

Probate Court of Cuyahoga County
Guidelines for *Instructions for Service* Form

REQUESTING PARTY

Use of *Instructions for Service* forms are limited to Probate Court Adversarial (ADV) cases for the purpose of instructing the Clerk to serve original and amended complaints, third-party complaints, and cross-claims (cross-complaints).

The attorney of record or the serving party must serve every pleading subsequent to the original complaint pursuant to Civ. R. 5, except for pleadings asserting new or additional claims for relief or additional damages against a party in default. Parties in default for failure to appear must be served in the manner provided for service of summons in Civ. R. 4 through Civ. R. 4.6.

PROOF OF SERVICE: If an *Instructions* form is not provided with any pleading subsequent to the original complaint, the attorney of record or serving party must provide a *Certificate of Service* in compliance with Civ. R. 5(B)(4).

Pursuant to Civ. R. 4.6(E), the attorney of record or the serving party is responsible for determining if service has been completed.

PARTY TO BE SERVED

List the name and entire address of all parties to be served.

Note: Service to PO Box addresses is limited to USPS certified and ordinary mail. Court-issued sheriff service on *Citation to Produce Will* and *Concealment of Assets* actions cannot include PO Box addresses.

DOCUMENTS TO BE SERVED

Identify the complaint or pleading, and the date filed, in the space provided.

Attach a copy of the document, one copy for each party listed on the *Instructions*.

*Attach paper copies for requests filed at the Clerk's Office, Room 119.
For E-Filed requests, upload one digital copy with your Instructions.*

ATTEMPTS and METHODS OF SERVICE

Identify second, third, and later attempts by marking "Alias" (second attempt) or "Pluries" (third or later) on the *Instructions* form.

Indicate a method of service for each *Instruction* submitted.

[Methods of Service listed on reverse]

CERTIFIED MAIL Civ. R. 4.1(A)(1)(a)

Required for initial service of complaints or petitions, except Citation to Produce Will and Concealment of Assets actions.

If a pleading, such as an amended complaint, third-party complaint, or cross-claim, asserts new or additional claims for relief or for additional damages against a party in default for failure to appear, the pleading must be served upon the defaulting party in the manner provided for service of summons in Civ. R. 4 through Civ. R. 4.6.

Third-party complaints are claims in which a defending party acts as a third-party plaintiff and claims to be entitled to damages or other relief from a person not a party to the action. Civ. R. 14.

Cross-claims (cross-complaints) are claims asserted either between co-defendants or co-plaintiffs. Civ. R. 13.

Any new party defendants on an Amended Complaint must be served by certified mail.

ORDINARY MAIL Civ. R. 4.6(C), (D)

If an attempt at service by USPS certified mail is **refused** or **unclaimed**, the serving party may serve the document by ordinary mail.

If service of the original complaint was perfected by USPS certified mail on a party, then an Amended Complaint may be served by ordinary mail on that party.

PUBLICATION Civ. R. 4.4(A)(1)

A serving party must attach an *Affidavit for Unknown Heirs and/or Unknown Addresses* to the *Instructions for Service* form when requesting service by publication. The *Affidavits* are available on the Court's web page and hard copy at the Clerk's Office, Rm. 119.

PERSONAL OR RESIDENTIAL SERVICE BY SHERIFF OF _____ COUNTY

Indicate the County for all Ohio requests for Sheriff service. For out-of-state requests, list the state and county.

Note: The Probate Court will prepare Sheriff service on Complaints to Produce Will and Concealment of Assets actions.

A copy of the Citation and the Complaint to Produce Will must be personally served by the Sheriff of the county in which the person to be served is located. R.C. 2107.09.

A copy of the Citation and Complaint for Concealment of Assets must be personally served by the Sheriff of the county in which the person to be served is located. R.C. 2109.50.

Note: Many out-of-state counties require advance payment for Sheriff service. To ensure timely issuance of summons by Probate Court to those counties, the filing party should contact the Sheriff's office of the county of residence of the party to be served to identify the cost of service in that county. Then the filing party shall issue advance payment to the Clerks Office, as needed, to be sent with the citation. Advance payment for out-of-state Sheriff service can be made by credit card, or attorney check or money order payable to Probate Court of Cuyahoga County.

PERSONAL OR RESIDENTIAL SERVICE BY PROCESS SERVER Civ. R. 4.1(B), (C)

A copy of the Entry granting a Motion to Serve by Process Server must be attached to the *Instructions for Service* form, or there must be a standing Order for Process Server on record with Probate Court.

Note: When filing a Motion to Serve by Process Server, the applicant shall certify the designated process server meets all the requirements as set forth in Civ.R. 4.1(D).