

§ 1.5.2 Substituted Service (C.C.P. § 415.20)

Substituted service is similar to personal service, except the documents are served on someone other than the defendant at the defendant's residence or office, and then copies are mailed to the defendant at the place where the copies were left. (C.C.P. § 415.20) Substituted service on an individual can only be done if the Summons cannot "with reasonable diligence" be personally served.

Copies and attorney service instructions are prepared as in §1.5.1. If service is made by substituted service, your attorney service will ask you to give them an additional copy of the documents to mail to the defendant.

BE SURE TO CALENDAR ALL OF THE FOLLOWING:

- the date the defendant was served with the Summons and Complaint (10 days after the copies were mailed (C.C.P. § 415.20))
- 30 days after service as the date the defendant's response is due
- 40 days after service as the last day to enter defendant's default (see C.R.C., Rule 3.110(g); Chapter 3).

Preparing and Filing the Proof of Service

Once the copies are mailed, the attorney service should prepare a Proof of Service stating when, where and with whom the copies were left and when, where and to whom copies were mailed. If service was made on an individual, the attorney service should also prepare a "Declaration of Diligence" showing why personal service could not "with reasonable diligence" be effected.

Follow the instructions for "Preparing and Filing the Proof of Service," § 1.5.1, except on the Proof of Service at Step 9:

- Instead of checking #5a, check #5b, and type the date and time of service and the name and title or relationship which the person has with the defendant being served.
- Check #5(b)(1), (2) or (3), indicating whether the copies were left at the defendant's place of business, home, or, where the only address you have for the defendant is a mailing address not maintained by the U.S. Postal Service, with the person at the counter.
- Check #5(b)(4), and type the date the copies were mailed and the city from which the copies were mailed.