

State of Minnesota

County _____

District Court

Judicial District: _____
Court File Number: _____
Case Type: _____

Plaintiff(s)

vs.

**Affidavit for Service by Publication
(Under Minn. R. Civil Procedure, Rule 4.04(a)(1))**

Defendant(s)

STATE OF MINNESOTA)
) SS
COUNTY OF _____)
(County where Affidavit signed)

This form is only for civil cases within the scope of MN Rules of Civil Procedure, Rule 4.04(a)(1).
Do not use this Affidavit for marriage dissolution (divorce), or cases under Rule 4.04(a) (2)-(5).

I am the Plaintiff Plaintiff's attorney in this matter. I understand that I am under oath/affirmation and that I must tell the truth.

1. I am unable to find the following defendant(s): _____

2. **Defendant is an individual**, not a partnership or other entity. True False

3. Defendant is a **resident domiciliary of Minnesota**. True False

4. I believe that defendant **has either left Minnesota or is hiding in Minnesota, with intent to defraud creditors or to avoid having legal papers served on him/her**. True False

5. (Check one):

I mailed a copy of the Summons and Complaint to defendant's residence at:

(Street) _____
(City) _____ (State) _____ (Zip Code) _____
on or about this date: _____

I am unable to find a home address for defendant, and I have not mailed the Summons and Complaint.

I mailed a copy of the Summons and Complaint to defendant's last known home address and it was returned to me, forwarding address unknown. The address I mailed to is:

(Street) _____
(City) _____ (State) _____ (Zip Code) _____

6. Describe any attempts at serving papers on defendant made by the sheriff, a private process server, or other person. (Give dates, times and locations of the attempted service): _____

7. Describe your efforts to find the defendant. (*Explain what you know about defendant's home and workplace and how many times you went to those locations looking for defendant; explain who you talked to regarding the defendant's location, including employers, co-workers, friends, neighbors, family; explain searching you did using phone books, reverse directories, internet search tools, private investigators, and other methods.*)

(use attachment if more space is needed.)

8. Despite my best efforts, I cannot find defendant to serve him/her with the pleadings to start a lawsuit.

Dated: _____

Signature (*Sign only in front of notary public or court administrator.*)

Name: _____

Subscribed and sworn/affirmed before me

Attorney for: _____

by: _____

Address: _____

Date: _____

City/State/Zip: _____

Telephone: () _____

Notary Public \ Deputy Court Administrator

Attorney I.D.# _____

Instructions:

MN Rule of Civil Procedure 4.04(a)(1) does not require a court order before publishing.

1. File this *Affidavit* and your *Summons and Complaint* with Court Administration and pay the filing fee. If you cannot afford the fee, ask about a Fee Waiver.
2. After these documents are filed, publish the entire summons for three consecutive weeks in a legal newspaper. The newspaper staff prepare an *Affidavit of Publication* stating the dates of publication.
3. Service of the summons is complete 21 days after the first publication date. File the *Affidavit of Publication* with Court Administration. Before entering orders in the case, the Judge will determine whether the sworn statements in the *Affidavit in Support of Publication* adequately support service by publication and give the court jurisdiction.

The court rules are available at the public law libraries and at:

<http://www.mncourts.gov/default.aspx?page=511>

If you have questions, ask a lawyer for help.