

Plain Language

Michigan Court Forms for Service and Proof of Service

By George H. Hathaway

Introduction

The State Court Administrative Office (SCAO) has developed plain English Michigan Court (MC) forms for use with the new Michigan Court Rules (MCR). Lawyers, legal secretaries and court personnel can use these forms to save time and expense in writing, typing and handling lawsuit papers. The court forms for service and proof of service of lawsuit papers are discussed below.

Service and Proof of Service Forms

The Table lists some of the lawsuit papers that are served on defendants, witnesses and attorneys. The Table indicates the MC forms and MCR authority associated with (a) what to serve, (b) how to serve it, and (c) how to prove it was served. The Figure shows reduced size copies of these service and proof of service forms. (These reduced size copies are shown for purposes of recognition, not reading.)

Reasons for the Forms

The Circuit Court Forms Committee and District Court Forms Commit-

tee of the SCAO developed these forms to simplify paperwork for court personnel. Specific reasons are as follows:

(1) Standard forms were developed that could be used in all circuit and district courts (examples Summons and Complaint form MCO1, Subpoena form MC11).

(2) The forms use simplified procedures permitted by the MCR's (example — Proof of Mailing, Form MC302, uses a verification, permitted by MCR 2.107 (D), instead of the traditional notary's jurat).

(3) All forms are printed on 8½ x 11-inch paper.

(4) The forms contain no legalese (i.e., obsolete formalisms such as "ss", old English words such as "hereby" or redundant phrases such as "each and every").

Use of the Forms

Use of the forms is optional, not mandatory. However, the SCAO has worked hard to develop these forms and encourages lawyers, legal secretaries and court personnel to voluntarily use the forms. The forms are (a) printed in a loose leaf Court Forms Handbook, which the SCAO distri-

butes to all circuit and district courts and updates each January, (b) printed in reduced size in West's Michigan Rules of Court — State, and (c) available in multipart sets or pads from most legal forms publishers in Michigan. ■

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"Plain Language" is a regular feature of the Michigan Bar Journal, edited by George H. Hathaway, Chairperson of the State Bar Plain English Committee. Through this column the Committee hopes to promote the use of plain English in the law. Want to contribute a Plain English article? Contact Mr. Hathaway at The Detroit Edison Co., Room 688 WCB, 2000 Second Ave., Detroit, MI 48226.

Table 1 Michigan Court Forms Used for Service and Proof of Service

To Whom Served	What Served	How Served	MCR Auth.	Proof of Service	
				MC form	MCR Auth.
I. Defendant	Sum/Com MC 01	1. Personal Delivery or 2. Registered mail, return receipt req. del. rest. to addressee	2.105(A)	Return of Serv back of MC 01	2.104(A)
		After Motion For Alternate Service (form MC 303) then Order For Alternate Service (form MC 304)			
	Order MC 307	3. First class mail or 4. Tacking on a door or 5. Delivering to D's household	2.105(I)		
		6. Publishing in newspaper and reg. mail ret. rec. req. to last known address or 7. Posting in courthouse and reg. mail ret. rec. req. to last known address	2.106(D) 2.106(E)	Affidavits of Pub, Post and Mail bk of MC 307	2.104(C) 2.106(G)
II. Witnesses	Subpoena MC 11	Same as 1 or 2 above or Mailing with post paid card acknow service and addressed to party requesting service	2.506(G)	Return of Serv back of MC 11	
III. Attorneys	All Other Papers	Delivery or First Class Mail	2.107(C)	Proof of Mailing MC 302	2.107(D)

Figure 1 Service and Proof of Service Forms

STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT

SUMMONS AND COMPLAINT

CASE NO. _____

Plaintiff: _____
Defendant: _____

NOTICE TO THE DEFENDANT: In the name of the State of Michigan, you are notified that you are being sued. YOU HAVE 21 DAYS after receiving this summons to file an answer or take other lawful action. If you do not appear or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

VENUE
This case is brought in this county because: _____

COMPLAINT
I declare that the complaint information stated and attached is true to the best of my information, knowledge and belief.

MC 101 SUMMONS AND COMPLAINT

RETURN OF SERVICE

TO PROCESS SERVER: You must file this return with the court clerk. You are unable to complete service you must return this original and 2 copies to the court clerk.

CERTIFICATE AFFIDAVIT OF SERVICE NON SERVICE

OFFICER CERTIFICATE
I certify that I am a sheriff, deputy sheriff, constable, or other officer authorized by law to serve process in this state.

AFFIDAVIT OF PROCESS SERVER
I declare that I am a process server duly sworn in this state.

I served personally a copy of the summons and complaint on _____ at _____ on the _____ day of _____, 1986.

ACKNOWLEDGMENT OF SERVICE
I acknowledge that I have received service of the summons and complaint together with _____

MC 102 RETURN OF SERVICE

STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT

MOTION AND AFFIDAVIT FOR ALTERNATE SERVICE

CASE NO. _____

Plaintiff: _____
Defendant: _____

AFFIDAVIT OF PROCESS SERVER
I declare that the statements above are true to the best of my information, knowledge and belief.

MC 103 MOTION AND AFFIDAVIT FOR ALTERNATE SERVICE

STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT

ORDER FOR ALTERNATE SERVICE

CASE NO. _____

Plaintiff: _____
Defendant: _____

IT IS ORDERED:

1. You are being sued by _____ in this court. _____ has filed a complaint against you in this court.

2. Service of the summons and complaint will be made by the following method:
a. First class mail to _____
b. Mailing of a copy of the summons and complaint to _____
c. Delivering to _____ a member of defendant's household who is of suitable age and discretion to receive process with instructions to deliver it personally to defendant.

3. Proof of service by each method used must be filed promptly with the court. If service was made, the proof of service must include whether the mail or return receipt was returned to the sender and a copy of the envelope or return receipt must be attached.

MC 104 ORDER FOR ALTERNATE SERVICE

STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT

ORDER FOR SERVICE BY PUBLICATION, POSTING AND NOTICE OF ACTION

CASE NO. _____

Plaintiff: _____
Defendant: _____

IT IS ORDERED:

1. You are being sued by _____ in this court. _____ has filed a complaint against you in this court.

2. A copy of the order shall be published once a week for _____ in _____ and posted in _____ and _____ and _____.

3. A copy of the order shall be sent to _____ at the address _____ to be posted in _____ and _____ and _____.

4. A copy of the order shall be sent to _____ at the address _____ to be posted in _____ and _____ and _____.

5. A copy of the order shall be sent to _____ at the address _____ to be posted in _____ and _____ and _____.

MC 105 ORDER FOR SERVICE BY PUBLICATION, POSTING AND NOTICE OF ACTION

AFFIDAVIT OF PUBLISHING

This newspaper is a daily/weekly newspaper. The attached copy was published in the newspaper for _____ consecutive weeks on these dates:

AFFIDAVIT OF POSTING

I have posted the order in a conspicuous place in the _____ courthouse and the following places as ordered by this court:

AFFIDAVIT OF MAILING

I have mailed a copy of the attached summons and complaint, and the proof to _____ at _____ and _____.

MC 106 AFFIDAVIT OF PUBLISHING, POSTING AND MAILING

STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT

SUBPOENA
ORDER TO APPEAR

CASE NO. _____

Plaintiff: _____
Defendant: _____

YOU ARE ORDERED:

1. To appear in court on _____ at _____ o'clock _____ of the _____ day of _____, 1986.

2. To testify if you are a witness, and bring with you the items listed in item 3 above.

3. To testify if you are a party, and bring with you the items listed in item 3 above.

4. To produce the following items: _____

5. To testify as to your assets, and bring with you the items listed in item 3 above.

6. To testify if you are a party, and bring with you the items listed in item 3 above.

7. Other: _____

FAILURE TO APPEAR AT STATED TIME AND PLACE MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.

JUDGMENT DEBTOR JUDICIAL ENDORSEMENT

MC 107 SUBPOENA

RETURN OF SERVICE

TO PROCESS SERVER: You must file this return with the court clerk. You are unable to complete service you must return this original and 2 copies to the court clerk.

CERTIFICATE AFFIDAVIT OF SERVICE NON SERVICE

OFFICER CERTIFICATE
I certify that I am a sheriff, deputy sheriff, constable, or other officer authorized by law to serve process in this state.

AFFIDAVIT OF PROCESS SERVER
I declare that I am a process server duly sworn in this state.

I served personally a copy of the summons and complaint on _____ at _____ on the _____ day of _____, 1986.

ACKNOWLEDGMENT OF SERVICE
I acknowledge that I have received service of the summons and complaint together with _____

AFFIDAVIT FOR JUDGMENT DEBTOR EXAMINATION
I declare that the court clerk is satisfied with the party named on this form to be examined under oath concerning the name or property of the following debtor.

MC 108 RETURN OF SERVICE

STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT

PROOF OF MAILING

CASE NO. _____

Plaintiff: _____
Defendant: _____

I have mailed a copy of the attached summons and complaint, and the proof to _____ at _____ and _____.

MC 109 PROOF OF MAILING