

Mail and Post Instructions

Overview

The Summons and Eviction Complaint must be personally served on the defendant(s). If the Summons and Eviction Complaint cannot be personally served on the defendant because the defendant cannot be found in the county, and personal or substitute service has been attempted at least twice on different days with at least one of the attempts having been made between the hours of 6:00 p.m. and 10:00 p.m., service may be completed by way of Mailing and Posting. Minn. Stat. § 504B.331. The Summons and Eviction Complaint may be served by any person age 18 or older who is not named a party to the action or a Process Server. See Instructions for Eviction Complaint (HOU101) for more details on service.

AFTER AND ONLY AFTER PERSONAL SERVICE HAS BEEN ATTEMPTED AT LEAST TWO TIMES, PROCEED TO NEXT STEPS:

Procedures:

1. Plaintiff is provided with the following documents: Affidavit of Not Found, Affidavit of Plaintiff, Affidavit of Service by Mail and Affidavit of Service by Posting.
2. Plaintiff is to make extra copies of the Summons and Complaint for the defendant. Plaintiff or the plaintiff's attorney mails copy of Summons and Complaint to the defendant at the defendant's last known address.
3. Process Server or person who attempted personal service completes Affidavit of Not Found.
4. Plaintiff or Plaintiff's attorney completes Affidavit of Plaintiff.
5. Plaintiff or the Plaintiff's attorney (whoever did the mailing) completes Affidavit of Mailing.
6. Someone files the Affidavit of Not Found, Affidavit of Plaintiff and Affidavit of Mailing with the court.

AFTER AND ONLY AFTER THESE AFFIDAVITS ARE FILED, PROCEED TO NEXT STEPS:

7. Process server or an adult person not a party to the action posts the Summons and Complaint in a conspicuous (easy-to-notice) place on the premises (for example, on the front door of the apartment). **This must occur at least 7 days prior to the hearing but may be done after business hours.**
8. Process server or adult person who posts the Summons and Complaint completes Affidavit of Posting. Someone files this document before the hearing.

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp>. For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.