2) Civil process server; procedure.

25 (a) The person serving process shall locate the person to be  
26 served and shall tender a copy of the process and  
27 accompanying documents to the person to be served. When  
28 the copy of the process has been served, the person serving  
29 process shall endorse that fact on the process and return it  
to the clerk, who shall make the appropriate entry on the  
appearance docket.

(b) When the person serving process is unable to serve a  
copy of the process within twenty-eight days, the person  
shall endorse that fact and the reasons therefor on the  
process and return the process and copies to the clerk who  
shall make the appropriate entry on the appearance docket.  
In the event of failure of service, the clerk shall follow the  
notification procedure set forth in division (A)(2) of this  
rule. Failure to make service within the twenty-eight-day  
period and failure to make proof of service do not affect the  
validity of the service.

(C) Residence service.

When the plaintiff files a written request with the clerk for  
residence service, service of process shall be made by that  
method.

(1) Civil process server; general.

When process is to be served under this division, deliver the  
process and sufficient copies of the process and complaint,  
or other document to be served, to the sheriff of the county  
in which the party to be served resides or may be found.  
When process issues from the municipal court, delivery  
shall be to the bailiff of the court for service on all  
defendants who reside or may be found within the county  
or counties in which that court has territorial jurisdiction  
and to the sheriff of any other county in this state for service  
upon a defendant who resides in or may be found in that  
county. In the alternative, process may be delivered by the  
clerk to a person designated by court order to serve civil  
process under division (E) of this rule.

(2) Civil process server; procedure.

(a) The person serving process shall effect service by  
leaving a copy of the process and the complaint, or other  
document to be served, at the usual place of residence of the  
person to be served with some person of suitable age and  
discretion then residing therein. When the copy of the  
process has been served, the person serving process shall  
endorse that fact on the process and return it to the clerk,  
who shall make the appropriate entry on the appearance  
docket.

(b) When the person serving process is unable to serve a  
copy of the process within twenty-eight days, the person  
shall endorse that fact and the reasons therefor on the  
process, and return the process and copies to the clerk, who  
shall make the appropriate entry on the appearance docket.  
In the event of failure of service, the clerk shall follow the  
notification procedure set forth in division (A)(2) of this  
rule. Failure to make service within the twenty-eight-day  
period and failure to make proof of service do not affect the  
validity of service.

eff. July 1, 2023.