

**State of Minnesota**

County \_\_\_\_\_

**District Court**

Judicial District: \_\_\_\_\_  
Court File Number: \_\_\_\_\_  
Case Type: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s)

vs.

**Affidavit for Service by Publication  
(Minn. R. Civil Procedure, Rule 4.04(a)(2)(4)(5))**

\_\_\_\_\_  
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)(2)(4) and (5). Do not use this Affidavit for marriage dissolution (divorce), or cases under Rule 4.04(a) (1).

**Affidavit**

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. Check one:

Rule 4.04(a)(2): Plaintiff has acquired a lien upon property or credits in Minnesota by attachment or garnishment and defendant is:  a resident individual who has left Minnesota or cannot be found in Minnesota OR  a nonresident individual or a foreign corporation, partnership or association.

Rule 4.04(a)(4): The subject of the action is real or personal property within Minnesota in or upon which defendant has or claims a lien or interest, or, the relief demanded consists wholly or partly in excluding the defendant from any such interest or lien.

Rule 4.04(a)(5): The action is to foreclose a mortgage or to enforce a lien on real estate located in Minnesota.

3. I believe that defendant is not a resident of Minnesota or cannot be found in Minnesota.  True  False

4. (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) \_\_\_\_\_

5. 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): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. 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.)

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: \_\_\_\_\_

\_\_\_\_\_  
Notary Public \ Deputy Court Administrator

Telephone: ( ) \_\_\_\_\_

Attorney I.D.# \_\_\_\_\_

**Instructions:**

MN Rule of Civil Procedure 4.04(a) 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.

**If Defendant is not an individual, other methods of service may apply.** See, for example, Minnesota Statutes Section 5.25 for service on corporations, partnerships, and other entities when no agent, officer, manager, or general partner can be found at the address on file with the secretary of state.

The court rules and Minnesota Statutes are available in the public law libraries and at <http://www.mncourts.gov/default.aspx?page=511> and <https://www.revisor.leg.state.mn.us/pubs/>

If you have questions, ask a lawyer for help.