

Serving Documents & Filing Proof of Service

Revised February 14, 2024

Every document submitted to the Clerk of the Appellate Courts for filing must also be accompanied by proof that the document was served on the other parties to the appeal. This is called “proof of service.” Documents served electronically do not require a separate document showing proof of service.

General Instructions for “Service”

Serving documents means officially delivering the documents to the other parties in the appeal. If a party has an attorney, you must serve the attorney rather than the party. If a party does not have an attorney, serve that party directly.

Did you file your *Notice of Appeal* and *Statement of the Case* electronically using EMACS **AND** is the person you are serving registered for electronic service in E-MACS?

If you answered **YES** to both questions above, then you may serve that person electronically using E-MACS.

If you answered **NO** to either question above, then you filed your documents by hand delivery or by U.S. Mail and therefore you must choose one of the options below for service:

- (1) **In person** (“personal service”): Have another person hand-deliver the document. The person who hand-delivers the document must be 18 years or older and not a party to the appeal. **You cannot serve a party in person yourself.**
- (2) **By mail:** Deposit the documents, correctly addressed, in the U.S. Mail, with adequate first-class postage. You may serve documents by mail yourself.
- (3) If the recipient consents to another method of delivery, such as email or fax, you could also use that method for service. For additional instructions on service, see [Minn. R. Civ. App. P. 125.02 and 125.03](#).

General Instructions for “Proof of Service”

Did you serve **all** of your documents on **all** parties electronically using E-MACS?

If **YES**, then **no separate proof of service is required**, because the Clerk of the Appellate Courts will receive proof (from E-MACS itself) that you have served each document electronically.

If you answered **NO** (you served some documents in person or by mail) then **you must file a separate proof of service**.

Usually, proof of service is (1) a notarized *Affidavit of Service* or (2) a *Certificate of Service*. The difference between an *Affidavit of Service* and a *Certificate of Service* is that a *Certificate of Service* does not need to be signed in front of a notary.

You may file one *Certificate of Service* (or *Affidavit of Service*) listing multiple documents if you serve those documents on the same date and on the same parties.

For additional instructions on proof of service, see Minn. R. Civ. App. P. 125.04.

If you served any documents in person or by mail, the person who served the documents must complete and sign either:

- the form titled *Appellant’s Certificate of Service by Mail of the Notice of Appeal, Statement of the Case, and Judgment*, OR
- the form titled *Appellant’s Certificate of Service by Personal Delivery of the Notice of Appeal, Statement of the Case, and Judgment*.

The *Certificate of Service* must include, from top to bottom:

1. The parties’ names and case file number;
2. County where the form was signed;
3. The name of the person who served the documents;
4. The titles of the documents that were served (on the forms included with this packet, the titles of the document are already filled in);
5. The date the documents were served;
6. The names of the parties who were served and the addresses to which the documents were mailed or delivered to those parties;
7. The signature of the person who served the documents, the date the form was signed, and the county and state where the form was signed.