

1 **SUMMONS**

2 **RULE 7**

3 **A Definitions.** For purposes of this rule, “plaintiff” shall include any party issuing  
4 summons and “defendant” shall include any party upon whom service of summons is sought.  
5 For purposes of this rule, a “true copy” of a summons and complaint means an exact and  
6 complete copy of the original summons and complaint.

7 **B Issuance.** Any time after the action is commenced, plaintiff or plaintiff’s attorney may  
8 issue as many original summonses as either may elect and deliver such summonses to a person  
9 authorized to serve summonses under section E of this rule. A summons is issued when  
10 subscribed by plaintiff or an active member of the Oregon State Bar.

11 **C(1) Contents.** The summons shall contain:

12 **C(1)(a) Title.** The title of the cause, specifying the name of the court in which the  
13 complaint is filed and the names of the parties to the action.

14 **C(1)(b) Direction to defendant.** A direction to the defendant requiring defendant to  
15 appear and defend within the time required by subsection (2) of this section and a notification  
16 to defendant that in case of failure to do so, the plaintiff will apply to the court for the relief  
17 demanded in the complaint.

18 **C(1)(c) Subscription; post office address.** A subscription by the plaintiff or by an active  
19 member of the Oregon State Bar, with the addition of the post office address at which papers in  
20 the action may be served by mail.

21 **C(2) Time for response.** If the summons is served by any manner other than publication,  
22 the defendant shall appear and defend within 30 days from the date of service. If the summons  
23 is served by publication pursuant to subsection D(6) of this rule, the defendant shall appear and  
24 defend within 30 days from the date stated in the summons. The date so stated in the  
25 summons shall be the date of the first publication.

26 **C(3) Notice to party served.**

1 C(3)(a) **In general.** All summonses, other than a summons referred to in paragraph (b) or  
2 (c) of this subsection, shall contain a notice printed in type size equal to at least 8-point type  
3 which may be substantially in the following form:  
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5 NOTICE TO DEFENDANT:

6 READ THESE PAPERS

7 CAREFULLY!

8 You must “appear” in this case or the other side will win automatically. To “appear” you  
9 must file with the court a legal document called a “motion” or “answer.” The “motion” or  
10 “answer” must be given to the court clerk or administrator within 30 days along with the  
11 required filing fee. It must be in proper form and have proof of service on the plaintiff’s  
12 attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

13 If you have questions, you should see an attorney immediately. If you need help in  
14 finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at  
15 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or  
16 toll-free elsewhere in Oregon at (800) 452-7636.  
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18 C(3)(b) **Service for counterclaim.** A summons to join a party to respond to a  
19 counterclaim pursuant to Rule 22 D (1) shall contain a notice printed in type size equal to at  
20 least 8-point type which may be substantially in the following form:  
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22 NOTICE TO DEFENDANT:

23 READ THESE PAPERS

24 CAREFULLY!

25 You must “appear” to protect your rights in this matter. To “appear” you must file with  
26 the court a legal document called a “motion” or “reply.” The “motion” or “reply” must be given

1 to the court clerk or administrator within 30 days along with the required filing fee. It must be  
2 in proper form and have proof of service on the defendant's attorney or, if the defendant does  
3 not have an attorney, proof of service on the defendant.

4 If you have questions, you should see an attorney immediately. If you need help in  
5 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at  
6 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or  
7 toll-free elsewhere in Oregon at (800) 452-7636.

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9 **C(3)(c) Service on persons liable for attorney fees.** A summons to join a party pursuant  
10 to Rule 22 D(2) shall contain a notice printed in type size equal to at least 8-point type which  
11 may be substantially in the following form:

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12  
13 NOTICE TO DEFENDANT:

14 READ THESE PAPERS

15 CAREFULLY!

16 You may be liable for attorney fees in this case. Should plaintiff in this case not prevail, a  
17 judgment for reasonable attorney fees will be entered against you, as provided by the  
18 agreement to which defendant alleges you are a party.

19 You must "appear" to protect your rights in this matter. To "appear" you must file with  
20 the court a legal document called a "motion" or "reply." The "motion" or "reply" must be given  
21 to the court clerk or administrator within 30 days along with the required filing fee. It must be  
22 in proper form and have proof of service on the defendant's attorney or, if the defendant does  
23 not have an attorney, proof of service on the defendant.

24 If you have questions, you should see an attorney immediately. If you need help in  
25 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at  
26 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or

1 toll-free elsewhere in Oregon at (800) 452-7636.

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3 **D Manner of service.**

4 D(1) **Notice required.** Summons shall be served, either within or without this state, in  
5 any manner reasonably calculated, under all the circumstances, to apprise the defendant of the  
6 existence and pendency of the action and to afford a reasonable opportunity to appear and  
7 defend. Summons may be served in a manner specified in this rule or by any other rule or  
8 statute on the defendant or upon an agent authorized by appointment or law to accept service  
9 of summons for the defendant. Service may be made, subject to the restrictions and  
10 requirements of this rule, by the following methods: personal service of true copies of the  
11 summons and the complaint upon defendant or an agent of defendant authorized to receive  
12 process; substituted service by leaving true copies of the summons and the complaint at a  
13 person's dwelling house or usual place of abode; office service by leaving true copies of the  
14 summons and the complaint with a person who is apparently in charge of an office; service by  
15 mail; or[,] service by publication.

16 **D(2) Service methods.**

17 D(2)(a) **Personal service.** Personal service may be made by delivery of a true copy of the  
18 summons and a true copy of the complaint to the person to be served.

19 D(2)(b) **Substituted service.** Substituted service may be made by delivering true copies  
20 of the summons and the complaint at the dwelling house or usual place of abode of the person  
21 to be served[,] to any person 14 years of age or older residing in the dwelling house or usual  
22 place of abode of the person to be served. Where substituted service is used, the plaintiff, as  
23 soon as reasonably possible, shall cause to be mailed[,] by first class mail[,] true copies of the  
24 summons and the complaint to the defendant at defendant's dwelling house or usual place of  
25 abode, together with a statement of the date, time, and place at which substituted service was  
26 made. For the purpose of computing any period of time prescribed or allowed by these rules or

1 by statute, substituted service shall be complete upon such mailing.

2 D(2)(c) **Office service.** If the person to be served maintains an office for the conduct of  
3 business, office service may be made by leaving true copies of the summons and the complaint  
4 at such office during normal working hours with the person who is apparently in charge. Where  
5 office service is used, the plaintiff, as soon as reasonably possible, shall cause to be mailed, by  
6 first class mail, true copies of the summons and the complaint to the defendant at defendant's  
7 dwelling house or usual place of abode or defendant's place of business or such other place  
8 under the circumstances that is most reasonably calculated to apprise the defendant of the  
9 existence and pendency of the action, together with a statement of the date, time, and place at  
10 which office service was made. For the purpose of computing any period of time prescribed or  
11 allowed by these rules or by statute, office service shall be complete upon such mailing.

12 D(2)(d) **Service by mail.**

13 D(2)(d)(i) **Generally.** When required or allowed by this rule or by statute, except as  
14 otherwise permitted, **an attorney for a party may serve the summons and the complaint**  
15 **pursuant to this paragraph.** [s]Service by mail shall be made by mailing true copies of the  
16 summons and the complaint to the defendant by first class mail and by any of the following:  
17 certified, registered, or express mail with return receipt requested. For purposes of this section,  
18 "first class mail" does not include certified, registered, or express mail, return receipt  
19 requested, or any other form of mail which may delay or hinder actual delivery of mail to the  
20 addressee.

21 D(2)(d)(ii) **Calculation of time.** For the purpose of computing any period of time  
22 provided by these rules or by statute, service by mail, except as otherwise provided, shall be  
23 complete on the day the defendant, or other person authorized by appointment or law, signs a  
24 receipt for the mailing, or three days after the mailing if mailed to an address within the state,  
25 or seven days after the mailing if mailed to an address outside the state, whichever first occurs.

26 D(3) **Particular defendants.** Service may be made upon specified defendants as follows:

1 D(3)(a) **Individuals.**

2 D(3)(a)(i) **Generally.** Upon an individual defendant, by personal delivery of true copies of  
3 the summons and the complaint to such defendant or other person authorized by appointment  
4 or law to receive service of summons on behalf of such defendant, by substituted service, or by  
5 office service. Service may also be made upon an individual defendant **or other person**  
6 **authorized to receive service** to whom neither subparagraph (ii) nor (iii) of this paragraph  
7 applies by a mailing made in accordance with paragraph (2)(d) of this section provided the  
8 defendant **or other person authorized to receive service** signs a receipt for the certified,  
9 registered, or express mailing, in which case service shall be complete on the date on which the  
10 defendant signs a receipt for the mailing.

11 D(3)(a)(ii) **Minors.** Upon a minor under the age of 14 years, by service in the manner  
12 specified in subparagraph (i) of this paragraph upon such minor and, also, upon such minor's  
13 father[,] mother[,] conservator of the minor's estate[,] or guardian[,] or, if there be none,  
14 then upon any person having the care or control of the minor, or with whom such minor  
15 resides, or in whose service such minor is employed, or upon a guardian ad litem appointed  
16 pursuant to Rule 27 A(2).

17 D(3)(a)(iii) **Incapacitated persons.** Upon a person who is incapacitated or **is** financially  
18 incapable, as defined by ORS 125.005, by service in the manner specified in subparagraph (i) of  
19 this paragraph upon such person and, also, upon the conservator of such person's estate or  
20 guardian[,] or, if there be none, upon a guardian ad litem appointed pursuant to Rule 27 B(2).

21 D(3)(a)(iv) **Tenant of a mail agent.** Upon an individual defendant who is a "tenant" of a  
22 "mail agent" within the meaning of ORS 646A.340 by delivering true copies of the summons  
23 and the complaint to any person apparently in charge of the place where the mail agent  
24 receives mail for the tenant, provided that:

25 (A) the plaintiff makes a diligent inquiry but cannot find the defendant; and

26 (B) the plaintiff, as soon as reasonably possible after delivery, causes true copies of the

1 summons and the complaint to be mailed by first class mail to the defendant at the address at  
2 which the mail agent receives mail for the defendant and to any other mailing address of the  
3 defendant then known to the plaintiff, together with a statement of the date, time, and place  
4 at which the plaintiff delivered the copies of the summons and the complaint.

5 Service shall be complete on the latest date resulting from the application of  
6 subparagraph D(2)(d)(ii) of this rule to all mailings required by this subparagraph unless the  
7 defendant signs a receipt for the mailing, in which case service is complete on the day the  
8 defendant signs the receipt.

9 D(3)(b) **Corporations including, but not limited to, professional corporations and**  
10 **cooperatives.** Upon a domestic or foreign corporation:

11 D(3)(b)(i) **Primary service method.** By personal service or office service upon a  
12 registered agent, officer, or director of the corporation; or by personal service upon any clerk  
13 on duty in the office of a registered agent.

14 D(3)(b)(ii) **Alternatives.** If a registered agent, officer, or director cannot be found in the  
15 county where the action is filed, true copies of the summons and the complaint may be served:

16 (A) by substituted service upon such registered agent, officer, or director;

17 (B) by personal service on any clerk or agent of the corporation who may be found in  
18 the county where the action is filed;

19 (C) by mailing in the manner specified in paragraph (2)(d) of this section true copies of  
20 the summons and the complaint to the office of the registered agent or to the last registered  
21 office of the corporation, if any, as shown by the records on file in the office of the Secretary of  
22 State; or, if the corporation is not authorized to transact business in this state at the time of the  
23 transaction, event, or occurrence upon which the action is based occurred, to the principal  
24 office or place of business of the corporation[,] and, in any case, to any address the use of  
25 which the plaintiff knows or has reason to believe is most likely to result in actual notice; or

26 (D) upon the Secretary of State in the manner provided in ORS 60.121 or 60.731.

1 D(3)(c) **Limited liability companies.** Upon a limited liability company:

2 D(3)(c)(i) **Primary service method.** By personal service or office service upon a  
3 registered agent, manager, or (for a member-managed limited liability company) member of a  
4 limited liability company; or by personal service upon any clerk on duty in the office of a  
5 registered agent.

6 D(3)(c)(ii) **Alternatives.** If a registered agent, manager, or (for a member-managed  
7 limited liability company) member of a limited liability company cannot be found in the county  
8 where the action is filed, true copies of the summons and the complaint may be served:

9 (A) by substituted service upon such registered agent, manager, or (for a  
10 member-managed limited liability company) member of a limited liability company;

11 (B) by personal service on any clerk or agent of the limited liability company who may  
12 be found in the county where the action is filed;

13 (C) by mailing in the manner specified in paragraph (2)(d) of this section true copies of  
14 the summons and the complaint to the office of the registered agent or to the last registered  
15 office of the limited liability company, as shown by the records on file in the office of the  
16 Secretary of State; or, if the limited liability company is not authorized to transact business in  
17 this state at the time of the transaction, event, or occurrence upon which the action is based  
18 occurred, to the principal office or place of business of the limited liability company[,] and, in  
19 any case, to any address the use of which the plaintiff knows or has reason to believe is most  
20 likely to result in actual notice; or

21 (D) upon the Secretary of State in the manner provided in ORS 63.121.

22 D(3)(d) **Limited partnerships.** Upon a domestic or foreign limited partnership:

23 D(3)(d)(i) **Primary service method.** By personal service or office service upon a  
24 registered agent or a general partner of a limited partnership; or by personal service upon any  
25 clerk on duty in the office of a registered agent.

26 D(3)(d)(ii) **Alternatives.** If a registered agent or a general partner of a limited



1 partnership cannot be found in the county where the action is filed, true copies of the  
2 summons and the complaint may be served:

3 (A) by substituted service upon such registered agent or general partner of a limited  
4 partnership;

5 (B) by personal service on any clerk or agent of the limited partnership who may be  
6 found in the county where the action is filed;

7 (C) by mailing in the manner specified in paragraph (2)(d) of this section true copies of  
8 the summons and the complaint to the office of the registered agent or to the last registered  
9 office of the limited partnership, as shown by the records on file in the office of the Secretary of  
10 State; or, if the limited partnership is not authorized to transact business in this state at the  
11 time of the transaction, event, or occurrence upon which the action is based occurred, to the  
12 principal office or place of business of the limited partnership[,] and, in any case, to any address  
13 the use of which the plaintiff knows or has reason to believe is most likely to result in actual  
14 notice; or

15 (D) upon the Secretary of State in the manner provided in ORS 70.040 or 70.045.

16 D(3)(e) **General partnerships and limited liability partnerships.** Upon any general  
17 partnership or limited liability partnership by personal service upon a partner or any agent  
18 authorized by appointment or law to receive service of summons for the partnership or limited  
19 liability partnership.

20 D(3)(f) **Other unincorporated association subject to suit under a common name.** Upon  
21 any other unincorporated association subject to suit under a common name by personal service  
22 upon an officer, managing agent, or agent authorized by appointment or law to receive service  
23 of summons for the unincorporated association.

24 D(3)(g) **State.** Upon the state, by personal service upon the Attorney General or by  
25 leaving true copies of the summons and the complaint at the Attorney General's office with a  
26 deputy, assistant, or clerk.

1 D(3)(h) **Public bodies.** Upon any county; incorporated city; school district; or other  
2 public corporation, commission, board, or agency by personal service or office service upon an  
3 officer, director, managing agent, or attorney thereof.

4 D(3)(i) **Vessel owners and charterers.** Upon any foreign steamship owner or steamship  
5 charterer by personal service upon a vessel master in such owner's or charterer's employment  
6 or any agent authorized by such owner or charterer to provide services to a vessel calling at a  
7 port in the State of Oregon, or a port in the State of Washington on that portion of the  
8 Columbia River forming a common boundary with Oregon.

9 D(4) **Particular actions involving motor vehicles.**

10 D(4)(a) **Actions arising out of use of roads, highways, streets, or premises open to the**  
11 **public; service by mail.**

12 D(4)(a)(i) In any action arising out of any accident, collision, or other event giving rise to  
13 liability in which a motor vehicle may be involved while being operated upon the roads,  
14 highways, streets, or premises open to the public as defined by law of this state if the plaintiff  
15 makes at least one attempt to serve a defendant who operated such motor vehicle, or caused it  
16 to be operated on the defendant's behalf, by a method authorized by subsection (3) of this  
17 section except service by mail pursuant to subparagraph (3)(a)(i) of this section and, as shown  
18 by its return, did not effect service, the plaintiff may then serve that defendant by mailings  
19 made in accordance with paragraph (2)(d) of this section addressed to that defendant at:

20 (A) any residence address provided by that defendant at the scene of the accident;

21 (B) the current residence address, if any, of that defendant shown in the driver records  
22 of the Department of Transportation; and

23 (C) any other address of that defendant known to the plaintiff at the time of making the  
24 mailings required by **parts** (A) and (B) **of this subparagraph** that reasonably might result in  
25 actual notice to that defendant.

26 Sufficient service pursuant to this subparagraph may be shown if the proof of service

1 includes a true copy of the envelope in which each of the certified, registered, or express  
2 mailings required by **parts** (A), (B), and (C) **of this subparagraph** above was made showing that  
3 it was returned to sender as undeliverable or that the defendant did not sign the receipt. For  
4 the purpose of computing any period of time prescribed or allowed by these rules or by statute,  
5 service under this subparagraph shall be complete on the latest date on which any of the  
6 mailings required by **parts** (A), (B), and (C) **of this subparagraph** [above] is made. If the mailing  
7 required by **part** (C) **of this subparagraph** is omitted because the plaintiff did not know of any  
8 address other than those specified in **parts** (A) and (B) **of this subparagraph** [above], the proof  
9 of service shall so certify.

10 D(4)(a)(ii) Any fee charged by the Department of Transportation for providing address  
11 information concerning a party served pursuant to subparagraph (i) of this paragraph may be  
12 recovered as provided in Rule 68.

13 D(4)(a)(iii) The requirements for obtaining an order of default against a defendant  
14 served pursuant to subparagraph (i) of this paragraph are as provided in Rule 69.

15 D(4)(b) **Notification of change of address.** Any person who; while operating a motor  
16 vehicle upon the roads, highways, streets, or premises open to the public as defined by law of  
17 this state; is involved in any accident, collision, or other event giving rise to liability shall  
18 forthwith notify the Department of Transportation of any change of [*such defendant's*] **the**  
19 **person's** address occurring within three years after such accident, collision, or event.

20 D(5) **Service in foreign country.** When service is to be effected upon a party in a foreign  
21 country, it is also sufficient if service of true copies of the summons and the complaint is made  
22 in the manner prescribed by the law of the foreign country for service in that country in its  
23 courts of general jurisdiction, or as directed by the foreign authority in response to letters  
24 rogatory, or as directed by order of the court. However, in all cases such service shall be  
25 reasonably calculated to give actual notice.

26 D(6) **Court order for service; service by publication.**

1 D(6)(a) **Court order for service by other method.** On motion upon a showing by affidavit  
2 or declaration that service cannot be made by any method otherwise specified in these rules or  
3 other rule or statute, the court, at its discretion, may order service by any method or  
4 combination of methods [*which*] **that** under the circumstances is most reasonably calculated to  
5 apprise the defendant of the existence and pendency of the action, including but not limited to:  
6 publication of summons; mailing without publication to a specified post office address of the  
7 defendant by first class mail and any of the following: certified, registered, or express mail,  
8 return receipt requested; or posting at specified locations. If service is ordered by any manner  
9 other than publication, the court may order a time for response.

10 D(6)(b) **Contents of published summons.** In addition to the contents of a summons as  
11 described in section C of this rule, a published summons shall also contain a summary  
12 statement of the object of the complaint and the demand for relief, and the notice required in  
13 subsection C(3) **of this rule** shall state: “The ‘motion’ or ‘answer’ (or ‘reply’) must be given to  
14 the court clerk or administrator within 30 days of the date of first publication specified herein  
15 along with the required filing fee.” The published summons shall also contain the date of the  
16 first publication of the summons.

17 D(6)(c) **Where published.** An order for publication shall direct publication to be made in  
18 a newspaper of general circulation in the county where the action is commenced or, if there is  
19 no such newspaper, then in a newspaper to be designated as most likely to give notice to the  
20 person to be served. Such publication shall be four times in successive calendar weeks. If the  
21 plaintiff knows of a specific location other than the county [*where*] **in which** the action is  
22 commenced where publication might reasonably result in actual notice to the defendant, the  
23 plaintiff shall so state in the affidavit or declaration required by paragraph (a) of this subsection,  
24 and the court may order publication in a comparable manner at such location in addition to, or  
25 in lieu of, publication in the county where the action is commenced.

26 D(6)(d) **Mailing summons and complaint.** If the court orders service by publication and

1 | the plaintiff knows or with reasonable diligence can ascertain the defendant's current address,  
2 | the plaintiff shall mail true copies of the summons and the complaint to the defendant at such  
3 | address by first class mail and any of the following: certified, registered, or express mail, return  
4 | receipt requested. If the plaintiff does not know and cannot upon diligent inquiry ascertain the  
5 | current address of any defendant, true copies of the summons and the complaint shall be  
6 | mailed by the methods specified above to the defendant at the defendant's last known  
7 | address. If the plaintiff does not know, and cannot ascertain upon diligent inquiry, the  
8 | defendant's current and last known addresses, a mailing of copies of the summons and the  
9 | complaint is not required.

10 |         D(6)(e) **Unknown heirs or persons.** If service cannot be made by another method  
11 | described in this section because defendants are unknown heirs or persons as described in  
12 | [sections I and J of] Rule 20 **I and J**, the action shall proceed against the unknown heirs or  
13 | persons in the same manner as against named defendants served by publication and with like  
14 | effect; and any such unknown heirs or persons who have or claim any right, estate, lien, or  
15 | interest in the property in controversy[,] at the time of the commencement of the action, and  
16 | **who are** served by publication, shall be bound and concluded by the judgment in the action, if  
17 | the same is in favor of the plaintiff, as effectively as if the action was brought against such  
18 | defendants by name.

19 |         D(6)(f) **Defending before or after judgment.** A defendant against whom publication is  
20 | ordered or such defendant's representatives, on application and sufficient cause shown, at any  
21 | time before judgment[,] shall be allowed to defend the action. A defendant against whom  
22 | publication is ordered or such defendant's representatives may, upon good cause shown and  
23 | upon such terms as may be proper, be allowed to defend after judgment and within one year  
24 | after entry of judgment. If the defense is successful, and the judgment or any part thereof has  
25 | been collected or otherwise enforced, restitution may be ordered by the court, but the title to  
26 | property sold upon execution issued on such judgment, to a purchaser in good faith, shall not

1 | be affected thereby.

2 |         **D(6)(g) Defendant who cannot be served.** Within the meaning of this subsection, a  
3 | defendant cannot be served with summons by any method authorized by subsection (3) of this  
4 | section if: (i) service pursuant to subparagraph (4)(a)(i) of this section is not authorized, and the  
5 | plaintiff attempted service of summons by all of the methods authorized by subsection (3) of  
6 | this section and was unable to complete service, or (ii) if the plaintiff knew that service by such  
7 | methods could not be accomplished.

8 |         **E By whom served; compensation.** A summons may be served by any competent  
9 | person 18 years of age or older who is a resident of the state where service is made or of this  
10 | state and is not a party to the action nor, except as provided in ORS 180.260, an officer,  
11 | director, or employee of, nor attorney for, any party, corporate or otherwise. However, service  
12 | pursuant to subparagraph D(2)(d)(i) of this rule may **only** be made by an attorney for any party.  
13 | Compensation to a sheriff or a sheriff's deputy in this state who serves a summons shall be  
14 | prescribed by statute or rule. If any other person serves the summons, a reasonable fee may be  
15 | paid for service. This compensation shall be part of disbursements and shall be recovered as  
16 | provided in Rule 68.

17 |         **F Return; proof of service.**

18 |         **F(1) Return of summons.** The summons shall be promptly returned to the clerk with  
19 | whom the complaint is filed with proof of service or mailing, or that defendant cannot be  
20 | found. The summons may be returned by first class mail.

21 |         **F(2) Proof of service.** Proof of service of summons or mailing may be made as follows:

22 |         **F(2)(a) Service other than publication.** Service other than publication shall be proved  
23 | by:

24 |         **F(2)(a)(i) Certificate of service when summons not served by sheriff or deputy.** If the  
25 | summons is not served by a sheriff or a sheriff's deputy, the certificate of the server indicating:  
26 | **the specific documents that were served;** the time, place, and manner of service; that the

1 server is a competent person 18 years of age or older and a resident of the state of service or  
2 this state and is not a party to nor an officer, director, or employee of, nor attorney for any  
3 party, corporate or otherwise; and that the server knew that the person, firm, or corporation  
4 served is the identical one named in the action. If the defendant is not personally served, the  
5 server shall state in the certificate when, where, and with whom true copies of the summons  
6 and the complaint were left or describe in detail the manner and circumstances of service. If  
7 true copies of the summons and the complaint were mailed, the certificate may be made by the  
8 person completing the mailing or the attorney for any party and shall state the circumstances  
9 of mailing and the return receipt, if any, shall be attached.

10 F(2)(a)(ii) **Certificate of service by sheriff or deputy.** If the summons is served by a  
11 sheriff or a sheriff's deputy, the sheriff's or deputy's certificate of service indicating the time,  
12 place, and manner of service, and if defendant is not personally served, when, where, and with  
13 whom true copies of the summons and the complaint were left or describing in detail the  
14 manner and circumstances of service. If true copies of the summons and the complaint were  
15 mailed, the certificate shall state the circumstances of mailing and the return receipt, if any,  
16 shall be attached.

17 F(2)(b) **Publication.** Service by publication shall be proved by an affidavit or by a  
18 declaration.

19 F(2)(b)(i) A publication by affidavit shall be in substantially the following form:  
20

---

21 Affidavit of Publication

22 State of Oregon )

23 ) ss.

24 County of )

25 I, \_\_\_\_\_, being first duly sworn, depose and say that I am the \_\_\_\_\_ (here  
26 set forth the title or job description of the person making the affidavit), of the \_\_\_\_\_, a

1 newspaper of general circulation published at \_\_\_\_\_ in the aforesaid county and state;  
2 that I know from my personal knowledge that the \_\_\_\_\_, a printed copy of which is  
3 hereto annexed, was published in the entire issue of said newspaper four times in the following  
4 issues: (here set forth dates of issues in which the same was published).

5 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

6 \_\_\_\_\_

7 Notary Public for Oregon

8 My commission expires

9 \_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

10

---

11 F(2)(b)(ii) A publication by declaration shall be in substantially the following form:

---

12

13 Declaration of Publication

14 State of Oregon )

15 ) ss.

16 County of )

17 I, \_\_\_\_\_, say that I am the \_\_\_\_\_ (here set forth the title or job description  
18 of the person making the declaration), of the \_\_\_\_\_, a newspaper of general circulation  
19 published at \_\_\_\_\_ in the aforesaid county and state; that I know from my personal  
20 knowledge that the \_\_\_\_\_, a printed copy of which is hereto annexed, was published in  
21 the entire issue of said newspaper four times in the following issues: (here set forth dates of  
22 issues in which the same was published).

23 I hereby declare that the above statement is true to the best of my knowledge and belief, and  
24 that I understand it is made for use as evidence in court and is subject to penalty for perjury.

25

\_\_\_\_\_

26

\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.



1  
2 F(2)(c) **Making and certifying affidavit.** The affidavit of service may be made and  
3 certified before a notary public, or other official authorized to administer oaths and acting as  
4 such by authority of the United States, or any state or territory of the United States, or the  
5 District of Columbia, and the official seal, if any, of such person shall be affixed to the affidavit.  
6 The signature of such notary or other official, when so attested by the affixing of the official  
7 seal, if any, of such person, shall be prima facie evidence of authority to make and certify such  
8 affidavit.

9 F(2)(d) **Form of certificate, affidavit or declaration.** A certificate, affidavit, or  
10 declaration containing proof of service may be made upon the summons or as a separate  
11 document attached to the summons.

12  
13 F(3) **Written admission.** In any case proof may be made by written admission of the  
14 defendant.

15 F(4) **Failure to make proof; validity of service.** If summons has been properly served,  
16 failure to make or file a proper proof of service shall not affect the validity of the service.

17 **G Disregard of error; actual notice.** Failure to comply with provisions of this rule relating  
18 to the form of a summons, issuance of a summons, or who may serve a summons shall not  
19 affect the validity of service of that summons or the existence of jurisdiction over the person if  
20 the court determines that the defendant received actual notice of the substance and pendency  
21 of the action. The court may allow amendment to a summons, affidavit, declaration, or  
22 certificate of service of summons. The court shall disregard any error in the content of a  
23 summons that does not materially prejudice the substantive rights of the party against whom  
24 the summons was issued. If service is made in any manner complying with subsection D(1) of  
25 this rule, the court shall also disregard any error in the service of a summons that does not  
26 violate the due process rights of the party against whom the summons was issued.

1 **SUMMONS**

2 **RULE 7**

3 **A Definitions.** For purposes of this rule, “plaintiff” shall include any party issuing  
4 summons and “defendant” shall include any party upon whom service of summons is sought.  
5 For purposes of this rule, a “true copy” of a summons and complaint means an exact and  
6 complete copy of the original summons and complaint.

7 **B Issuance.** Any time after the action is commenced, plaintiff or plaintiff’s attorney may  
8 issue as many original summonses as either may elect and deliver such summonses to a person  
9 authorized to serve summonses under section E of this rule. A summons is issued when  
10 subscribed by plaintiff or an active member of the Oregon State Bar.

11 **C(1) Contents.** The summons shall contain:

12 **C(1)(a) Title.** The title of the cause, specifying the name of the court in which the  
13 complaint is filed and the names of the parties to the action.

14 **C(1)(b) Direction to defendant.** A direction to the defendant requiring defendant to  
15 appear and defend within the time required by subsection (2) of this section and a notification  
16 to defendant that in case of failure to do so, the plaintiff will apply to the court for the relief  
17 demanded in the complaint.

18 **C(1)(c) Subscription; post office address.** A subscription by the plaintiff or by an active  
19 member of the Oregon State Bar, with the addition of the post office address at which papers in  
20 the action may be served by mail.

21 **C(2) Time for response.** If the summons is served by any manner other than publication,  
22 the defendant shall appear and defend within 30 days from the date of service. If the summons  
23 is served by publication pursuant to subsection D(6) of this rule, the defendant shall appear and  
24 defend within 30 days from the date stated in the summons. The date so stated in the  
25 summons shall be the date of the first publication.

26 **C(3) Notice to party served.**

1 C(3)(a) **In general.** All summonses, other than a summons referred to in paragraph (b) or  
2 (c) of this subsection, shall contain a notice printed in type size equal to at least 8-point type  
3 which may be substantially in the following form:  
4

---

5 NOTICE TO DEFENDANT:

6 READ THESE PAPERS

7 CAREFULLY!

8 You must “appear” in this case or the other side will win automatically. To “appear” you  
9 must file with the court a legal document called a “motion” or “answer.” The “motion” or  
10 “answer” must be given to the court clerk or administrator within 30 days along with the  
11 required filing fee. It must be in proper form and have proof of service on the plaintiff’s  
12 attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

13 If you have questions, you should see an attorney immediately. If you need help in  
14 finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at  
15 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or  
16 toll-free elsewhere in Oregon at (800) 452-7636.  
17

---

18 C(3)(b) **Service for counterclaim.** A summons to join a party to respond to a  
19 counterclaim pursuant to Rule 22 D (1) shall contain a notice printed in type size equal to at  
20 least 8-point type which may be substantially in the following form:  
21

---

22 NOTICE TO DEFENDANT:

23 READ THESE PAPERS

24 CAREFULLY!

25 You must “appear” to protect your rights in this matter. To “appear” you must file with  
26 the court a legal document called a “motion” or “reply.” The “motion” or “reply” must be given

1 to the court clerk or administrator within 30 days along with the required filing fee. It must be  
2 in proper form and have proof of service on the defendant's attorney or, if the defendant does  
3 not have an attorney, proof of service on the defendant.

4 If you have questions, you should see an attorney immediately. If you need help in  
5 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at  
6 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or  
7 toll-free elsewhere in Oregon at (800) 452-7636.

---

8  
9 **C(3)(c) Service on persons liable for attorney fees.** A summons to join a party pursuant  
10 to Rule 22 D(2) shall contain a notice printed in type size equal to at least 8-point type which  
11 may be substantially in the following form:

---

12  
13 NOTICE TO DEFENDANT:

14 READ THESE PAPERS

15 CAREFULLY!

16 You may be liable for attorney fees in this case. Should plaintiff in this case not prevail, a  
17 judgment for reasonable attorney fees will be entered against you, as provided by the  
18 agreement to which defendant alleges you are a party.

19 You must "appear" to protect your rights in this matter. To "appear" you must file with  
20 the court a legal document called a "motion" or "reply." The "motion" or "reply" must be given  
21 to the court clerk or administrator within 30 days along with the required filing fee. It must be  
22 in proper form and have proof of service on the defendant's attorney or, if the defendant does  
23 not have an attorney, proof of service on the defendant.

24 If you have questions, you should see an attorney immediately. If you need help in  
25 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at  
26 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or

1 toll-free elsewhere in Oregon at (800) 452-7636.

---

3 **D Manner of service.**

4 D(1) **Notice required.** Summons shall be served, either within or without this state, in  
5 any manner reasonably calculated, under all the circumstances, to apprise the defendant of the  
6 existence and pendency of the action and to afford a reasonable opportunity to appear and  
7 defend. Summons may be served in a manner specified in this rule or by any other rule or  
8 statute on the defendant or upon an agent authorized by appointment or law to accept service  
9 of summons for the defendant. Service may be made, subject to the restrictions and  
10 requirements of this rule, by the following methods: personal service of true copies of the  
11 summons and the complaint upon defendant or an agent of defendant authorized to receive  
12 process; substituted service by leaving true copies of the summons and the complaint at a  
13 person's dwelling house or usual place of abode; office service by leaving true copies of the  
14 summons and the complaint with a person who is apparently in charge of an office; service by  
15 mail; or[,] service by publication.

16 **D(2) Service methods.**

17 D(2)(a) **Personal service.** Personal service may be made by delivery of a true copy of the  
18 summons and a true copy of the complaint to the person to be served.

19 D(2)(b) **Substituted service.** Substituted service may be made by delivering true copies  
20 of the summons and the complaint at the dwelling house or usual place of abode of the person  
21 to be served[,] to any person 14 years of age or older residing in the dwelling house or usual  
22 place of abode of the person to be served. Where substituted service is used, the plaintiff, as  
23 soon as reasonably possible, shall cause to be mailed[,] by first class mail[,] true copies of the  
24 summons and the complaint to the defendant at defendant's dwelling house or usual place of  
25 abode, together with a statement of the date, time, and place at which substituted service was  
26 made. For the purpose of computing any period of time prescribed or allowed by these rules or

1 by statute, substituted service shall be complete upon such mailing.

2 D(2)(c) **Office service.** If the person to be served maintains an office for the conduct of  
3 business, office service may be made by leaving true copies of the summons and the complaint  
4 at such office during normal working hours with the person who is apparently in charge. Where  
5 office service is used, the plaintiff, as soon as reasonably possible, shall cause to be mailed, by  
6 first class mail, true copies of the summons and the complaint to the defendant at defendant's  
7 dwelling house or usual place of abode or defendant's place of business or such other place  
8 under the circumstances that is most reasonably calculated to apprise the defendant of the  
9 existence and pendency of the action, together with a statement of the date, time, and place at  
10 which office service was made. For the purpose of computing any period of time prescribed or  
11 allowed by these rules or by statute, office service shall be complete upon such mailing.

12 D(2)(d) **Service by mail.**

13 D(2)(d)(i) **Generally.** When required or allowed by this rule or by statute, except as  
14 otherwise permitted, **an attorney for a party may serve the summons and the complaint**  
15 **pursuant to this paragraph.** [s]Service by mail shall be made by mailing true copies of the  
16 summons and the complaint to the defendant by first class mail and by any of the following:  
17 certified, registered, or express mail with return receipt requested. For purposes of this section,  
18 "first class mail" does not include certified, registered, or express mail, return receipt  
19 requested, or any other form of mail which may delay or hinder actual delivery of mail to the  
20 addressee.

21 D(2)(d)(ii) **Calculation of time.** For the purpose of computing any period of time  
22 provided by these rules or by statute, service by mail, except as otherwise provided, shall be  
23 complete on the day the defendant, or other person authorized by appointment or law, signs a  
24 receipt for the mailing, or three days after the mailing if mailed to an address within the state,  
25 or seven days after the mailing if mailed to an address outside the state, whichever first occurs.

26 D(3) **Particular defendants.** Service may be made upon specified defendants as follows:

1 D(3)(a) **Individuals.**

2 D(3)(a)(i) **Generally.** Upon an individual defendant, by personal delivery of true copies of  
3 the summons and the complaint to such defendant or other person authorized by appointment  
4 or law to receive service of summons on behalf of such defendant, by substituted service, or by  
5 office service. Service may also be made upon an individual defendant **or other person**  
6 **authorized to receive service** to whom neither subparagraph (ii) nor (iii) of this paragraph  
7 applies by a mailing made in accordance with paragraph (2)(d) of this section provided the  
8 defendant **or other person authorized to receive service** signs a receipt for the certified,  
9 registered, or express mailing, in which case service shall be complete on the date on which the  
10 defendant signs a receipt for the mailing.

11 D(3)(a)(ii) **Minors.** Upon a minor under the age of 14 years, by service in the manner  
12 specified in subparagraph (i) of this paragraph upon such minor and, also, upon such minor's  
13 father[,] mother[,] conservator of the minor's estate[,] or guardian[,] or, if there be none,  
14 then upon any person having the care or control of the minor, or with whom such minor  
15 resides, or in whose service such minor is employed, or upon a guardian ad litem appointed  
16 pursuant to Rule 27 A(2).

17 D(3)(a)(iii) **Incapacitated persons.** Upon a person who is incapacitated or **is** financially  
18 incapable, as defined by ORS 125.005, by service in the manner specified in subparagraph (i) of  
19 this paragraph upon such person and, also, upon the conservator of such person's estate or  
20 guardian[,] or, if there be none, upon a guardian ad litem appointed pursuant to Rule 27 B(2).

21 D(3)(a)(iv) **Tenant of a mail agent.** Upon an individual defendant who is a "tenant" of a  
22 "mail agent" within the meaning of ORS 646A.340 by delivering true copies of the summons  
23 and the complaint to any person apparently in charge of the place where the mail agent  
24 receives mail for the tenant, provided that:

25 (A) the plaintiff makes a diligent inquiry but cannot find the defendant; and

26 (B) the plaintiff, as soon as reasonably possible after delivery, causes true copies of the

1 summons and the complaint to be mailed by first class mail to the defendant at the address at  
2 which the mail agent receives mail for the defendant and to any other mailing address of the  
3 defendant then known to the plaintiff, together with a statement of the date, time, and place  
4 at which the plaintiff delivered the copies of the summons and the complaint.

5 Service shall be complete on the latest date resulting from the application of  
6 subparagraph D(2)(d)(ii) of this rule to all mailings required by this subparagraph unless the  
7 defendant signs a receipt for the mailing, in which case service is complete on the day the  
8 defendant signs the receipt.

9 D(3)(b) **Corporations including, but not limited to, professional corporations and**  
10 **cooperatives.** Upon a domestic or foreign corporation:

11 D(3)(b)(i) **Primary service method.** By personal service or office service upon a  
12 registered agent, officer, or director of the corporation; or by personal service upon any clerk  
13 on duty in the office of a registered agent.

14 D(3)(b)(ii) **Alternatives.** If a registered agent, officer, or director cannot be found in the  
15 county where the action is filed, true copies of the summons and the complaint may be served:

16 (A) by substituted service upon such registered agent, officer, or director;

17 (B) by personal service on any clerk or agent of the corporation who may be found in  
18 the county where the action is filed;

19 (C) by mailing in the manner specified in paragraph (2)(d) of this section true copies of  
20 the summons and the complaint to the office of the registered agent or to the last registered  
21 office of the corporation, if any, as shown by the records on file in the office of the Secretary of  
22 State; or, if the corporation is not authorized to transact business in this state at the time of the  
23 transaction, event, or occurrence upon which the action is based occurred, to the principal  
24 office or place of business of the corporation[,] and, in any case, to any address the use of  
25 which the plaintiff knows or has reason to believe is most likely to result in actual notice; or

26 (D) upon the Secretary of State in the manner provided in ORS 60.121 or 60.731.



1 D(3)(c) **Limited liability companies.** Upon a limited liability company:

2 D(3)(c)(i) **Primary service method.** By personal service or office service upon a  
3 registered agent, manager, or (for a member-managed limited liability company) member of a  
4 limited liability company; or by personal service upon any clerk on duty in the office of a  
5 registered agent.

6 D(3)(c)(ii) **Alternatives.** If a registered agent, manager, or (for a member-managed  
7 limited liability company) member of a limited liability company cannot be found in the county  
8 where the action is filed, true copies of the summons and the complaint may be served:

9 (A) by substituted service upon such registered agent, manager, or (for a  
10 member-managed limited liability company) member of a limited liability company;

11 (B) by personal service on any clerk or agent of the limited liability company who may  
12 be found in the county where the action is filed;

13 (C) by mailing in the manner specified in paragraph (2)(d) of this section true copies of  
14 the summons and the complaint to the office of the registered agent or to the last registered  
15 office of the limited liability company, as shown by the records on file in the office of the  
16 Secretary of State; or, if the limited liability company is not authorized to transact business in  
17 this state at the time of the transaction, event, or occurrence upon which the action is based  
18 occurred, to the principal office or place of business of the limited liability company[,] and, in  
19 any case, to any address the use of which the plaintiff knows or has reason to believe is most  
20 likely to result in actual notice; or

21 (D) upon the Secretary of State in the manner provided in ORS 63.121.

22 D(3)(d) **Limited partnerships.** Upon a domestic or foreign limited partnership:

23 D(3)(d)(i) **Primary service method.** By personal service or office service upon a  
24 registered agent or a general partner of a limited partnership; or by personal service upon any  
25 clerk on duty in the office of a registered agent.

26 D(3)(d)(ii) **Alternatives.** If a registered agent or a general partner of a limited

1 partnership cannot be found in the county where the action is filed, true copies of the  
2 summons and the complaint may be served:

3 (A) by substituted service upon such registered agent or general partner of a limited  
4 partnership;

5 (B) by personal service on any clerk or agent of the limited partnership who may be  
6 found in the county where the action is filed;

7 (C) by mailing in the manner specified in paragraph (2)(d) of this section true copies of  
8 the summons and the complaint to the office of the registered agent or to the last registered  
9 office of the limited partnership, as shown by the records on file in the office of the Secretary of  
10 State; or, if the limited partnership is not authorized to transact business in this state at the  
11 time of the transaction, event, or occurrence upon which the action is based occurred, to the  
12 principal office or place of business of the limited partnership[,] and, in any case, to any address  
13 the use of which the plaintiff knows or has reason to believe is most likely to result in actual  
14 notice; or

15 (D) upon the Secretary of State in the manner provided in ORS 70.040 or 70.045.

16 D(3)(e) **General partnerships and limited liability partnerships.** Upon any general  
17 partnership or limited liability partnership by personal service upon a partner or any agent  
18 authorized by appointment or law to receive service of summons for the partnership or limited  
19 liability partnership.

20 D(3)(f) **Other unincorporated association subject to suit under a common name.** Upon  
21 any other unincorporated association subject to suit under a common name by personal service  
22 upon an officer, managing agent, or agent authorized by appointment or law to receive service  
23 of summons for the unincorporated association.

24 D(3)(g) **State.** Upon the state, by personal service upon the Attorney General or by  
25 leaving true copies of the summons and the complaint at the Attorney General's office with a  
26 deputy, assistant, or clerk.

1 D(3)(h) **Public bodies.** Upon any county; incorporated city; school district; or other  
2 public corporation, commission, board, or agency by personal service or office service upon an  
3 officer, director, managing agent, or attorney thereof.

4 D(3)(i) **Vessel owners and charterers.** Upon any foreign steamship owner or steamship  
5 charterer by personal service upon a vessel master in such owner's or charterer's employment  
6 or any agent authorized by such owner or charterer to provide services to a vessel calling at a  
7 port in the State of Oregon, or a port in the State of Washington on that portion of the  
8 Columbia River forming a common boundary with Oregon.

9 D(4) **Particular actions involving motor vehicles.**

10 D(4)(a) **Actions arising out of use of roads, highways, streets, or premises open to the**  
11 **public; service by mail.**

12 D(4)(a)(i) In any action arising out of any accident, collision, or other event giving rise to  
13 liability in which a motor vehicle may be involved while being operated upon the roads,  
14 highways, streets, or premises open to the public as defined by law of this state if the plaintiff  
15 makes at least one attempt to serve a defendant who operated such motor vehicle, or caused it  
16 to be operated on the defendant's behalf, by a method authorized by subsection (3) of this  
17 section except service by mail pursuant to subparagraph (3)(a)(i) of this section and, as shown  
18 by its return, did not effect service, the plaintiff may then serve that defendant by mailings  
19 made in accordance with paragraph (2)(d) of this section addressed to that defendant at:

20 (A) any residence address provided by that defendant at the scene of the accident;

21 (B) the current residence address, if any, of that defendant shown in the driver records  
22 of the Department of Transportation; and

23 (C) any other address of that defendant known to the plaintiff at the time of making the  
24 mailings required by **parts** (A) and (B) **of this subparagraph** that reasonably might result in  
25 actual notice to that defendant.

26 Sufficient service pursuant to this subparagraph may be shown if the proof of service

1 includes a true copy of the envelope in which each of the certified, registered, or express  
2 mailings required by **parts** (A), (B), and (C) **of this subparagraph** [above] was made showing  
3 that it was returned to sender as undeliverable or that the defendant did not sign the receipt.  
4 For the purpose of computing any period of time prescribed or allowed by these rules or by  
5 statute, service under this subparagraph shall be complete on the latest date on which any of  
6 the mailings required by **parts** (A), (B), and (C) **of this subparagraph** [above] is made. If the  
7 mailing required by **part** (C) **of this subparagraph** is omitted because the plaintiff did not know  
8 of any address other than those specified in **parts** (A) and (B) **of this subparagraph** [above], the  
9 proof of service shall so certify.

10 D(4)(a)(ii) Any fee charged by the Department of Transportation for providing address  
11 information concerning a party served pursuant to subparagraph (i) of this paragraph may be  
12 recovered as provided in Rule 68.

13 D(4)(a)(iii) The requirements for obtaining an order of default against a defendant  
14 served pursuant to subparagraph (i) of this paragraph are as provided in Rule 69.

15 D(4)(b) **Notification of change of address.** Any person who; while operating a motor  
16 vehicle upon the roads, highways, streets, or premises open to the public as defined by law of  
17 this state; is involved in any accident, collision, or other event giving rise to liability shall  
18 forthwith notify the Department of Transportation of any change of [*such defendant's*] **the**  
19 **person's** address occurring within three years after such accident, collision, or event.

20 D(5) **Service in foreign country.** When service is to be effected upon a party in a foreign  
21 country, it is also sufficient if service of true copies of the summons and the complaint is made  
22 in the manner prescribed by the law of the foreign country for service in that country in its  
23 courts of general jurisdiction, or as directed by the foreign authority in response to letters  
24 rogatory, or as directed by order of the court. However, in all cases such service shall be  
25 reasonably calculated to give actual notice.

26 D(6) **Court order for service; service by publication.**

1 D(6)(a) **Court order for service by other method.** On motion upon a showing by affidavit  
2 or declaration that service cannot be made by any method otherwise specified in these rules or  
3 other rule or statute, the court, at its discretion, may order service by any method or  
4 combination of methods [*which*] **that** under the circumstances is most reasonably calculated to  
5 apprise the defendant of the existence and pendency of the action, including but not limited to:  
6 publication of summons; mailing without publication to a specified post office address of the  
7 defendant by first class mail and any of the following: certified, registered, or express mail,  
8 return receipt requested; or posting at specified locations. If service is ordered by any manner  
9 other than publication, the court may order a time for response.

10 D(6)(b) **Contents of published summons.** In addition to the contents of a summons as  
11 described in section C of this rule, a published summons shall also contain a summary  
12 statement of the object of the complaint and the demand for relief, and the notice required in  
13 subsection C(3) **of this rule** shall state: “The ‘motion’ or ‘answer’ (or ‘reply’) must be given to  
14 the court clerk or administrator within 30 days of the date of first publication specified herein  
15 along with the required filing fee.” The published summons shall also contain the date of the  
16 first publication of the summons.

17 D(6)(c) **Where published.** An order for publication shall direct publication to be made in  
18 a newspaper of general circulation in the county where the action is commenced or, if there is  
19 no such newspaper, then in a newspaper to be designated as most likely to give notice to the  
20 person to be served. Such publication shall be four times in successive calendar weeks. If the  
21 plaintiff knows of a specific location other than the county [*where*] **in which** the action is  
22 commenced where publication might reasonably result in actual notice to the defendant, the  
23 plaintiff shall so state in the affidavit or declaration required by paragraph (a) of this subsection,  
24 and the court may order publication in a comparable manner at such location in addition to, or  
25 in lieu of, publication in the county where the action is commenced.

26 D(6)(d) **Mailing summons and complaint.** If the court orders service by publication and

1 | the plaintiff knows or with reasonable diligence can ascertain the defendant's current address,  
2 | the plaintiff shall mail true copies of the summons and the complaint to the defendant at such  
3 | address by first class mail and any of the following: certified, registered, or express mail, return  
4 | receipt requested. If the plaintiff does not know and cannot upon diligent inquiry ascertain the  
5 | current address of any defendant, true copies of the summons and the complaint shall be  
6 | mailed by the methods specified above to the defendant at the defendant's last known  
7 | address. If the plaintiff does not know, and cannot ascertain upon diligent inquiry, the  
8 | defendant's current and last known addresses, a mailing of copies of the summons and the  
9 | complaint is not required.

10 |         D(6)(e) **Unknown heirs or persons.** If service cannot be made by another method  
11 | described in this section because defendants are unknown heirs or persons as described in  
12 | [sections I and J of] Rule 20 **I and J**, the action shall proceed against the unknown heirs or  
13 | persons in the same manner as against named defendants served by publication and with like  
14 | effect; and any such unknown heirs or persons who have or claim any right, estate, lien, or  
15 | interest in the property in controversy[,] at the time of the commencement of the action, and  
16 | **who are** served by publication, shall be bound and concluded by the judgment in the action, if  
17 | the same is in favor of the plaintiff, as effectively as if the action was brought against such  
18 | defendants by name.

19 |         D(6)(f) **Defending before or after judgment.** A defendant against whom publication is  
20 | ordered or such defendant's representatives, on application and sufficient cause shown, at any  
21 | time before judgment[,] shall be allowed to defend the action. A defendant against whom  
22 | publication is ordered or such defendant's representatives may, upon good cause shown and  
23 | upon such terms as may be proper, be allowed to defend after judgment and within one year  
24 | after entry of judgment. If the defense is successful, and the judgment or any part thereof has  
25 | been collected or otherwise enforced, restitution may be ordered by the court, but the title to  
26 | property sold upon execution issued on such judgment, to a purchaser in good faith, shall not

1 | be affected thereby.

2 |         **D(6)(g) Defendant who cannot be served.** Within the meaning of this subsection, a  
3 | defendant cannot be served with summons by any method authorized by subsection (3) of this  
4 | section if: (i) service pursuant to subparagraph (4)(a)(i) of this section is not authorized, and the  
5 | plaintiff attempted service of summons by all of the methods authorized by subsection (3) of  
6 | this section and was unable to complete service, or (ii) if the plaintiff knew that service by such  
7 | methods could not be accomplished.

8 |         **E By whom served; compensation.** A summons may be served by any competent  
9 | person 18 years of age or older who is a resident of the state where service is made or of this  
10 | state and is not a party to the action nor, except as provided in ORS 180.260, an officer,  
11 | director, or employee of, nor attorney for, any party, corporate or otherwise. However, service  
12 | pursuant to subparagraph D(2)(d)(i) of this rule **only** may be made by an attorney for any party.  
13 | Compensation to a sheriff or a sheriff's deputy in this state who serves a summons shall be  
14 | prescribed by statute or rule. If any other person serves the summons, a reasonable fee may be  
15 | paid for service. This compensation shall be part of disbursements and shall be recovered as  
16 | provided in Rule 68.

17 |         **F Return; proof of service.**

18 |         **F(1) Return of summons.** The summons shall be promptly returned to the clerk with  
19 | whom the complaint is filed with proof of service or mailing, or that defendant cannot be  
20 | found. The summons may be returned by first class mail.

21 |         **F(2) Proof of service.** Proof of service of summons or mailing may be made as follows:

22 |         **F(2)(a) Service other than publication.** Service other than publication shall be proved  
23 | by:

24 |         **F(2)(a)(i) Certificate of service when summons not served by sheriff or deputy.** If the  
25 | summons is not served by a sheriff or a sheriff's deputy, the certificate of the server indicating:  
26 | **the specific documents that were served;** the time, place, and manner of service; that the

1 server is a competent person 18 years of age or older and a resident of the state of service or  
2 this state and is not a party to nor an officer, director, or employee of, nor attorney for any  
3 party, corporate or otherwise; and that the server knew that the person, firm, or corporation  
4 served is the identical one named in the action. If the defendant is not personally served, the  
5 server shall state in the certificate when, where, and with whom true copies of the summons  
6 and the complaint were left or describe in detail the manner and circumstances of service. If  
7 true copies of the summons and the complaint were mailed, the certificate may be made by the  
8 person completing the mailing or the attorney for any party and shall state the circumstances  
9 of mailing and the return receipt, if any, shall be attached.

10 F(2)(a)(ii) **Certificate of service by sheriff or deputy.** If the summons is served by a  
11 sheriff or a sheriff's deputy, the sheriff's or deputy's certificate of service indicating the time,  
12 place, and manner of service, and if defendant is not personally served, when, where, and with  
13 whom true copies of the summons and the complaint were left or describing in detail the  
14 manner and circumstances of service. If true copies of the summons and the complaint were  
15 mailed, the certificate shall state the circumstances of mailing and the return receipt, if any,  
16 shall be attached.

17 F(2)(b) **Publication.** Service by publication shall be proved by an affidavit or by a  
18 declaration.

19 F(2)(b)(i) A publication by affidavit shall be in substantially the following form:  
20

---

21 Affidavit of Publication

22 State of Oregon )

23 ) ss.

24 County of )

25 I, \_\_\_\_\_, being first duly sworn, depose and say that I am the \_\_\_\_\_ (here  
26 set forth the title or job description of the person making the affidavit), of the \_\_\_\_\_, a



1 newspaper of general circulation published at \_\_\_\_\_ in the aforesaid county and state;  
2 that I know from my personal knowledge that the \_\_\_\_\_, a printed copy of which is  
3 hereto annexed, was published in the entire issue of said newspaper four times in the following  
4 issues: (here set forth dates of issues in which the same was published).

5 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

6 \_\_\_\_\_

7 Notary Public for Oregon

8 My commission expires

9 \_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

10

---

11 F(2)(b)(ii) A publication by declaration shall be in substantially the following form:

---

12

13 Declaration of Publication

14 State of Oregon )

15 ) ss.

16 County of )

17 I, \_\_\_\_\_, say that I am the \_\_\_\_\_ (here set forth the title or job description  
18 of the person making the declaration), of the \_\_\_\_\_, a newspaper of general circulation  
19 published at \_\_\_\_\_ in the aforesaid county and state; that I know from my personal  
20 knowledge that the \_\_\_\_\_, a printed copy of which is hereto annexed, was published in  
21 the entire issue of said newspaper four times in the following issues: (here set forth dates of  
22 issues in which the same was published).

23 I hereby declare that the above statement is true to the best of my knowledge and belief, and  
24 that I understand it is made for use as evidence in court and is subject to penalty for perjury.

25

\_\_\_\_\_

26

\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

1  
2 F(2)(c) **Making and certifying affidavit.** The affidavit of service may be made and  
3 certified before a notary public, or other official authorized to administer oaths and acting as  
4 such by authority of the United States, or any state or territory of the United States, or the  
5 District of Columbia, and the official seal, if any, of such person shall be affixed to the affidavit.  
6 The signature of such notary or other official, when so attested by the affixing of the official  
7 seal, if any, of such person, shall be prima facie evidence of authority to make and certify such  
8 affidavit.

9 F(2)(d) **Form of certificate, affidavit or declaration.** A certificate, affidavit, or  
10 declaration containing proof of service may be made upon the summons or as a separate  
11 document attached to the summons.

12  
13 F(3) **Written admission.** In any case proof may be made by written admission of the  
14 defendant.

15 F(4) **Failure to make proof; validity of service.** If summons has been properly served,  
16 failure to make or file a proper proof of service shall not affect the validity of the service.

17 **G Disregard of error; actual notice.** Failure to comply with provisions of this rule relating  
18 to the form of a summons, issuance of a summons, or who may serve a summons shall not  
19 affect the validity of service of that summons or the existence of jurisdiction over the person if  
20 the court determines that the defendant received actual notice of the substance and pendency  
21 of the action. The court may allow amendment to a summons, affidavit, declaration, or  
22 certificate of service of summons. The court shall disregard any error in the content of a  
23 summons that does not materially prejudice the substantive rights of the party against whom  
24 the summons was issued. If service is made in any manner complying with subsection D(1) of  
25 this rule, the court shall also disregard any error in the service of a summons that does not  
26 violate the due process rights of the party against whom the summons was issued.

1 **SUMMONS**

2 **RULE 7**

3 **A Definitions.** For purposes of this rule, “plaintiff” shall include any party issuing  
4 summons and “defendant” shall include any party upon whom service of summons is sought.  
5 For purposes of this rule, a “true copy” of a summons and complaint means an exact and  
6 complete copy of the original summons and complaint.

7 **B Issuance.** Any time after the action is commenced, plaintiff or plaintiff’s attorney may  
8 issue as many original summonses as either may elect and deliver such summonses to a person  
9 authorized to serve summonses under section E of this rule. A summons is issued when  
10 subscribed by plaintiff or an active member of the Oregon State Bar.

11 **C(1) Contents.** The summons shall contain:

12 **C(1)(a) Title.** The title of the cause, specifying the name of the court in which the  
13 complaint is filed and the names of the parties to the action.

14 **C(1)(b) Direction to defendant.** A direction to the defendant requiring defendant to  
15 appear and defend within the time required by subsection (2) of this section and a notification  
16 to defendant that in case of failure to do so, the plaintiff will apply to the court for the relief  
17 demanded in the complaint.

18 **C(1)(c) Subscription; post office address.** A subscription by the plaintiff or by an active  
19 member of the Oregon State Bar, with the addition of the post office address at which papers in  
20 the action may be served by mail.

21 **C(2) Time for response.** If the summons is served by any manner other than publication,  
22 the defendant shall appear and defend within 30 days from the date of service. If the summons  
23 is served by publication pursuant to subsection D(6) of this rule, the defendant shall appear and  
24 defend within 30 days from the date stated in the summons. The date so stated in the  
25 summons shall be the date of the first publication.

26 **C(3) Notice to party served.**

1 C(3)(a) **In general.** All summonses, other than a summons referred to in paragraph (b) or  
2 (c) of this subsection, shall contain a notice printed in type size equal to at least 8-point type  
3 which may be substantially in the following form:  
4

---

5 NOTICE TO DEFENDANT:

6 READ THESE PAPERS

7 CAREFULLY!

8 You must “appear” in this case or the other side will win automatically. To “appear” you  
9 must file with the court a legal document called a “motion” or “answer.” The “motion” or  
10 “answer” must be given to the court clerk or administrator within 30 days along with the  
11 required filing fee. It must be in proper form and have proof of service on the plaintiff’s  
12 attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

13 If you have questions, you should see an attorney immediately. If you need help in  
14 finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at  
15 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or  
16 toll-free elsewhere in Oregon at (800) 452-7636.  
17

---

18 C(3)(b) **Service for counterclaim.** A summons to join a party to respond to a  
19 counterclaim pursuant to Rule 22 D (1) shall contain a notice printed in type size equal to at  
20 least 8-point type which may be substantially in the following form:  
21

---

22 NOTICE TO DEFENDANT:

23 READ THESE PAPERS

24 CAREFULLY!

25 You must “appear” to protect your rights in this matter. To “appear” you must file with  
26 the court a legal document called a “motion” or “reply.” The “motion” or “reply” must be given

1 to the court clerk or administrator within 30 days along with the required filing fee. It must be  
2 in proper form and have proof of service on the defendant's attorney or, if the defendant does  
3 not have an attorney, proof of service on the defendant.

4 If you have questions, you should see an attorney immediately. If you need help in  
5 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at  
6 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or  
7 toll-free elsewhere in Oregon at (800) 452-7636.

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8  
9 **C(3)(c) Service on persons liable for attorney fees.** A summons to join a party pursuant  
10 to Rule 22 D(2) shall contain a notice printed in type size equal to at least 8-point type which  
11 may be substantially in the following form:

---

12  
13 NOTICE TO DEFENDANT:

14 READ THESE PAPERS

15 CAREFULLY!

16 You may be liable for attorney fees in this case. Should plaintiff in this case not prevail, a  
17 judgment for reasonable attorney fees will be entered against you, as provided by the  
18 agreement to which defendant alleges you are a party.

19 You must "appear" to protect your rights in this matter. To "appear" you must file with  
20 the court a legal document called a "motion" or "reply." The "motion" or "reply" must be given  
21 to the court clerk or administrator within 30 days along with the required filing fee. It must be  
22 in proper form and have proof of service on the defendant's attorney or, if the defendant does  
23 not have an attorney, proof of service on the defendant.

24 If you have questions, you should see an attorney immediately. If you need help in  
25 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at  
26 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or

1 toll-free elsewhere in Oregon at (800) 452-7636.

---

3 **D Manner of service.**

4 D(1) **Notice required.** Summons shall be served, either within or without this state, in  
5 any manner reasonably calculated, under all the circumstances, to apprise the defendant of the  
6 existence and pendency of the action and to afford a reasonable opportunity to appear and  
7 defend. Summons may be served in a manner specified in this rule or by any other rule or  
8 statute on the defendant or upon an agent authorized by appointment or law to accept service  
9 of summons for the defendant. Service may be made, subject to the restrictions and  
10 requirements of this rule, by the following methods: personal service of true copies of the  
11 summons and the complaint upon defendant or an agent of defendant authorized to receive  
12 process; substituted service by leaving true copies of the summons and the complaint at a  
13 person's dwelling house or usual place of abode; office service by leaving true copies of the  
14 summons and the complaint with a person who is apparently in charge of an office; service by  
15 mail; or[,] service by publication.

16 **D(2) Service methods.**

17 D(2)(a) **Personal service.** Personal service may be made by delivery of a true copy of the  
18 summons and a true copy of the complaint to the person to be served.

19 D(2)(b) **Substituted service.** Substituted service may be made by delivering true copies  
20 of the summons and the complaint at the dwelling house or usual place of abode of the person  
21 to be served[,] to any person 14 years of age or older residing in the dwelling house or usual  
22 place of abode of the person to be served. Where substituted service is used, the plaintiff, as  
23 soon as reasonably possible, shall cause to be mailed[,] by first class mail[,] true copies of the  
24 summons and the complaint to the defendant at defendant's dwelling house or usual place of  
25 abode, together with a statement of the date, time, and place at which substituted service was  
26 made. For the purpose of computing any period of time prescribed or allowed by these rules or

1 by statute, substituted service shall be complete upon such mailing.

2 D(2)(c) **Office service.** If the person to be served maintains an office for the conduct of  
3 business, office service may be made by leaving true copies of the summons and the complaint  
4 at such office during normal working hours with the person who is apparently in charge. Where  
5 office service is used, the plaintiff, as soon as reasonably possible, shall cause to be mailed, by  
6 first class mail, true copies of the summons and the complaint to the defendant at defendant's  
7 dwelling house or usual place of abode or defendant's place of business or such other place  
8 under the circumstances that is most reasonably calculated to apprise the defendant of the  
9 existence and pendency of the action, together with a statement of the date, time, and place at  
10 which office service was made. For the purpose of computing any period of time prescribed or  
11 allowed by these rules or by statute, office service shall be complete upon such mailing.

12 D(2)(d) **Service by mail.**

13 D(2)(d)(i) **Generally.** When required or allowed by this rule or by statute, except as  
14 otherwise permitted, **an attorney for a party may serve the summons and the complaint**  
15 **pursuant to this paragraph.** [s]Service by mail shall be made by mailing true copies of the  
16 summons and the complaint to the defendant by first class mail and by any of the following:  
17 certified, registered, or express mail with return receipt requested. For purposes of this section,  
18 "first class mail" does not include certified, registered, or express mail, return receipt  
19 requested, or any other form of mail which may delay or hinder actual delivery of mail to the  
20 addressee.

21 D(2)(d)(ii) **Calculation of time.** For the purpose of computing any period of time  
22 provided by these rules or by statute, service by mail, except as otherwise provided, shall be  
23 complete on the day the defendant, or other person authorized by appointment or law, signs a  
24 receipt for the mailing, or three days after the mailing if mailed to an address within the state,  
25 or seven days after the mailing if mailed to an address outside the state, whichever first occurs.

26 D(3) **Particular defendants.** Service may be made upon specified defendants as follows:

1 D(3)(a) **Individuals.**

2 D(3)(a)(i) **Generally.** Upon an individual defendant, by personal delivery of true copies of  
3 the summons and the complaint to such defendant or other person authorized by appointment  
4 or law to receive service of summons on behalf of such defendant, by substituted service, or by  
5 office service. Service may also be made upon an individual defendant **or other person**  
6 **authorized to receive service** to whom neither subparagraph (ii) nor (iii) of this paragraph  
7 applies by a mailing made in accordance with paragraph (2)(d) of this section provided the  
8 defendant **or other person authorized to receive service** signs a receipt for the certified,  
9 registered, or express mailing, in which case service shall be complete on the date on which the  
10 defendant signs a receipt for the mailing.

11 D(3)(a)(ii) **Minors.** Upon a minor under the age of 14 years, by service in the manner  
12 specified in subparagraph (i) of this paragraph upon such minor and, also, upon such minor's  
13 father[,] mother[,] conservator of the minor's estate[,] or guardian[,] or, if there be none,  
14 then upon any person having the care or control of the minor, or with whom such minor  
15 resides, or in whose service such minor is employed, or upon a guardian ad litem appointed  
16 pursuant to Rule 27 A(2).

17 D(3)(a)(iii) **Incapacitated persons.** Upon a person who is incapacitated or **is** financially  
18 incapable, as defined by ORS 125.005, by service in the manner specified in subparagraph (i) of  
19 this paragraph upon such person and, also, upon the conservator of such person's estate or  
20 guardian[,] or, if there be none, upon a guardian ad litem appointed pursuant to Rule 27 B(2).

21 D(3)(a)(iv) **Tenant of a mail agent.** Upon an individual defendant who is a "tenant" of a  
22 "mail agent" within the meaning of ORS 646A.340 by delivering true copies of the summons  
23 and the complaint to any person apparently in charge of the place where the mail agent  
24 receives mail for the tenant, provided that:

25 (A) the plaintiff makes a diligent inquiry but cannot find the defendant; and

26 (B) the plaintiff, as soon as reasonably possible after delivery, causes true copies of the



1 summons and the complaint to be mailed by first class mail to the defendant at the address at  
2 which the mail agent receives mail for the defendant and to any other mailing address of the  
3 defendant then known to the plaintiff, together with a statement of the date, time, and place  
4 at which the plaintiff delivered the copies of the summons and the complaint.

5 Service shall be complete on the latest date resulting from the application of  
6 subparagraph D(2)(d)(ii) of this rule to all mailings required by this subparagraph unless the  
7 defendant signs a receipt for the mailing, in which case service is complete on the day the  
8 defendant signs the receipt.

9 D(3)(b) **Corporations including, but not limited to, professional corporations and**  
10 **cooperatives.** Upon a domestic or foreign corporation:

11 D(3)(b)(i) **Primary service method.** By personal service or office service upon a  
12 registered agent, officer, or director of the corporation; or by personal service upon any clerk  
13 on duty in the office of a registered agent.

14 D(3)(b)(ii) **Alternatives.** If a registered agent, officer, or director cannot be found in the  
15 county where the action is filed, true copies of the summons and the complaint may be served:

16 (A) by substituted service upon such registered agent, officer, or director;

17 (B) by personal service on any clerk or agent of the corporation who may be found in  
18 the county where the action is filed;

19 (C) by mailing in the manner specified in paragraph (2)(d) of this section true copies of  
20 the summons and the complaint to the office of the registered agent or to the last registered  
21 office of the corporation, if any, as shown by the records on file in the office of the Secretary of  
22 State; or, if the corporation is not authorized to transact business in this state at the time of the  
23 transaction, event, or occurrence upon which the action is based occurred, to the principal  
24 office or place of business of the corporation[,] and, in any case, to any address the use of  
25 which the plaintiff knows or has reason to believe is most likely to result in actual notice; or

26 (D) upon the Secretary of State in the manner provided in ORS 60.121 or 60.731.

1 D(3)(c) **Limited liability companies.** Upon a limited liability company:

2 D(3)(c)(i) **Primary service method.** By personal service or office service upon a  
3 registered agent, manager, or (for a member-managed limited liability company) member of a  
4 limited liability company; or by personal service upon any clerk on duty in the office of a  
5 registered agent.

6 D(3)(c)(ii) **Alternatives.** If a registered agent, manager, or (for a member-managed  
7 limited liability company) member of a limited liability company cannot be found in the county  
8 where the action is filed, true copies of the summons and the complaint may be served:

9 (A) by substituted service upon such registered agent, manager, or (for a  
10 member-managed limited liability company) member of a limited liability company;

11 (B) by personal service on any clerk or agent of the limited liability company who may  
12 be found in the county where the action is filed;

13 (C) by mailing in the manner specified in paragraph (2)(d) of this section true copies of  
14 the summons and the complaint to the office of the registered agent or to the last registered  
15 office of the limited liability company, as shown by the records on file in the office of the  
16 Secretary of State; or, if the limited liability company is not authorized to transact business in  
17 this state at the time of the transaction, event, or occurrence upon which the action is based  
18 occurred, to the principal office or place of business of the limited liability company[,] and, in  
19 any case, to any address the use of which the plaintiff knows or has reason to believe is most  
20 likely to result in actual notice; or

21 (D) upon the Secretary of State in the manner provided in ORS 63.121.

22 D(3)(d) **Limited partnerships.** Upon a domestic or foreign limited partnership:

23 D(3)(d)(i) **Primary service method.** By personal service or office service upon a  
24 registered agent or a general partner of a limited partnership; or by personal service upon any  
25 clerk on duty in the office of a registered agent.

26 D(3)(d)(ii) **Alternatives.** If a registered agent or a general partner of a limited

1 partnership cannot be found in the county where the action is filed, true copies of the  
2 summons and the complaint may be served:

3 (A) by substituted service upon such registered agent or general partner of a limited  
4 partnership;

5 (B) by personal service on any clerk or agent of the limited partnership who may be  
6 found in the county where the action is filed;

7 (C) by mailing in the manner specified in paragraph (2)(d) of this section true copies of  
8 the summons and the complaint to the office of the registered agent or to the last registered  
9 office of the limited partnership, as shown by the records on file in the office of the Secretary of  
10 State; or, if the limited partnership is not authorized to transact business in this state at the  
11 time of the transaction, event, or occurrence upon which the action is based occurred, to the  
12 principal office or place of business of the limited partnership[,] and, in any case, to any address  
13 the use of which the plaintiff knows or has reason to believe is most likely to result in actual  
14 notice; or

15 (D) upon the Secretary of State in the manner provided in ORS 70.040 or 70.045.

16 D(3)(e) **General partnerships and limited liability partnerships.** Upon any general  
17 partnership or limited liability partnership by personal service upon a partner or any agent  
18 authorized by appointment or law to receive service of summons for the partnership or limited  
19 liability partnership.

20 D(3)(f) **Other unincorporated association subject to suit under a common name.** Upon  
21 any other unincorporated association subject to suit under a common name by personal service  
22 upon an officer, managing agent, or agent authorized by appointment or law to receive service  
23 of summons for the unincorporated association.

24 D(3)(g) **State.** Upon the state, by personal service upon the Attorney General or by  
25 leaving true copies of the summons and the complaint at the Attorney General's office with a  
26 deputy, assistant, or clerk.

1 D(3)(h) **Public bodies.** Upon any county; incorporated city; school district; or other  
2 public corporation, commission, board, or agency by personal service or office service upon an  
3 officer, director, managing agent, or attorney thereof.

4 D(3)(i) **Vessel owners and charterers.** Upon any foreign steamship owner or steamship  
5 charterer by personal service upon a vessel master in such owner's or charterer's employment  
6 or any agent authorized by such owner or charterer to provide services to a vessel calling at a  
7 port in the State of Oregon, or a port in the State of Washington on that portion of the  
8 Columbia River forming a common boundary with Oregon.

9 D(4) **Particular actions involving motor vehicles.**

10 D(4)(a) **Actions arising out of use of roads, highways, streets, or premises open to the**  
11 **public; service by mail.**

12 D(4)(a)(i) In any action arising out of any accident, collision, or other event giving rise to  
13 liability in which a motor vehicle may be involved while being operated upon the roads,  
14 highways, streets, or premises open to the public as defined by law of this state if the plaintiff  
15 makes at least one attempt to serve a defendant who operated such motor vehicle, or caused it  
16 to be operated on the defendant's behalf, by a method authorized by subsection (3) of this  
17 section except service by mail pursuant to subparagraph (3)(a)(i) of this section and, as shown  
18 by its return, did not effect service, the plaintiff may then serve that defendant by mailings  
19 made in accordance with paragraph (2)(d) of this section addressed to that defendant at:

20 (A) any residence address provided by that defendant at the scene of the accident;

21 (B) the current residence address, if any, of that defendant shown in the driver records  
22 of the Department of Transportation; and

23 (C) any other address of that defendant known to the plaintiff at the time of making the  
24 mailings required by **parts** (A) and (B) **of this subparagraph** that reasonably might result in  
25 actual notice to that defendant.

26 Sufficient service pursuant to this subparagraph may be shown if the proof of service

1 includes a true copy of the envelope in which each of the certified, registered, or express  
2 mailings required by **parts** (A), (B), and (C) **of this subparagraph** [above] was made showing  
3 that it was returned to sender as undeliverable or that the defendant did not sign the receipt.  
4 For the purpose of computing any period of time prescribed or allowed by these rules or by  
5 statute, service under this subparagraph shall be complete on the latest date on which any of  
6 the mailings required by **parts** (A), (B), and (C) **of this subparagraph** [above] is made. If the  
7 mailing required by **part** (C) **of this subparagraph** is omitted because the plaintiff did not know  
8 of any address other than those specified in **parts** (A) and (B) **of this subparagraph** [above], the  
9 proof of service shall so certify.

10 D(4)(a)(ii) Any fee charged by the Department of Transportation for providing address  
11 information concerning a party served pursuant to subparagraph (i) of this paragraph may be  
12 recovered as provided in Rule 68.

13 D(4)(a)(iii) The requirements for obtaining an order of default against a defendant  
14 served pursuant to subparagraph (i) of this paragraph are as provided in Rule 69.

15 D(4)(b) **Notification of change of address.** Any person who; while operating a motor  
16 vehicle upon the roads, highways, streets, or premises open to the public as defined by law of  
17 this state; is involved in any accident, collision, or other event giving rise to liability shall  
18 forthwith notify the Department of Transportation of any change of [*such defendant's*] **the**  
19 **person's** address occurring within three years after such accident, collision, or event.

20 D(5) **Service in foreign country.** When service is to be effected upon a party in a foreign  
21 country, it is also sufficient if service of true copies of the summons and the complaint is made  
22 in the manner prescribed by the law of the foreign country for service in that country in its  
23 courts of general jurisdiction, or as directed by the foreign authority in response to letters  
24 rogatory, or as directed by order of the court. However, in all cases such service shall be  
25 reasonably calculated to give actual notice.

26 D(6) **Court order for service; service by publication.**

1 D(6)(a) **Court order for service by other method.** On motion upon a showing by affidavit  
2 or declaration that service cannot be made by any method otherwise specified in these rules or  
3 other rule or statute, the court, at its discretion, may order service by any method or  
4 combination of methods [*which*] **that** under the circumstances is most reasonably calculated to  
5 apprise the defendant of the existence and pendency of the action, including but not limited to:  
6 publication of summons; mailing without publication to a specified post office address of the  
7 defendant by first class mail and any of the following: certified, registered, or express mail,  
8 return receipt requested; or posting at specified locations. If service is ordered by any manner  
9 other than publication, the court may order a time for response.

10 D(6)(b) **Contents of published summons.** In addition to the contents of a summons as  
11 described in section C of this rule, a published summons shall also contain a summary  
12 statement of the object of the complaint and the demand for relief, and the notice required in  
13 subsection C(3) **of this rule** shall state: “The ‘motion’ or ‘answer’ (or ‘reply’) must be given to  
14 the court clerk or administrator within 30 days of the date of first publication specified herein  
15 along with the required filing fee.” The published summons shall also contain the date of the  
16 first publication of the summons.

17 D(6)(c) **Where published.** An order for publication shall direct publication to be made in  
18 a newspaper of general circulation in the county where the action is commenced or, if there is  
19 no such newspaper, then in a newspaper to be designated as most likely to give notice to the  
20 person to be served. Such publication shall be four times in successive calendar weeks. If the  
21 plaintiff knows of a specific location other than the county [*where*] **in which** the action is  
22 commenced where publication might reasonably result in actual notice to the defendant, the  
23 plaintiff shall so state in the affidavit or declaration required by paragraph (a) of this subsection,  
24 and the court may order publication in a comparable manner at such location in addition to, or  
25 in lieu of, publication in the county where the action is commenced.

26 D(6)(d) **Mailing summons and complaint.** If the court orders service by publication and

1 | the plaintiff knows or with reasonable diligence can ascertain the defendant's current address,  
2 | the plaintiff shall mail true copies of the summons and the complaint to the defendant at such  
3 | address by first class mail and any of the following: certified, registered, or express mail, return  
4 | receipt requested. If the plaintiff does not know and cannot upon diligent inquiry ascertain the  
5 | current address of any defendant, true copies of the summons and the complaint shall be  
6 | mailed by the methods specified above to the defendant at the defendant's last known  
7 | address. If the plaintiff does not know, and cannot ascertain upon diligent inquiry, the  
8 | defendant's current and last known addresses, a mailing of copies of the summons and the  
9 | complaint is not required.

10 |         D(6)(e) **Unknown heirs or persons.** If service cannot be made by another method  
11 | described in this section because defendants are unknown heirs or persons as described in  
12 | [sections I and J of] Rule 20 **I and J**, the action shall proceed against the unknown heirs or  
13 | persons in the same manner as against named defendants served by publication and with like  
14 | effect; and any such unknown heirs or persons who have or claim any right, estate, lien, or  
15 | interest in the property in controversy[,] at the time of the commencement of the action, and  
16 | **who are** served by publication, shall be bound and concluded by the judgment in the action, if  
17 | the same is in favor of the plaintiff, as effectively as if the action was brought against such  
18 | defendants by name.

19 |         D(6)(f) **Defending before or after judgment.** A defendant against whom publication is  
20 | ordered or such defendant's representatives, on application and sufficient cause shown, at any  
21 | time before judgment[,] shall be allowed to defend the action. A defendant against whom  
22 | publication is ordered or such defendant's representatives may, upon good cause shown and  
23 | upon such terms as may be proper, be allowed to defend after judgment and within one year  
24 | after entry of judgment. If the defense is successful, and the judgment or any part thereof has  
25 | been collected or otherwise enforced, restitution may be ordered by the court, but the title to  
26 | property sold upon execution issued on such judgment, to a purchaser in good faith, shall not

1 be affected thereby.

2 D(6)(g) **Defendant who cannot be served.** Within the meaning of this subsection, a  
3 defendant cannot be served with summons by any method authorized by subsection (3) of this  
4 section if: (i) service pursuant to subparagraph (4)(a)(i) of this section is not authorized, and the  
5 plaintiff attempted service of summons by all of the methods authorized by subsection (3) of  
6 this section and was unable to complete service, or (ii) if the plaintiff knew that service by such  
7 methods could not be accomplished.

8 **E By whom served; compensation.** A summons may be served by any competent  
9 person 18 years of age or older who is a resident of the state where service is made or of this  
10 state and is not a party to the action nor, except as provided in ORS 180.260, an officer,  
11 director, or employee of, nor attorney for, any party, corporate or otherwise. However, service  
12 pursuant to subparagraph D(2)(d)(i) of this rule may be made **only** by an attorney for any party.  
13 Compensation to a sheriff or a sheriff's deputy in this state who serves a summons shall be  
14 prescribed by statute or rule. If any other person serves the summons, a reasonable fee may be  
15 paid for service. This compensation shall be part of disbursements and shall be recovered as  
16 provided in Rule 68.

17 **F Return; proof of service.**

18 F(1) **Return of summons.** The summons shall be promptly returned to the clerk with  
19 whom the complaint is filed with proof of service or mailing, or that defendant cannot be  
20 found. The summons may be returned by first class mail.

21 F(2) **Proof of service.** Proof of service of summons or mailing may be made as follows:

22 F(2)(a) **Service other than publication.** Service other than publication shall be proved  
23 by:

24 F(2)(a)(i) **Certificate of service when summons not served by sheriff or deputy.** If the  
25 summons is not served by a sheriff or a sheriff's deputy, the certificate of the server indicating:  
26 **the specific documents that were served;** the time, place, and manner of service; that the



1 server is a competent person 18 years of age or older and a resident of the state of service or  
2 this state and is not a party to nor an officer, director, or employee of, nor attorney for any  
3 party, corporate or otherwise; and that the server knew that the person, firm, or corporation  
4 served is the identical one named in the action. If the defendant is not personally served, the  
5 server shall state in the certificate when, where, and with whom true copies of the summons  
6 and the complaint were left or describe in detail the manner and circumstances of service. If  
7 true copies of the summons and the complaint were mailed, the certificate may be made by the  
8 person completing the mailing or the attorney for any party and shall state the circumstances  
9 of mailing and the return receipt, if any, shall be attached.

10 F(2)(a)(ii) **Certificate of service by sheriff or deputy.** If the summons is served by a  
11 sheriff or a sheriff's deputy, the sheriff's or deputy's certificate of service indicating: **the specific**  
12 **documents that were served;** the time, place, and manner of service[,]; and, if defendant is not  
13 personally served, when, where, and with whom true copies of the summons and the complaint  
14 were left or describing in detail the manner and circumstances of service. If true copies of the  
15 summons and the complaint were mailed, the certificate shall state the circumstances of  
16 mailing and the return receipt, if any, shall be attached.

17 F(2)(b) **Publication.** Service by publication shall be proved by an affidavit or by a  
18 declaration.

19 F(2)(b)(i) A publication by affidavit shall be in substantially the following form:

---

21 Affidavit of Publication

22 State of Oregon )  
23 ) ss.  
24 County of )

25 I, \_\_\_\_\_, being first duly sworn, depose and say that I am the \_\_\_\_\_ (here  
26 set forth the title or job description of the person making the affidavit), of the \_\_\_\_\_, a

1 newspaper of general circulation published at \_\_\_\_\_ in the aforesaid county and state;  
2 that I know from my personal knowledge that the \_\_\_\_\_, a printed copy of which is  
3 hereto annexed, was published in the entire issue of said newspaper four times in the following  
4 issues: (here set forth dates of issues in which the same was published).

5 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

6 \_\_\_\_\_

7 Notary Public for Oregon

8 My commission expires

9 \_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

10

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11 F(2)(b)(ii) A publication by declaration shall be in substantially the following form:

---

12

13 Declaration of Publication

14 State of Oregon )

15 ) ss.

16 County of )

17 I, \_\_\_\_\_, say that I am the \_\_\_\_\_ (here set forth the title or job description  
18 of the person making the declaration), of the \_\_\_\_\_, a newspaper of general circulation  
19 published at \_\_\_\_\_ in the aforesaid county and state; that I know from my personal  
20 knowledge that the \_\_\_\_\_, a printed copy of which is hereto annexed, was published in  
21 the entire issue of said newspaper four times in the following issues: (here set forth dates of  
22 issues in which the same was published).

23 I hereby declare that the above statement is true to the best of my knowledge and belief, and  
24 that I understand it is made for use as evidence in court and is subject to penalty for perjury.

25

26 \_\_\_\_\_  
\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

1  
2 F(2)(c) **Making and certifying affidavit.** The affidavit of service may be made and  
3 certified before a notary public, or other official authorized to administer oaths and acting as  
4 such by authority of the United States, or any state or territory of the United States, or the  
5 District of Columbia, and the official seal, if any, of such person shall be affixed to the affidavit.  
6 The signature of such notary or other official, when so attested by the affixing of the official  
7 seal, if any, of such person, shall be prima facie evidence of authority to make and certify such  
8 affidavit.

9 F(2)(d) **Form of certificate, affidavit or declaration.** A certificate, affidavit, or  
10 declaration containing proof of service may be made upon the summons or as a separate  
11 document attached to the summons.

12  
13 F(3) **Written admission.** In any case proof may be made by written admission of the  
14 defendant.

15 F(4) **Failure to make proof; validity of service.** If summons has been properly served,  
16 failure to make or file a proper proof of service shall not affect the validity of the service.

17 **G Disregard of error; actual notice.** Failure to comply with provisions of this rule relating  
18 to the form of a summons, issuance of a summons, or who may serve a summons shall not  
19 affect the validity of service of that summons or the existence of jurisdiction over the person if  
20 the court determines that the defendant received actual notice of the substance and pendency  
21 of the action. The court may allow amendment to a summons, affidavit, declaration, or  
22 certificate of service of summons. The court shall disregard any error in the content of a  
23 summons that does not materially prejudice the substantive rights of the party against whom  
24 the summons was issued. If service is made in any manner complying with subsection D(1) of  
25 this rule, the court shall also disregard any error in the service of a summons that does not  
26 violate the due process rights of the party against whom the summons was issued.

1 **SUMMONS**

2 **RULE 7**

3 **A Definitions.** For purposes of this rule, “plaintiff” shall include any party issuing  
4 summons and “defendant” shall include any party upon whom service of summons is sought.  
5 For purposes of this rule, a “true copy” of a summons and complaint means an exact and  
6 complete copy of the original summons and complaint.

7 **B Issuance.** Any time after the action is commenced, plaintiff or plaintiff’s attorney may  
8 issue as many original summonses as either may elect and deliver such summonses to a person  
9 authorized to serve summonses under section E of this rule. A summons is issued when  
10 subscribed by plaintiff or an active member of the Oregon State Bar.

11 **C(1) Contents.** The summons shall contain:

12 **C(1)(a) Title.** The title of the cause, specifying the name of the court in which the  
13 complaint is filed and the names of the parties to the action.

14 **C(1)(b) Direction to defendant.** A direction to the defendant requiring defendant to  
15 appear and defend within the time required by subsection (2) of this section and a notification  
16 to defendant that in case of failure to do so, the plaintiff will apply to the court for the relief  
17 demanded in the complaint.

18 **C(1)(c) Subscription; post office address.** A subscription by the plaintiff or by an active  
19 member of the Oregon State Bar, with the addition of the post office address at which papers in  
20 the action may be served by mail.

21 **C(2) Time for response.** If the summons is served by any manner other than publication,  
22 the defendant shall appear and defend within 30 days from the date of service. If the summons  
23 is served by publication pursuant to subsection D(6) of this rule, the defendant shall appear and  
24 defend within 30 days from the date stated in the summons. The date so stated in the  
25 summons shall be the date of the first publication.

26 **C(3) Notice to party served.**

1 C(3)(a) **In general.** All summonses, other than a summons referred to in paragraph (b) or  
2 (c) of this subsection, shall contain a notice printed in type size equal to at least 8-point type  
3 which may be substantially in the following form:  
4

---

5 NOTICE TO DEFENDANT:

6 READ THESE PAPERS

7 CAREFULLY!

8 You must “appear” in this case or the other side will win automatically. To “appear” you  
9 must file with the court a legal document called a “motion” or “answer.” The “motion” or  
10 “answer” must be given to the court clerk or administrator within 30 days along with the  
11 required filing fee. It must be in proper form and have proof of service on the plaintiff’s  
12 attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

13 If you have questions, you should see an attorney immediately. If you need help in  
14 finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at  
15 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or  
16 toll-free elsewhere in Oregon at (800) 452-7636.  
17

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18 C(3)(b) **Service for counterclaim.** A summons to join a party to respond to a  
19 counterclaim pursuant to Rule 22 D (1) shall contain a notice printed in type size equal to at  
20 least 8-point type which may be substantially in the following form:  
21

---

22 NOTICE TO DEFENDANT:

23 READ THESE PAPERS

24 CAREFULLY!

25 You must “appear” to protect your rights in this matter. To “appear” you must file with  
26 the court a legal document called a “motion” or “reply.” The “motion” or “reply” must be given

1 to the court clerk or administrator within 30 days along with the required filing fee. It must be  
2 in proper form and have proof of service on the defendant's attorney or, if the defendant does  
3 not have an attorney, proof of service on the defendant.

4 If you have questions, you should see an attorney immediately. If you need help in  
5 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at  
6 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or  
7 toll-free elsewhere in Oregon at (800) 452-7636.

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8  
9 **C(3)(c) Service on persons liable for attorney fees.** A summons to join a party pursuant  
10 to Rule 22 D(2) shall contain a notice printed in type size equal to at least 8-point type which  
11 may be substantially in the following form:

---

12  
13 NOTICE TO DEFENDANT:

14 READ THESE PAPERS

15 CAREFULLY!

16 You may be liable for attorney fees in this case. Should plaintiff in this case not prevail, a  
17 judgment for reasonable attorney fees will be entered against you, as provided by the  
18 agreement to which defendant alleges you are a party.

19 You must "appear" to protect your rights in this matter. To "appear" you must file with  
20 the court a legal document called a "motion" or "reply." The "motion" or "reply" must be given  
21 to the court clerk or administrator within 30 days along with the required filing fee. It must be  
22 in proper form and have proof of service on the defendant's attorney or, if the defendant does  
23 not have an attorney, proof of service on the defendant.

24 If you have questions, you should see an attorney immediately. If you need help in  
25 finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at  
26 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or

1 toll-free elsewhere in Oregon at (800) 452-7636.

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3 **D Manner of service.**

4 D(1) **Notice required.** Summons shall be served, either within or without this state, in  
5 any manner reasonably calculated, under all the circumstances, to apprise the defendant of the  
6 existence and pendency of the action and to afford a reasonable opportunity to appear and  
7 defend. Summons may be served in a manner specified in this rule or by any other rule or  
8 statute on the defendant or upon an agent authorized by appointment or law to accept service  
9 of summons for the defendant. Service may be made, subject to the restrictions and  
10 requirements of this rule, by the following methods: personal service of true copies of the  
11 summons and the complaint upon defendant or an agent of defendant authorized to receive  
12 process; substituted service by leaving true copies of the summons and the complaint at a  
13 person's dwelling house or usual place of abode; office service by leaving true copies of the  
14 summons and the complaint with a person who is apparently in charge of an office; service by  
15 mail; or[,] service by publication.

16 **D(2) Service methods.**

17 D(2)(a) **Personal service.** Personal service may be made by delivery of a true copy of the  
18 summons and a true copy of the complaint to the person to be served.

19 D(2)(b) **Substituted service.** Substituted service may be made by delivering true copies  
20 of the summons and the complaint at the dwelling house or usual place of abode of the person  
21 to be served[,] to any person 14 years of age or older residing in the dwelling house or usual  
22 place of abode of the person to be served. Where substituted service is used, the plaintiff, as  
23 soon as reasonably possible, shall cause to be mailed[,] by first class mail[,] true copies of the  
24 summons and the complaint to the defendant at defendant's dwelling house or usual place of  
25 abode, together with a statement of the date, time, and place at which substituted service was  
26 made. For the purpose of computing any period of time prescribed or allowed by these rules or

1 by statute, substituted service shall be complete upon such mailing.

2 D(2)(c) **Office service.** If the person to be served maintains an office for the conduct of  
3 business, office service may be made by leaving true copies of the summons and the complaint  
4 at such office during normal working hours with the person who is apparently in charge. Where  
5 office service is used, the plaintiff, as soon as reasonably possible, shall cause to be mailed, by  
6 first class mail, true copies of the summons and the complaint to the defendant at defendant's  
7 dwelling house or usual place of abode or defendant's place of business or such other place  
8 under the circumstances that is most reasonably calculated to apprise the defendant of the  
9 existence and pendency of the action, together with a statement of the date, time, and place at  
10 which office service was made. For the purpose of computing any period of time prescribed or  
11 allowed by these rules or by statute, office service shall be complete upon such mailing.

12 D(2)(d) **Service by mail.**

13 D(2)(d)(i) **Generally.** When service by mail is required or allowed by this rule or by  
14 statute, *[except as otherwise permitted,]* **an attorney for a party may serve the summons and**  
15 **the complaint pursuant to this paragraph.** [s]Service by mail shall be made by mailing true  
16 copies of the summons and the complaint to the defendant by first class mail and by any of the  
17 following: certified, registered, or express mail with return receipt requested. For purposes of  
18 this section, "first class mail" does not include certified, registered, or express mail, return  
19 receipt requested, or any other form of mail which may delay or hinder actual delivery of mail  
20 to the addressee.

21 D(2)(d)(ii) **Calculation of time.** For the purpose of computing any period of time  
22 provided by these rules or by statute, service by mail, except as otherwise provided, shall be  
23 complete on the day the defendant, or other person authorized by appointment or law, signs a  
24 receipt for the mailing, or three days after the mailing if mailed to an address within the state,  
25 or seven days after the mailing if mailed to an address outside the state, whichever first occurs.

26 D(3) **Particular defendants.** Service may be made upon specified defendants as follows:



1 D(3)(a) **Individuals.**

2 D(3)(a)(i) **Generally.** Upon an individual defendant, by personal delivery of true copies of  
3 the summons and the complaint to such defendant or other person authorized by appointment  
4 or law to receive service of summons on behalf of such defendant, by substituted service, or by  
5 office service. Service may also be made upon an individual defendant **or other person**  
6 **authorized to receive service** to whom neither subparagraph (ii) nor (iii) of this paragraph  
7 applies by a mailing made in accordance with paragraph (2)(d) of this section provided the  
8 defendant **or other person authorized to receive service** signs a receipt for the certified,  
9 registered, or express mailing, in which case service shall be complete on the date on which the  
10 defendant signs a receipt for the mailing.

11 D(3)(a)(ii) **Minors.** Upon a minor under the age of 14 years, by service in the manner  
12 specified in subparagraph (i) of this paragraph upon such minor and, also, upon such minor's  
13 father[,] mother[,] conservator of the minor's estate[,] or guardian[,] or, if there be none,  
14 then upon any person having the care or control of the minor, or with whom such minor  
15 resides, or in whose service such minor is employed, or upon a guardian ad litem appointed  
16 pursuant to Rule 27 A(2).

17 D(3)(a)(iii) **Incapacitated persons.** Upon a person who is incapacitated or **is** financially  
18 incapable, as defined by ORS 125.005, by service in the manner specified in subparagraph (i) of  
19 this paragraph upon such person and, also, upon the conservator of such person's estate or  
20 guardian[,] or, if there be none, upon a guardian ad litem appointed pursuant to Rule 27 B(2).

21 D(3)(a)(iv) **Tenant of a mail agent.** Upon an individual defendant who is a "tenant" of a  
22 "mail agent" within the meaning of ORS 646A.340 by delivering true copies of the summons  
23 and the complaint to any person apparently in charge of the place where the mail agent  
24 receives mail for the tenant, provided that:

25 (A) the plaintiff makes a diligent inquiry but cannot find the defendant; and

26 (B) the plaintiff, as soon as reasonably possible after delivery, causes true copies of the

1 summons and the complaint to be mailed by first class mail to the defendant at the address at  
2 which the mail agent receives mail for the defendant and to any other mailing address of the  
3 defendant then known to the plaintiff, together with a statement of the date, time, and place  
4 at which the plaintiff delivered the copies of the summons and the complaint.

5 Service shall be complete on the latest date resulting from the application of  
6 subparagraph D(2)(d)(ii) of this rule to all mailings required by this subparagraph unless the  
7 defendant signs a receipt for the mailing, in which case service is complete on the day the  
8 defendant signs the receipt.

9 D(3)(b) **Corporations including, but not limited to, professional corporations and**  
10 **cooperatives.** Upon a domestic or foreign corporation:

11 D(3)(b)(i) **Primary service method.** By personal service or office service upon a  
12 registered agent, officer, or director of the corporation; or by personal service upon any clerk  
13 on duty in the office of a registered agent.

14 D(3)(b)(ii) **Alternatives.** If a registered agent, officer, or director cannot be found in the  
15 county where the action is filed, true copies of the summons and the complaint may be served:

16 (A) by substituted service upon such registered agent, officer, or director;

17 (B) by personal service on any clerk or agent of the corporation who may be found in  
18 the county where the action is filed;

19 (C) by mailing in the manner specified in paragraph (2)(d) of this section true copies of  
20 the summons and the complaint to the office of the registered agent or to the last registered  
21 office of the corporation, if any, as shown by the records on file in the office of the Secretary of  
22 State; or, if the corporation is not authorized to transact business in this state at the time of the  
23 transaction, event, or occurrence upon which the action is based occurred, to the principal  
24 office or place of business of the corporation[,] and, in any case, to any address the use of  
25 which the plaintiff knows or has reason to believe is most likely to result in actual notice; or

26 (D) upon the Secretary of State in the manner provided in ORS 60.121 or 60.731.

1 D(3)(c) **Limited liability companies.** Upon a limited liability company:

2 D(3)(c)(i) **Primary service method.** By personal service or office service upon a  
3 registered agent, manager, or (for a member-managed limited liability company) member of a  
4 limited liability company; or by personal service upon any clerk on duty in the office of a  
5 registered agent.

6 D(3)(c)(ii) **Alternatives.** If a registered agent, manager, or (for a member-managed  
7 limited liability company) member of a limited liability company cannot be found in the county  
8 where the action is filed, true copies of the summons and the complaint may be served:

9 (A) by substituted service upon such registered agent, manager, or (for a  
10 member-managed limited liability company) member of a limited liability company;

11 (B) by personal service on any clerk or agent of the limited liability company who may  
12 be found in the county where the action is filed;

13 (C) by mailing in the manner specified in paragraph (2)(d) of this section true copies of  
14 the summons and the complaint to the office of the registered agent or to the last registered  
15 office of the limited liability company, as shown by the records on file in the office of the  
16 Secretary of State; or, if the limited liability company is not authorized to transact business in  
17 this state at the time of the transaction, event, or occurrence upon which the action is based  
18 occurred, to the principal office or place of business of the limited liability company[,] and, in  
19 any case, to any address the use of which the plaintiff knows or has reason to believe is most  
20 likely to result in actual notice; or

21 (D) upon the Secretary of State in the manner provided in ORS 63.121.

22 D(3)(d) **Limited partnerships.** Upon a domestic or foreign limited partnership:

23 D(3)(d)(i) **Primary service method.** By personal service or office service upon a  
24 registered agent or a general partner of a limited partnership; or by personal service upon any  
25 clerk on duty in the office of a registered agent.

26 D(3)(d)(ii) **Alternatives.** If a registered agent or a general partner of a limited

1 partnership cannot be found in the county where the action is filed, true copies of the  
2 summons and the complaint may be served:

3 (A) by substituted service upon such registered agent or general partner of a limited  
4 partnership;

5 (B) by personal service on any clerk or agent of the limited partnership who may be  
6 found in the county where the action is filed;

7 (C) by mailing in the manner specified in paragraph (2)(d) of this section true copies of  
8 the summons and the complaint to the office of the registered agent or to the last registered  
9 office of the limited partnership, as shown by the records on file in the office of the Secretary of  
10 State; or, if the limited partnership is not authorized to transact business in this state at the  
11 time of the transaction, event, or occurrence upon which the action is based occurred, to the  
12 principal office or place of business of the limited partnership[,] and, in any case, to any address  
13 the use of which the plaintiff knows or has reason to believe is most likely to result in actual  
14 notice; or

15 (D) upon the Secretary of State in the manner provided in ORS 70.040 or 70.045.

16 D(3)(e) **General partnerships and limited liability partnerships.** Upon any general  
17 partnership or limited liability partnership by personal service upon a partner or any agent  
18 authorized by appointment or law to receive service of summons for the partnership or limited  
19 liability partnership.

20 D(3)(f) **Other unincorporated association subject to suit under a common name.** Upon  
21 any other unincorporated association subject to suit under a common name by personal service  
22 upon an officer, managing agent, or agent authorized by appointment or law to receive service  
23 of summons for the unincorporated association.

24 D(3)(g) **State.** Upon the state, by personal service upon the Attorney General or by  
25 leaving true copies of the summons and the complaint at the Attorney General's office with a  
26 deputy, assistant, or clerk.

1 D(3)(h) **Public bodies.** Upon any county; incorporated city; school district; or other  
2 public corporation, commission, board, or agency by personal service or office service upon an  
3 officer, director, managing agent, or attorney thereof.

4 D(3)(i) **Vessel owners and charterers.** Upon any foreign steamship owner or steamship  
5 charterer by personal service upon a vessel master in such owner's or charterer's employment  
6 or any agent authorized by such owner or charterer to provide services to a vessel calling at a  
7 port in the State of Oregon, or a port in the State of Washington on that portion of the  
8 Columbia River forming a common boundary with Oregon.

9 D(4) **Particular actions involving motor vehicles.**

10 D(4)(a) **Actions arising out of use of roads, highways, streets, or premises open to the**  
11 **public; service by mail.**

12 D(4)(a)(i) In any action arising out of any accident, collision, or other event giving rise to  
13 liability in which a motor vehicle may be involved while being operated upon the roads,  
14 highways, streets, or premises open to the public as defined by law of this state if the plaintiff  
15 makes at least one attempt to serve a defendant who operated such motor vehicle, or caused it  
16 to be operated on the defendant's behalf, by a method authorized by subsection (3) of this  
17 section except service by mail pursuant to subparagraph (3)(a)(i) of this section and, as shown  
18 by its return, did not effect service, the plaintiff may then serve that defendant by mailings  
19 made in accordance with paragraph (2)(d) of this section addressed to that defendant at:

20 (A) any residence address provided by that defendant at the scene of the accident;

21 (B) the current residence address, if any, of that defendant shown in the driver records  
22 of the Department of Transportation; and

23 (C) any other address of that defendant known to the plaintiff at the time of making the  
24 mailings required by **parts** (A) and (B) **of this subparagraph** that reasonably might result in  
25 actual notice to that defendant.

26 Sufficient service pursuant to this subparagraph may be shown if the proof of service

1 includes a true copy of the envelope in which each of the certified, registered, or express  
2 mailings required by **parts** (A), (B), and (C) **of this subparagraph** [above] was made showing  
3 that it was returned to sender as undeliverable or that the defendant did not sign the receipt.  
4 For the purpose of computing any period of time prescribed or allowed by these rules or by  
5 statute, service under this subparagraph shall be complete on the latest date on which any of  
6 the mailings required by **parts** (A), (B), and (C) **of this subparagraph** [above] is made. If the  
7 mailing required by **part** (C) **of this subparagraph** is omitted because the plaintiff did not know  
8 of any address other than those specified in **parts** (A) and (B) **of this subparagraph** [above], the  
9 proof of service shall so certify.

10 D(4)(a)(ii) Any fee charged by the Department of Transportation for providing address  
11 information concerning a party served pursuant to subparagraph (i) of this paragraph may be  
12 recovered as provided in Rule 68.

13 D(4)(a)(iii) The requirements for obtaining an order of default against a defendant  
14 served pursuant to subparagraph (i) of this paragraph are as provided in Rule 69.

15 D(4)(b) **Notification of change of address.** Any person who; while operating a motor  
16 vehicle upon the roads, highways, streets, or premises open to the public as defined by law of  
17 this state; is involved in any accident, collision, or other event giving rise to liability shall  
18 forthwith notify the Department of Transportation of any change of [*such defendant's*] **the**  
19 **person's** address occurring within three years after such accident, collision, or event.

20 D(5) **Service in foreign country.** When service is to be effected upon a party in a foreign  
21 country, it is also sufficient if service of true copies of the summons and the complaint is made  
22 in the manner prescribed by the law of the foreign country for service in that country in its  
23 courts of general jurisdiction, or as directed by the foreign authority in response to letters  
24 rogatory, or as directed by order of the court. However, in all cases such service shall be  
25 reasonably calculated to give actual notice.

26 D(6) **Court order for service; service by publication.**

1 D(6)(a) **Court order for service by other method.** On motion upon a showing by affidavit  
2 or declaration that service cannot be made by any method otherwise specified in these rules or  
3 other rule or statute, the court, at its discretion, may order service by any method or  
4 combination of methods [*which*] **that** under the circumstances is most reasonably calculated to  
5 apprise the defendant of the existence and pendency of the action, including but not limited to:  
6 publication of summons; mailing without publication to a specified post office address of the  
7 defendant by first class mail and any of the following: certified, registered, or express mail,  
8 return receipt requested; or posting at specified locations. If service is ordered by any manner  
9 other than publication, the court may order a time for response.

10 D(6)(b) **Contents of published summons.** In addition to the contents of a summons as  
11 described in section C of this rule, a published summons shall also contain a summary  
12 statement of the object of the complaint and the demand for relief, and the notice required in  
13 subsection C(3) **of this rule** shall state: “The ‘motion’ or ‘answer’ (or ‘reply’) must be given to  
14 the court clerk or administrator within 30 days of the date of first publication specified herein  
15 along with the required filing fee.” The published summons shall also contain the date of the  
16 first publication of the summons.

17 D(6)(c) **Where published.** An order for publication shall direct publication to be made in  
18 a newspaper of general circulation in the county where the action is commenced or, if there is  
19 no such newspaper, then in a newspaper to be designated as most likely to give notice to the  
20 person to be served. Such publication shall be four times in successive calendar weeks. If the  
21 plaintiff knows of a specific location other than the county [*where*] **in which** the action is  
22 commenced where publication might reasonably result in actual notice to the defendant, the  
23 plaintiff shall so state in the affidavit or declaration required by paragraph (a) of this subsection,  
24 and the court may order publication in a comparable manner at such location in addition to, or  
25 in lieu of, publication in the county where the action is commenced.

26 D(6)(d) **Mailing summons and complaint.** If the court orders service by publication and

1 | the plaintiff knows or with reasonable diligence can ascertain the defendant's current address,  
2 | the plaintiff shall mail true copies of the summons and the complaint to the defendant at such  
3 | address by first class mail and any of the following: certified, registered, or express mail, return  
4 | receipt requested. If the plaintiff does not know and cannot upon diligent inquiry ascertain the  
5 | current address of any defendant, true copies of the summons and the complaint shall be  
6 | mailed by the methods specified above to the defendant at the defendant's last known  
7 | address. If the plaintiff does not know, and cannot ascertain upon diligent inquiry, the  
8 | defendant's current and last known addresses, a mailing of copies of the summons and the  
9 | complaint is not required.

10 |         D(6)(e) **Unknown heirs or persons.** If service cannot be made by another method  
11 | described in this section because defendants are unknown heirs or persons as described in  
12 | [sections I and J of] Rule 20 **I and J**, the action shall proceed against the unknown heirs or  
13 | persons in the same manner as against named defendants served by publication and with like  
14 | effect; and any such unknown heirs or persons who have or claim any right, estate, lien, or  
15 | interest in the property in controversy[,] at the time of the commencement of the action, and  
16 | **who are** served by publication, shall be bound and concluded by the judgment in the action, if  
17 | the same is in favor of the plaintiff, as effectively as if the action was brought against such  
18 | defendants by name.

19 |         D(6)(f) **Defending before or after judgment.** A defendant against whom publication is  
20 | ordered or such defendant's representatives, on application and sufficient cause shown, at any  
21 | time before judgment[,] shall be allowed to defend the action. A defendant against whom  
22 | publication is ordered or such defendant's representatives may, upon good cause shown and  
23 | upon such terms as may be proper, be allowed to defend after judgment and within one year  
24 | after entry of judgment. If the defense is successful, and the judgment or any part thereof has  
25 | been collected or otherwise enforced, restitution may be ordered by the court, but the title to  
26 | property sold upon execution issued on such judgment, to a purchaser in good faith, shall not



1 be affected thereby.

2 D(6)(g) **Defendant who cannot be served.** Within the meaning of this subsection, a  
3 defendant cannot be served with summons by any method authorized by subsection (3) of this  
4 section if: (i) service pursuant to subparagraph (4)(a)(i) of this section is not authorized, and the  
5 plaintiff attempted service of summons by all of the methods authorized by subsection (3) of  
6 this section and was unable to complete service, or (ii) if the plaintiff knew that service by such  
7 methods could not be accomplished.

8 **E By whom served; compensation.** A summons may be served by any competent  
9 person 18 years of age or older who is a resident of the state where service is made or of this  
10 state and is not a party to the action nor, except as provided in ORS 180.260, an officer,  
11 director, or employee of, nor attorney for, any party, corporate or otherwise. However, service  
12 pursuant to subparagraph D(2)(d)(i) of this rule may be made **only** by an attorney for any party.  
13 Compensation to a sheriff or a sheriff's deputy in this state who serves a summons shall be  
14 prescribed by statute or rule. If any other person serves the summons, a reasonable fee may be  
15 paid for service. This compensation shall be part of disbursements and shall be recovered as  
16 provided in Rule 68.

17 **F Return; proof of service.**

18 F(1) **Return of summons.** The summons shall be promptly returned to the clerk with  
19 whom the complaint is filed with proof of service or mailing, or that defendant cannot be  
20 found. The summons may be returned by first class mail.

21 F(2) **Proof of service.** Proof of service of summons or mailing may be made as follows:

22 F(2)(a) **Service other than publication.** Service other than publication shall be proved  
23 by:

24 F(2)(a)(i) **Certificate of service when summons not served by sheriff or deputy.** If the  
25 summons is not served by a sheriff or a sheriff's deputy, the certificate of the server indicating:  
26 **the specific documents that were served;** the time, place, and manner of service; that the

1 server is a competent person 18 years of age or older and a resident of the state of service or  
2 this state and is not a party to nor an officer, director, or employee of, nor attorney for any  
3 party, corporate or otherwise; and that the server knew that the person, firm, or corporation  
4 served is the identical one named in the action. If the defendant is not personally served, the  
5 server shall state in the certificate when, where, and with whom true copies of the summons  
6 and the complaint were left or describe in detail the manner and circumstances of service. If  
7 true copies of the summons and the complaint were mailed, the certificate may be made by the  
8 person completing the mailing or the attorney for any party and shall state the circumstances  
9 of mailing and the return receipt, if any, shall be attached.

10 F(2)(a)(ii) **Certificate of service by sheriff or deputy.** If the summons is served by a  
11 sheriff or a sheriff's deputy, the sheriff's or deputy's certificate of service indicating: **the specific**  
12 **documents that were served;** the time, place, and manner of service[,]; and, if defendant is not  
13 personally served, when, where, and with whom true copies of the summons and the complaint  
14 were left or describing in detail the manner and circumstances of service. If true copies of the  
15 summons and the complaint were mailed, the certificate shall state the circumstances of  
16 mailing and the return receipt, if any, shall be attached.

17 F(2)(b) **Publication.** Service by publication shall be proved by an affidavit or by a  
18 declaration.

19 F(2)(b)(i) A publication by affidavit shall be in substantially the following form:

---

20  
21 Affidavit of Publication

22 State of Oregon )

23 ) ss.

24 County of )

25 I, \_\_\_\_\_, being first duly sworn, depose and say that I am the \_\_\_\_\_ (here  
26 set forth the title or job description of the person making the affidavit), of the \_\_\_\_\_, a

1 newspaper of general circulation published at \_\_\_\_\_ in the aforesaid county and state;  
2 that I know from my personal knowledge that the \_\_\_\_\_, a printed copy of which is  
3 hereto annexed, was published in the entire issue of said newspaper four times in the following  
4 issues: (here set forth dates of issues in which the same was published).

5 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

6 \_\_\_\_\_

7 Notary Public for Oregon

8 My commission expires

9 \_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

10

---

11 F(2)(b)(ii) A publication by declaration shall be in substantially the following form:

---

12

13 Declaration of Publication

14 State of Oregon )

15 ) ss.

16 County of )

17 I, \_\_\_\_\_, say that I am the \_\_\_\_\_ (here set forth the title or job description  
18 of the person making the declaration), of the \_\_\_\_\_, a newspaper of general circulation  
19 published at \_\_\_\_\_ in the aforesaid county and state; that I know from my personal  
20 knowledge that the \_\_\_\_\_, a printed copy of which is hereto annexed, was published in  
21 the entire issue of said newspaper four times in the following issues: (here set forth dates of  
22 issues in which the same was published).

23 I hereby declare that the above statement is true to the best of my knowledge and belief, and  
24 that I understand it is made for use as evidence in court and is subject to penalty for perjury.

25

\_\_\_\_\_

26

\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

1  
2 F(2)(c) **Making and certifying affidavit.** The affidavit of service may be made and  
3 certified before a notary public, or other official authorized to administer oaths and acting as  
4 such by authority of the United States, or any state or territory of the United States, or the  
5 District of Columbia, and the official seal, if any, of such person shall be affixed to the affidavit.  
6 The signature of such notary or other official, when so attested by the affixing of the official  
7 seal, if any, of such person, shall be prima facie evidence of authority to make and certify such  
8 affidavit.

9 F(2)(d) **Form of certificate, affidavit or declaration.** A certificate, affidavit, or  
10 declaration containing proof of service may be made upon the summons or as a separate  
11 document attached to the summons.

12  
13 F(3) **Written admission.** In any case proof may be made by written admission of the  
14 defendant.

15 F(4) **Failure to make proof; validity of service.** If summons has been properly served,  
16 failure to make or file a proper proof of service shall not affect the validity of the service.

17 **G Disregard of error; actual notice.** Failure to comply with provisions of this rule relating  
18 to the form of a summons, issuance of a summons, or who may serve a summons shall not  
19 affect the validity of service of that summons or the existence of jurisdiction over the person if  
20 the court determines that the defendant received actual notice of the substance and pendency  
21 of the action. The court may allow amendment to a summons, affidavit, declaration, or  
22 certificate of service of summons. The court shall disregard any error in the content of a  
23 summons that does not materially prejudice the substantive rights of the party against whom  
24 the summons was issued. If service is made in any manner complying with subsection D(1) of  
25 this rule, the court shall also disregard any error in the service of a summons that does not  
26 violate the due process rights of the party against whom the summons was issued.

1 **SUMMONS**

2 **RULE 7**

3 **A Definitions.** For purposes of this rule, “plaintiff” shall include any party issuing  
4 summons and “defendant” shall include any party upon whom service of summons is sought.  
5 For purposes of this rule, a “true copy” of a summons and complaint means an exact and  
6 complete copy of the original summons and complaint.

7 **B Issuance.** Any time after the action is commenced, plaintiff or plaintiff’s attorney may  
8 issue as many original summonses as either may elect and deliver such summonses to a person  
9 authorized to serve summonses under section E of this rule. A summons is issued when  
10 subscribed by plaintiff or an active member of the Oregon State Bar.

11 **C(1) Contents.** The summons shall contain:

12 **C(1)(a) Title.** The title of the cause, specifying the name of the court in which the  
13 complaint is filed and the names of the parties to the action.

14 **C(1)(b) Direction to defendant.** A direction to the defendant requiring defendant to  
15 appear and defend within the time required by subsection **C(2)** of this [section] **Rule** and a  
16 notification to defendant that, in case of failure to do so, the plaintiff will apply to the court for  
17 the relief demanded in the complaint.

18 **C(1)(c) Subscription; post office address.** A subscription by the plaintiff or by an active  
19 member of the Oregon State Bar, with the addition of the post office address at which papers in  
20 the action may be served by mail.

21 **C(2) Time for response.** If the summons is served by any manner other than publication,  
22 the defendant shall appear and defend within 30 days from the date of service. If the summons  
23 is served by publication pursuant to subsection D(6) of this rule, the defendant shall appear and  
24 defend within 30 days from the date stated in the summons. The date so stated in the  
25 summons shall be the date of the first publication.

26 **C(3) Notice to party served.**

1 C(3)(a) **In general.** All summonses, other than a summons referred to in paragraph  
2 **C(3)(b)** or **C(3)(c)** of this [subsection] **rule**, shall contain a notice printed in type size equal to at  
3 least 8-point type which may be substantially in the following form:  
4

---

5 NOTICE TO DEFENDANT:

6 READ THESE PAPERS

7 CAREFULLY!

8 You must “appear” in this case or the other side will win automatically. To “appear” you  
9 must file with the court a legal document called a “motion” or “answer.” The “motion” or  
10 “answer” must be given to the court clerk or administrator within 30 days along with the  
11 required filing fee. It must be in proper form and have proof of service on the plaintiff’s  
12 attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

13 If you have questions, you should see an attorney immediately. If you need help in  
14 finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at  
15 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or  
16 toll-free elsewhere in Oregon at (800) 452-7636.  
17

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18 C(3)(b) **Service for counterclaim or cross-claim.** A summons to join a party to respond to  
19 a counterclaim **or a cross-claim** pursuant to Rule [22 D (1)] **22 D(1)** shall contain a notice  
20 printed in type size equal to at least 8-point type which may be substantially in the following  
21 form:  
22

---

23 NOTICE TO DEFENDANT:

24 READ THESE PAPERS

25 CAREFULLY!

26 You must “appear” to protect your rights in this matter. To “appear” you must file with

1 the court a legal document called a [*“motion” or “reply.”*] **“motion,” a “reply to a**  
2 **counterclaim,” or an “answer to a cross-claim.”** The [*“motion” or “reply”*] **“motion,” “reply,”**  
3 **or “answer”** must be given to the court clerk or administrator within 30 days along with the  
4 required filing fee. It must be in proper form and have proof of service on the defendant’s  
5 attorney or, if the defendant does not have an attorney, proof of service on the defendant.

6 If you have questions, you should see an attorney immediately. If you need help in  
7 finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at  
8 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or  
9 toll-free elsewhere in Oregon at (800) 452-7636.

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11 C(3)(c) **Service on persons liable for attorney fees.** A summons to join a party pursuant  
12 to Rule 22 D(2) shall contain a notice printed in type size equal to at least 8-point type which  
13 may be substantially in the following form:

---

15 NOTICE TO DEFENDANT:

16 READ THESE PAPERS

17 CAREFULLY!

18 You may be liable for attorney fees in this case. Should plaintiff in this case not prevail, a  
19 judgment for reasonable attorney fees [*will*] **may** be entered against you, as provided by the  
20 agreement to which defendant alleges you are a party.

21 You must “appear” to protect your rights in this matter. To “appear” you must file with  
22 the court a legal document called a “motion” or “reply.” The “motion” or “reply” must be given  
23 to the court clerk or administrator within 30 days along with the required filing fee. It must be  
24 in proper form and have proof of service on the defendant’s attorney or, if the defendant does  
25 not have an attorney, proof of service on the defendant.

26 If you have questions, you should see an attorney immediately. If you need help in

1 finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at  
2 www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or  
3 toll-free elsewhere in Oregon at (800) 452-7636.  
4

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5 **D Manner of service.**

6 **D(1) Notice required.** Summons shall be served, either within or without this state, in  
7 any manner reasonably calculated, under all the circumstances, to apprise the defendant of the  
8 existence and pendency of the action and to afford a reasonable opportunity to appear and  
9 defend. Summons may be served in a manner specified in this rule or by any other rule or  
10 statute on the defendant or upon an agent authorized by appointment or law to accept service  
11 of summons for the defendant. Service may be made, subject to the restrictions and  
12 requirements of this rule, by the following methods: personal service of true copies of the  
13 summons and the complaint upon defendant or an agent of defendant authorized to receive  
14 process; substituted service by leaving true copies of the summons and the complaint at a  
15 person’s dwelling house or usual place of abode; office service by leaving true copies of the  
16 summons and the complaint with a person who is apparently in charge of an office; service by  
17 mail; or[,] service by publication.

18 **D(2) Service methods.**

19 **D(2)(a) Personal service.** Personal service may be made by delivery of a true copy of the  
20 summons and a true copy of the complaint to the person to be served.

21 **D(2)(b) Substituted service.** Substituted service may be made by delivering true copies  
22 of the summons and the complaint at the dwelling house or usual place of abode of the person  
23 to be served[,] to any person 14 years of age or older residing in the dwelling house or usual  
24 place of abode of the person to be served. Where substituted service is used, the plaintiff, as  
25 soon as reasonably possible, shall cause to be mailed[,] by first class mail[,] true copies of the  
26 summons and the complaint to the defendant at defendant’s dwelling house or usual place of



1 abode, together with a statement of the date, time, and place at which substituted service was  
2 made. For the purpose of computing any period of time prescribed or allowed by these rules or  
3 by statute, substituted service shall be complete upon such mailing.

4 D(2)(c) **Office service.** If the person to be served maintains an office for the conduct of  
5 business, office service may be made by leaving true copies of the summons and the complaint  
6 at such office during normal working hours with the person who is apparently in charge. Where  
7 office service is used, the plaintiff, as soon as reasonably possible, shall cause to be mailed[,] by  
8 first class mail[,] true copies of the summons and the complaint to the defendant at  
9 defendant's dwelling house or usual place of abode or defendant's place of business or such  
10 other place under the circumstances that is most reasonably calculated to apprise the  
11 defendant of the existence and pendency of the action, together with a statement of the date,  
12 time, and place at which office service was made. For the purpose of computing any period of  
13 time prescribed or allowed by these rules or by statute, office service shall be complete upon  
14 such mailing.

15 D(2)(d) **Service by mail.**

16 D(2)(d)(i) **Generally.** When service by mail is required or allowed by this rule or by  
17 statute, [*except as otherwise permitted,*] service by mail shall be made by mailing true copies of  
18 the summons and the complaint to the defendant by first class mail and by any of the following:  
19 certified, registered, or express mail with return receipt requested. For purposes of this section,  
20 "first class mail" does not include certified, registered, or express mail, return receipt  
21 requested, or any other form of mail which may delay or hinder actual delivery of mail to the  
22 addressee.

23 D(2)(d)(ii) **Calculation of time.** For the purpose of computing any period of time  
24 provided by these rules or by statute, service by mail, except as otherwise provided, shall be  
25 complete on the day the defendant, or other person authorized by appointment or law, signs a  
26 receipt for the mailing, or three days after the mailing if mailed to an address within the state,

1 or seven days after the mailing if mailed to an address outside the state, whichever first occurs.

2 D(3) **Particular defendants.** Service may be made upon specified defendants as follows:

3 D(3)(a) **Individuals.**

4 D(3)(a)(i) **Generally.** Upon an individual defendant, by personal delivery of true copies of  
5 the summons and the complaint to such defendant or other person authorized by appointment  
6 or law to receive service of summons on behalf of such defendant, by substituted service, or by  
7 office service. Service may also be made upon an individual defendant **or other person**  
8 **authorized to receive service** to whom neither subparagraph **D(3)(a)(ii)** nor **D(3)(a)(iii)** of this  
9 *[paragraph]* **rule** applies by a mailing made in accordance with paragraph **D(2)(d)** of this  
10 *[section]* **rule** provided the defendant **or other person authorized to receive service** signs a  
11 receipt for the certified, registered, or express mailing, in which case service shall be complete  
12 on the date on which the defendant signs a receipt for the mailing.

13 D(3)(a)(ii) **Minors.** Upon a minor under the age of 14 years, by service in the manner  
14 specified in subparagraph **D(3)(a)(i)** of this *[paragraph]* **rule** upon such minor; *[and, also,]* **and**  
15 **additionally**, upon such minor’s father, mother, conservator of the minor’s estate, or guardian,  
16 or, if there be none, then upon any person having the care or control of the minor, or with  
17 whom such minor resides, or in whose service such minor is employed, or upon a guardian ad  
18 litem appointed pursuant to Rule 27 [A(2)] **B**.

19 D(3)(a)(iii) **Incapacitated persons.** Upon a person who is incapacitated or **is** financially  
20 incapable, as defined by ORS 125.005, by service in the manner specified in subparagraph  
21 **D(3)(a)(i)** of this *[paragraph]* **rule** upon such person and, also, upon the conservator of such  
22 person’s estate or guardian[, ] or, if there be none, upon a guardian ad litem appointed pursuant  
23 to Rule 27 [B(2)] **B**.

24 D(3)(a)(iv) **Tenant of a mail agent.** Upon an individual defendant who is a “tenant” of a  
25 “mail agent” within the meaning of ORS 646A.340, by delivering true copies of the summons  
26 and the complaint to any person apparently in charge of the place where the mail agent

1 receives mail for the tenant, provided that:

2 (A) the plaintiff makes a diligent inquiry but cannot find the defendant; and

3 (B) the plaintiff, as soon as reasonably possible after delivery, causes true copies of the  
4 summons and the complaint to be mailed by first class mail to the defendant at the address at  
5 which the mail agent receives mail for the defendant and to any other mailing address of the  
6 defendant then known to the plaintiff, together with a statement of the date, time, and place  
7 at which the plaintiff delivered the copies of the summons and the complaint.

8 Service shall be complete on the latest date resulting from the application of  
9 subparagraph D(2)(d)(ii) of this rule to all mailings required by this subparagraph unless the  
10 defendant signs a receipt for the mailing, in which case service is complete on the day the  
11 defendant signs the receipt.

12 **D(3)(b) Corporations including, but not limited to, professional corporations and**  
13 **cooperatives.** Upon a domestic or foreign corporation:

14 **D(3)(b)(i) Primary service method.** By personal service or office service upon a  
15 registered agent, officer, or director of the corporation; or by personal service upon any clerk  
16 on duty in the office of a registered agent.

17 **D(3)(b)(ii) Alternatives.** If a registered agent, officer, or director cannot be found in the  
18 county where the action is filed, true copies of the summons and the complaint may be served:

19 **D(3)(b)(ii)(A)** by substituted service upon such registered agent, officer, or director;

20 **D(3)(b)(ii)(B)** by personal service on any clerk or agent of the corporation who may be  
21 found in the county where the action is filed;

22 **D(3)(b)(ii)(C)** by mailing in the manner specified in paragraph **D(2)(d)** of this [*section*]  
23 **rule** true copies of the summons and the complaint to the office of the registered agent or to  
24 the last registered office of the corporation, if any, as shown by the records on file in the office  
25 of the Secretary of State; or, if the corporation is not authorized to transact business in this  
26 state at the time of the transaction, event, or occurrence upon which the action is based

1 | occurred, to the principal office or place of business of the corporation[,] and, in any case, to  
2 | any address the use of which the plaintiff knows or has reason to believe is most likely to result  
3 | in actual notice; or

4 | **D(3)(b)(ii)(D)** upon the Secretary of State in the manner provided in ORS 60.121 or  
5 | 60.731.

6 | **D(3)(c) Limited liability companies.** Upon a limited liability company:

7 | **D(3)(c)(i) Primary service method.** By personal service or office service upon a  
8 | registered agent, manager, or (for a member-managed limited liability company) member of a  
9 | limited liability company; or by personal service upon any clerk on duty in the office of a  
10 | registered agent.

11 | **D(3)(c)(ii) Alternatives.** If a registered agent, manager, or (for a member-managed  
12 | limited liability company) member of a limited liability company cannot be found in the county  
13 | where the action is filed, true copies of the summons and the complaint may be served:

14 | **D(3)(c)(ii)(A)** by substituted service upon such registered agent, manager, or (for a  
15 | member-managed limited liability company) member of a limited liability company;

16 | **D(3)(c)(ii)(B)** by personal service on any clerk or agent of the limited liability company  
17 | who may be found in the county where the action is filed;

18 | **D(3)(c)(ii)(C)** by mailing in the manner specified in paragraph **D(2)(d)** of this [section]  
19 | **rule** true copies of the summons and the complaint to the office of the registered agent or to  
20 | the last registered office of the limited liability company, as shown by the records on file in the  
21 | office of the Secretary of State; or, if the limited liability company is not authorized to transact  
22 | business in this state at the time of the transaction, event, or occurrence upon which the action  
23 | is based occurred, to the principal office or place of business of the limited liability company[,]  
24 | and, in any case, to any address the use of which the plaintiff knows or has reason to believe is  
25 | most likely to result in actual notice; or

26 | **D(3)(c)(ii)(D)** upon the Secretary of State in the manner provided in ORS 63.121.

1 D(3)(d) **Limited partnerships.** Upon a domestic or foreign limited partnership:

2 D(3)(d)(i) **Primary service method.** By personal service or office service upon a  
3 registered agent or a general partner of a limited partnership; or by personal service upon any  
4 clerk on duty in the office of a registered agent.

5 D(3)(d)(ii) **Alternatives.** If a registered agent or a general partner of a limited  
6 partnership cannot be found in the county where the action is filed, true copies of the  
7 summons and the complaint may be served:

8 **D(3)(d)(ii)(A)** by substituted service upon such registered agent or general partner of a  
9 limited partnership;

10 **D(3)(d)(ii)(B)** by personal service on any clerk or agent of the limited partnership who  
11 may be found in the county where the action is filed;

12 **D(3)(d)(ii)(C)** by mailing in the manner specified in paragraph **D(2)(d)** of this [section]  
13 **rule** true copies of the summons and the complaint to the office of the registered agent or to  
14 the last registered office of the limited partnership, as shown by the records on file in the office  
15 of the Secretary of State; or, if the limited partnership is not authorized to transact business in  
16 this state at the time of the transaction, event, or occurrence upon which the action is based  
17 occurred, to the principal office or place of business of the limited partnership[,] and, in any  
18 case, to any address the use of which the plaintiff knows or has reason to believe is most likely  
19 to result in actual notice; or

20 **D(3)(d)(ii)(D)** upon the Secretary of State in the manner provided in ORS 70.040 or  
21 70.045.

22 D(3)(e) **General partnerships and limited liability partnerships.** Upon any general  
23 partnership or limited liability partnership by personal service upon a partner or any agent  
24 authorized by appointment or law to receive service of summons for the partnership or limited  
25 liability partnership.

26 D(3)(f) **Other unincorporated associations subject to suit under a common name.** Upon

1 any other unincorporated association subject to suit under a common name by personal service  
2 upon an officer, managing agent, or agent authorized by appointment or law to receive service  
3 of summons for the unincorporated association.

4 D(3)(g) **State.** Upon the state, by personal service upon the Attorney General or by  
5 leaving true copies of the summons and the complaint at the Attorney General's office with a  
6 deputy, assistant, or clerk.

7 D(3)(h) **Public bodies.** Upon any county; incorporated city; school district; or other  
8 public corporation, commission, board, or agency by personal service or office service upon an  
9 officer, director, managing agent, or attorney thereof.

10 D(3)(i) **Vessel owners and charterers.** Upon any foreign steamship owner or steamship  
11 charterer by personal service upon a vessel master in such owner's or charterer's employment  
12 or any agent authorized by such owner or charterer to provide services to a vessel calling at a  
13 port in the State of Oregon, or a port in the State of Washington on that portion of the  
14 Columbia River forming a common boundary with Oregon.

15 D(4) **Particular actions involving motor vehicles.**

16 D(4)(a) **Actions arising out of use of roads, highways, streets, or premises open to the**  
17 **public; service by mail.**

18 D(4)(a)(i) In any action arising out of any accident, collision, or other event giving rise to  
19 liability in which a motor vehicle may be involved while being operated upon the roads,  
20 highways, streets, or premises open to the public as defined by law of this state if the plaintiff  
21 makes at least one attempt to serve a defendant who operated such motor vehicle, or caused it  
22 to be operated on the defendant's behalf, by a method authorized by subsection **D(3)** of this  
23 **[section] rule** except service by mail pursuant to subparagraph **D(3)(a)(i)** of this **[section] rule**  
24 and, as shown by its return, did not effect service, the plaintiff may then serve that defendant  
25 by mailings made in accordance with paragraph **D(2)(d)** of this **[section] rule** addressed to that  
26 defendant at:

1 **D(4)(a)(i)(A)** any residence address provided by that defendant at the scene of the  
2 accident;

3 **D(4)(a)(i)(B)** the current residence address, if any, of that defendant shown in the driver  
4 records of the Department of Transportation; and

5 **D(4)(a)(i)(C)** any other address of that defendant known to the plaintiff at the time of  
6 making the mailings required by **parts D(4)(a)(i)(A) and D(4)(a)(i)(B) of this rule** that reasonably  
7 might result in actual notice to that defendant.

8 Sufficient service pursuant to this subparagraph may be shown if the proof of service  
9 includes a true copy of the envelope in which each of the certified, registered, or express  
10 mailings required by **parts D(4)(a)(i)(A), D(4)(a)(i)(B), and D(4)(a)(i)(C) of this rule** [above] was  
11 made showing that it was returned to sender as undeliverable or that the defendant did not  
12 sign the receipt. For the purpose of computing any period of time prescribed or allowed by  
13 these rules or by statute, service under this subparagraph shall be complete on the latest date  
14 on which any of the mailings required by **parts D(4)(a)(i)(A), D(4)(a)(i)(B), and D(4)(a)(i)(C) of**  
15 **this rule** [above] is made. If the mailing required by **part D(4)(a)(i)(C) of this rule** is omitted  
16 because the plaintiff did not know of any address other than those specified in **parts**  
17 **D(4)(a)(i)(A) and D(4)(a)(i)(B) of this rule** [above], the proof of service shall so certify.

18 D(4)(a)(ii) Any fee charged by the Department of Transportation for providing address  
19 information concerning a party served pursuant to subparagraph **D(4)(a)(i)** of this [paragraph]  
20 **rule** may be recovered as provided in Rule 68.

21 D(4)(a)(iii) The requirements for obtaining an order of default against a defendant  
22 served pursuant to subparagraph **D(4)(a)(i)** of this [paragraph] **rule** are as provided in Rule 69 **E**.

23 D(4)(b) **Notification of change of address.** Any person who; while operating a motor  
24 vehicle upon the roads, highways, streets, or premises open to the public as defined by law of  
25 this state; is involved in any accident, collision, or other event giving rise to liability shall  
26 forthwith notify the Department of Transportation of any change of [such defendant's] **the**

1 **person's** address occurring within three years after such accident, collision, or event.

2 D(5) **Service in foreign country.** When service is to be effected upon a party in a foreign  
3 country, it is also sufficient if service of true copies of the summons and the complaint is made  
4 in the manner prescribed by the law of the foreign country for service in that country in its  
5 courts of general jurisdiction, or as directed by the foreign authority in response to letters  
6 rogatory, or as directed by order of the court. However, in all cases such service shall be  
7 reasonably calculated to give actual notice.

8 D(6) **Court order for service; service by publication.**

9 D(6)(a) **Court order for service by other method.** On motion upon a showing by affidavit  
10 or declaration that service cannot be made by any method otherwise specified in these rules or  
11 other rule or statute, the court, at its discretion, may order service by any method or  
12 combination of methods [*which*] **that** under the circumstances is most reasonably calculated to  
13 apprise the defendant of the existence and pendency of the action, including but not limited to:  
14 publication of summons; mailing without publication to a specified post office address of the  
15 defendant by first class mail and any of the following: certified, registered, or express mail,  
16 return receipt requested; or posting at specified locations. If service is ordered by any manner  
17 other than publication, the court may order a time for response.

18 D(6)(b) **Contents of published summons.** In addition to the contents of a summons as  
19 described in section C of this rule, a published summons shall also contain a summary  
20 statement of the object of the complaint and the demand for relief, and the notice required in  
21 subsection C(3) **of this rule** shall state: "The 'motion' or 'answer' (or 'reply') must be given to  
22 the court clerk or administrator within 30 days of the date of first publication specified herein  
23 along with the required filing fee." The published summons shall also contain the date of the  
24 first publication of the summons.

25 D(6)(c) **Where published.** An order for publication shall direct publication to be made in  
26 a newspaper of general circulation in the county where the action is commenced or, if there is



1 no such newspaper, then in a newspaper to be designated as most likely to give notice to the  
2 person to be served. Such publication shall be four times in successive calendar weeks. If the  
3 plaintiff knows of a specific location other than the county [*where*] **in which** the action is  
4 commenced where publication might reasonably result in actual notice to the defendant, the  
5 plaintiff shall so state in the affidavit or declaration required by paragraph **D(6)(a)** of this  
6 [*subsection*] **rule**, and the court may order publication in a comparable manner at such location  
7 in addition to, or in lieu of, publication in the county [*where*] **in which** the action is commenced.

8 **D(6)(d) Mailing summons and complaint.** If the court orders service by publication and  
9 the plaintiff knows or with reasonable diligence can ascertain the defendant's current address,  
10 the plaintiff shall mail true copies of the summons and the complaint to the defendant at such  
11 address by first class mail and any of the following: certified, registered, or express mail, return  
12 receipt requested. If the plaintiff does not know and cannot **ascertain** upon diligent inquiry  
13 [*ascertain*] the current address of any defendant, true copies of the summons and the  
14 complaint shall be mailed by the methods specified above to the defendant at the defendant's  
15 last known address. If the plaintiff does not know, and cannot ascertain upon diligent inquiry,  
16 the defendant's current and last known addresses, a mailing of copies of the summons and the  
17 complaint is not required.

18 **D(6)(e) Unknown heirs or persons.** If service cannot be made by another method  
19 described in this section because defendants are unknown heirs or persons as described in  
20 [*sections I and J of*] Rule 20 **I and J**, the action shall proceed against the unknown heirs or  
21 persons in the same manner as against named defendants served by publication and with like  
22 effect; and any such unknown heirs or persons who have or claim any right, estate, lien, or  
23 interest in the property in controversy[,] at the time of the commencement of the action, and  
24 **who are** served by publication, shall be bound and concluded by the judgment in the action, if  
25 the same is in favor of the plaintiff, as effectively as if the action [*was*] **had been** brought  
26 against such defendants by name.

1 D(6)(f) **Defending before or after judgment.** A defendant against whom publication is  
2 ordered or such defendant's representatives, on application and sufficient cause shown, at any  
3 time before judgment[,] shall be allowed to defend the action. A defendant against whom  
4 publication is ordered or such defendant's representatives may, upon good cause shown and  
5 upon such terms as may be proper, be allowed to defend after judgment and within one year  
6 after entry of judgment. If the defense is successful, and the judgment or any part thereof has  
7 been collected or otherwise enforced, restitution may be ordered by the court, but the title to  
8 property sold upon execution issued on such judgment, to a purchaser in good faith, shall not  
9 be affected thereby.

10 D(6)(g) **Defendant who cannot be served.** Within the meaning of this subsection, a  
11 defendant cannot be served with summons by any method authorized by subsection D(3) of  
12 this [section] **rule** if: [(i)] service pursuant to subparagraph D(4)(a)(i) of this [section] **rule** is not  
13 authorized, and the plaintiff attempted service of summons by all of the methods authorized by  
14 subsection D(3) of this [section] **rule** and was unable to complete service[,] or [(ii)] if the  
15 plaintiff knew that service by such methods could not be accomplished.

16 **E By whom served; compensation.** A summons may be served by any competent  
17 person 18 years of age or older who is a resident of the state where service is made or of this  
18 state and is not a party to the action nor, except as provided in ORS 180.260, an officer,  
19 director, or employee of, nor attorney for, any party, corporate or otherwise. However, service  
20 pursuant to subparagraph D(2)(d)(i) of this rule may be made **only** by an attorney for any party.  
21 Compensation to a sheriff or a sheriff's deputy in this state who serves a summons shall be  
22 prescribed by statute or rule. If any other person serves the summons, a reasonable fee may be  
23 paid for service. This compensation shall be part of disbursements and shall be recovered as  
24 provided in Rule 68.

25 **F Return; proof of service.**

26 **F(1) Return of summons.** The summons shall be promptly returned to the clerk with

1 | whom the complaint is filed with proof of service or mailing, or that defendant cannot be  
2 | found. The summons may be returned by first class mail.

3 |       F(2) **Proof of service.** Proof of service of summons or mailing may be made as follows:

4 |       F(2)(a) **Service other than publication.** Service other than publication shall be proved  
5 | by:

6 |       F(2)(a)(i) **Certificate of service when summons not served by sheriff or deputy.** If the  
7 | summons is not served by a sheriff or a sheriff's deputy, the certificate of the server indicating:  
8 | **the specific documents that were served;** the time, place, and manner of service; that the  
9 | server is a competent person 18 years of age or older and a resident of the state of service or  
10 | this state and is not a party to nor an officer, director, or employee of, nor attorney for any  
11 | party, corporate or otherwise; and that the server knew that the person, firm, or corporation  
12 | served is the identical one named in the action. If the defendant is not personally served, the  
13 | server shall state in the certificate when, where, and with whom true copies of the summons  
14 | and the complaint were left or describe in detail the manner and circumstances of service. If  
15 | true copies of the summons and the complaint were mailed, the certificate may be made by the  
16 | person completing the mailing or the attorney for any party and shall state the circumstances  
17 | of mailing and the return receipt, **if any,** shall be attached.

18 |       F(2)(a)(ii) **Certificate of service by sheriff or deputy.** If the summons is served by a  
19 | sheriff or a sheriff's deputy, the sheriff's or deputy's certificate of service indicating: **the specific**  
20 | **documents that were served;** the time, place, and manner of service[,]; and, if defendant is not  
21 | personally served, when, where, and with whom true copies of the summons and the complaint  
22 | were left or describing in detail the manner and circumstances of service. If true copies of the  
23 | summons and the complaint were mailed, the certificate shall state the circumstances of  
24 | mailing and the return receipt, **if any,** shall be attached.

25 |       F(2)(b) **Publication.** Service by publication shall be proved by an affidavit or by a  
26 | declaration.

1 F(2)(b)(i) A publication by affidavit shall be in substantially the following form:

2  
3 Affidavit of Publication

4 State of Oregon )  
5 ) ss.  
6 County of )

7 I, \_\_\_\_\_, being first duly sworn, depose and say that I am the \_\_\_\_\_ (here  
8 set forth the title or job description of the person making the affidavit), of the \_\_\_\_\_, a  
9 newspaper of general circulation published at \_\_\_\_\_ in the aforesaid county and state;  
10 that I know from my personal knowledge that the \_\_\_\_\_, a printed copy of which is  
11 hereto annexed, was published in the entire issue of said newspaper four times in the following  
12 issues: (here set forth dates of issues in which the same was published).

13 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

14 \_\_\_\_\_  
15 Notary Public for Oregon  
16 My commission expires  
17 \_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

18  
19 F(2)(b)(ii) A publication by declaration shall be in substantially the following form:

20  
21 Declaration of Publication

22 State of Oregon )  
23 ) ss.  
24 County of )

25 I, \_\_\_\_\_, say that I am the \_\_\_\_\_ (here set forth the title or job description  
26 of the person making the declaration), of the \_\_\_\_\_, a newspaper of general circulation

1 published at \_\_\_\_\_ in the aforesaid county and state; that I know from my personal  
2 knowledge that the \_\_\_\_\_, a printed copy of which is hereto annexed, was published in  
3 the entire issue of said newspaper four times in the following issues: (here set forth dates of  
4 issues in which the same was published).

5 I hereby declare that the above statement is true to the best of my knowledge and belief, and  
6 that I understand it is made for use as evidence in court and is subject to penalty for perjury.

7 \_\_\_\_\_  
8 \_\_\_ day of \_\_\_\_\_, 2\_\_.

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10 **F(2)(c) Making and certifying affidavit.** The affidavit of service may be made and  
11 certified before a notary public, or other official authorized to administer oaths and acting as  
12 such by authority of the United States, or any state or territory of the United States, or the  
13 District of Columbia, and the official seal, if any, of such person shall be affixed to the affidavit.  
14 The signature of such notary or other official, when so attested by the affixing of the official  
15 seal, if any, of such person, shall be prima facie evidence of authority to make and certify such  
16 affidavit.

17 **F(2)(d) Form of certificate, affidavit, or declaration.** A certificate, affidavit, or  
18 declaration containing proof of service may be made upon the summons or as a separate  
19 document attached to the summons.

20 **F(3) Written admission.** In any case proof may be made by written admission of the  
21 defendant.

22 **F(4) Failure to make proof; validity of service.** If summons has been properly served,  
23 failure to make or file a proper proof of service shall not affect the validity of the service.

24 **G Disregard of error; actual notice.** Failure to comply with provisions of this rule relating  
25 to the form of a summons, issuance of a summons, or who may serve a summons shall not  
26 affect the validity of service of that summons or the existence of jurisdiction over the person if

1 | the court determines that the defendant received actual notice of the substance and pendency  
2 | of the action. The court may allow amendment to a summons, affidavit, declaration, or  
3 | certificate of service of summons. The court shall disregard any error in the content of a  
4 | summons that does not materially prejudice the substantive rights of the party against whom  
5 | the summons was issued. If service is made in any manner complying with subsection D(1) of  
6 | this rule, the court shall also disregard any error in the service of a summons that does not  
7 | violate the due process rights of the party against whom the summons was issued.

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1 **SUMMONS**

2 **RULE 7**

3 **A Definitions.** For purposes of this rule, “plaintiff” shall include any party issuing  
4 summons and “defendant” shall include any party upon whom service of summons is sought.  
5 For purposes of this rule, a “true copy” of a summons and complaint means an exact and  
6 complete copy of the original summons and complaint.

7 **B Issuance.** Any time after the action is commenced, plaintiff or plaintiff’s attorney may  
8 issue as many original summonses as either may elect and deliver such summonses to a person  
9 authorized to serve summonses under section E of this rule. A summons is issued when  
10 subscribed by plaintiff or an active member of the Oregon State Bar.

11 **C(1) Contents.** The summons shall contain:

12 **C(1)(a) Title.** The title of the cause, specifying the name of the court in which the  
13 complaint is filed and the names of the parties to the action.

14 **C(1)(b) Direction to defendant.** A direction to the defendant requiring defendant to  
15 appear and defend within the time required by subsection [(2) of this section] **C(2) of this rule**  
16 and a notification to defendant that, in case of failure to do so, the plaintiff will apply to the  
17 court for the relief demanded in the complaint.

18 **C(1)(c) Subscription; post office address.** A subscription by the plaintiff or by an active  
19 member of the Oregon State Bar, with the addition of the post office address at which papers in  
20 the action may be served by mail.

21 **C(2) Time for response.** If the summons is served by any manner other than publication,  
22 the defendant shall appear and defend within 30 days from the date of service. If the summons  
23 is served by publication pursuant to subsection D(6) of this rule, the defendant shall appear and  
24 defend within 30 days from the date stated in the summons. The date so stated in the  
25 summons shall be the date of the first publication.

26 **C(3) Notice to party served.**

1 C(3)(a) **In general.** All summonses, other than a summons referred to in paragraph [(b)  
2 or (c) of this subsection] **C(3)(b) or C(3)(c) of this rule**, shall contain a notice printed in type size  
3 equal to at least 8-point type [which] **that** may be substantially in the following form:  
4

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5 NOTICE TO DEFENDANT:

6 READ THESE PAPERS

7 CAREFULLY!

8 You must “appear” in this case or the other side will win automatically. To “appear” you  
9 must file with the court a legal document called a “motion” or “answer.” The “motion” or  
10 “answer” must be given to the court clerk or administrator within 30 days along with the  
11 required filing fee. It must be in proper form and have proof of service on the plaintiff’s  
12 attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

13 If you have questions, you should see an attorney immediately. If you need help in  
14 finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at  
15 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or  
16 toll-free elsewhere in Oregon at (800) 452-7636.  
17

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18 C(3)(b) **Service for counterclaim or cross-claim.** A summons to join a party to respond to  
19 a counterclaim **or a cross-claim** pursuant to Rule [22 D (1)] **22 D(1)** shall contain a notice  
20 printed in type size equal to at least 8-point type [which] **that** may be substantially in the  
21 following form:  
22

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23 NOTICE TO DEFENDANT:

24 READ THESE PAPERS

25 CAREFULLY!

26 You must “appear” to protect your rights in this matter. To “appear” you must file with



1 the court a legal document called a [*“motion” or “reply.”*] **“motion,” a “reply” to a**  
2 **counterclaim, or an “answer” to a cross-claim.** The [*“motion” or “reply”*] **“motion,” “reply,” or**  
3 **“answer”** must be given to the court clerk or administrator within 30 days along with the  
4 required filing fee. It must be in proper form and have proof of service on the defendant’s  
5 attorney or, if the defendant does not have an attorney, proof of service on the defendant.

6 If you have questions, you should see an attorney immediately. If you need help in  
7 finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at  
8 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or  
9 toll-free elsewhere in Oregon at (800) 452-7636.

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11 C(3)(c) **Service on persons liable for attorney fees.** A summons to join a party pursuant  
12 to Rule 22 D(2) shall contain a notice printed in type size equal to at least 8-point type [*which*]  
13 **that** may be substantially in the following form:

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15 NOTICE TO DEFENDANT:

16 READ THESE PAPERS

17 CAREFULLY!

18 You may be liable for attorney fees in this case. Should plaintiff in this case not prevail, a  
19 judgment for reasonable attorney fees [*will*] **may** be entered against you, as provided by the  
20 agreement to which defendant alleges you are a party.

21 You must “appear” to protect your rights in this matter. To “appear” you must file with  
22 the court a legal document called a “motion” or “reply.” The “motion” or “reply” must be given  
23 to the court clerk or administrator within 30 days along with the required filing fee. It must be  
24 in proper form and have proof of service on the defendant’s attorney or, if the defendant does  
25 not have an attorney, proof of service on the defendant.

26 If you have questions, you should see an attorney immediately. If you need help in

1 finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at  
2 www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or  
3 toll-free elsewhere in Oregon at (800) 452-7636.  
4

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5 **D Manner of service.**

6 **D(1) Notice required.** Summons shall be served, either within or without this state, in  
7 any manner reasonably calculated, under all the circumstances, to apprise the defendant of the  
8 existence and pendency of the action and to afford a reasonable opportunity to appear and  
9 defend. Summons may be served in a manner specified in this rule or by any other rule or  
10 statute on the defendant or upon an agent authorized by appointment or law to accept service  
11 of summons for the defendant. Service may be made, subject to the restrictions and  
12 requirements of this rule, by the following methods: personal service of true copies of the  
13 summons and the complaint upon defendant or an agent of defendant authorized to receive  
14 process; substituted service by leaving true copies of the summons and the complaint at a  
15 person’s dwelling house or usual place of abode; office service by leaving true copies of the  
16 summons and the complaint with a person who is apparently in charge of an office; service by  
17 mail; or[,] service by publication.

18 **D(2) Service methods.**

19 **D(2)(a) Personal service.** Personal service may be made by delivery of a true copy of the  
20 summons and a true copy of the complaint to the person to be served.

21 **D(2)(b) Substituted service.** Substituted service may be made by delivering true copies  
22 of the summons and the complaint at the dwelling house or usual place of abode of the person  
23 to be served[,] to any person 14 years of age or older residing in the dwelling house or usual  
24 place of abode of the person to be served. Where substituted service is used, the plaintiff, as  
25 soon as reasonably possible, shall cause to be mailed[,] by first class mail[,] true copies of the  
26 summons and the complaint to the defendant at defendant’s dwelling house or usual place of

1 | abode, together with a statement of the date, time, and place at which substituted service was  
2 | made. For the purpose of computing any period of time prescribed or allowed by these rules or  
3 | by statute, substituted service shall be complete upon [such] **the** mailing.

4 |         D(2)(c) **Office service.** If the person to be served maintains an office for the conduct of  
5 | business, office service may be made by leaving true copies of the summons and the complaint  
6 | at [such] **that** office during normal working hours with the person who is apparently in charge.

7 | Where office service is used, the plaintiff, as soon as reasonably possible, shall cause to be  
8 | mailed[,] by first class mail[,] true copies of the summons and the complaint to the defendant at  
9 | defendant’s dwelling house or usual place of abode or defendant’s place of business or [such]  
10 | **any** other place under the circumstances that is most reasonably calculated to apprise the  
11 | defendant of the existence and pendency of the action, together with a statement of the date,  
12 | time, and place at which office service was made. For the purpose of computing any period of  
13 | time prescribed or allowed by these rules or by statute, office service shall be complete upon  
14 | [such] **the** mailing.

15 |         D(2)(d) **Service by mail.**

16 |         D(2)(d)(i) **Generally.** When **service by mail is** required or allowed by this rule or by  
17 | statute, [*except as otherwise permitted,*] service by mail shall be made by mailing true copies of  
18 | the summons and the complaint to the defendant by first class mail and by any of the following:  
19 | certified, registered, or express mail with return receipt requested. For purposes of this section,  
20 | “first class mail” does not include certified, registered, or express mail, return receipt  
21 | requested, or any other form of mail [*which*] **that** may delay or hinder actual delivery of mail to  
22 | the addressee.

23 |         D(2)(d)(ii) **Calculation of time.** For the purpose of computing any period of time  
24 | provided by these rules or by statute, service by mail, except as otherwise provided, shall be  
25 | complete on the day the defendant, or other person authorized by appointment or law, signs a  
26 | receipt for the mailing, or three days after the mailing if mailed to an address within the state,

1 or seven days after the mailing if mailed to an address outside the state, whichever first occurs.

2 D(3) **Particular defendants.** Service may be made upon specified defendants as follows:

3 D(3)(a) **Individuals.**

4 D(3)(a)(i) **Generally.** Upon an individual defendant, by personal delivery of true copies of  
5 the summons and the complaint to [such] **the** defendant or other person authorized by  
6 appointment or law to receive service of summons on behalf of [such] **the** defendant, by  
7 substituted service, or by office service. Service may also be made upon an individual defendant  
8 **or other person authorized to receive service** to whom neither subparagraph [(ii) nor (iii) of  
9 this paragraph] **D(3)(a)(ii) nor D(3)(a)(iii) of this rule** applies by a mailing made in accordance  
10 with paragraph [(2)(d) of this section] **D(2)(d) of this rule** provided the defendant **or other**  
11 **person authorized to receive service** signs a receipt for the certified, registered, or express  
12 mailing, in which case service shall be complete on the date on which the defendant signs a  
13 receipt for the mailing.

14 D(3)(a)(ii) **Minors.** Upon a minor under the age of 14 years, by service in the manner  
15 specified in subparagraph [(i) of this paragraph] **D(3)(a)(i) of this rule** upon [such] **the** minor;  
16 [and, also,] **and additionally** upon [such] **the** minor’s father, mother, conservator of the minor’s  
17 estate, or guardian, or, if there be none, then upon any person having the care or control of the  
18 minor, or with whom [such] **the** minor resides, or in whose service [such] **the** minor is  
19 employed, or upon a guardian ad litem appointed pursuant to Rule [27 A(2)] **27 B.**

20 D(3)(a)(iii) **Incapacitated persons.** Upon a person who is incapacitated or **is** financially  
21 incapable, as defined by ORS 125.005, by service in the manner specified in subparagraph [(i) of  
22 this paragraph] **D(3)(a)(i) of this rule** upon [such] **the** person and, also, upon the conservator of  
23 [such] **the** person’s estate or guardian[,] or, if there be none, upon a guardian ad litem  
24 appointed pursuant to Rule [27 B(2)] **27 B.**

25 D(3)(a)(iv) **Tenant of a mail agent.** Upon an individual defendant who is a “tenant” of a  
26 “mail agent” within the meaning of ORS 646A.340, by delivering true copies of the summons

1 and the complaint to any person apparently in charge of the place where the mail agent  
2 receives mail for the tenant, provided that:

3 [(A)] **D(3)(a)(iv)(A)** the plaintiff makes a diligent inquiry but cannot find the defendant;

4 and

5 [(B)] **D(3)(a)(iv)(B)** the plaintiff, as soon as reasonably possible after delivery, causes true  
6 copies of the summons and the complaint to be mailed by first class mail to the defendant at  
7 the address at which the mail agent receives mail for the defendant and to any other mailing  
8 address of the defendant then known to the plaintiff, together with a statement of the date,  
9 time, and place at which the plaintiff delivered the copies of the summons and the complaint.

10 Service shall be complete on the latest date resulting from the application of  
11 subparagraph D(2)(d)(ii) of this rule to all mailings required by this subparagraph unless the  
12 defendant signs a receipt for the mailing, in which case service is complete on the day the  
13 defendant signs the receipt.

14 **D(3)(b) Corporations including, but not limited to, professional corporations and**  
15 **cooperatives.** Upon a domestic or foreign corporation:

16 **D(3)(b)(i) Primary service method.** By personal service or office service upon a  
17 registered agent, officer, or director of the corporation; or by personal service upon any clerk  
18 on duty in the office of a registered agent.

19 **D(3)(b)(ii) Alternatives.** If a registered agent, officer, or director cannot be found in the  
20 county where the action is filed, true copies of the summons and the complaint may be served:

21 [(A)] **D(3)(b)(ii)(A)** by substituted service upon [such] **the** registered agent, officer, or  
22 director;

23 [(B)] **D(3)(b)(ii)(B)** by personal service on any clerk or agent of the corporation who may  
24 be found in the county where the action is filed;

25 [(C)] **D(3)(b)(ii)(C)** by mailing in the manner specified in paragraph [(2)(d) of this section]  
26 **D(2)(d) of this rule** true copies of the summons and the complaint to: the office of the

1 registered agent or to the last registered office of the corporation, if any, as shown by the  
2 records on file in the office of the Secretary of State; or, if the corporation is not authorized to  
3 transact business in this state at the time of the transaction, event, or occurrence upon which  
4 the action is based occurred, to the principal office or place of business of the corporation[,];  
5 and, in any case, to any address the use of which the plaintiff knows or has reason to believe is  
6 most likely to result in actual notice; or

7 [(D)] **D(3)(b)(ii)(D)** upon the Secretary of State in the manner provided in ORS 60.121 or  
8 60.731.

9 D(3)(c) **Limited liability companies.** Upon a limited liability company:

10 D(3)(c)(i) **Primary service method.** By personal service or office service upon a  
11 registered agent, manager, or (for a member-managed limited liability company) member of a  
12 limited liability company; or by personal service upon any clerk on duty in the office of a  
13 registered agent.

14 D(3)(c)(ii) **Alternatives.** If a registered agent, manager, or (for a member-managed  
15 limited liability company) member of a limited liability company cannot be found in the county  
16 where the action is filed, true copies of the summons and the complaint may be served:

17 [(A)] **D(3)(c)(ii)(A)** by substituted service upon [*such*] **the** registered agent, manager, or  
18 (for a member-managed limited liability company) member of a limited liability company;

19 [(B)] **D(3)(c)(ii)(B)** by personal service on any clerk or agent of the limited liability  
20 company who may be found in the county where the action is filed;

21 [(C)] **D(3)(c)(ii)(C)** by mailing in the manner specified in paragraph [(2)(d) of this section]  
22 **D(2)(d) of this rule** true copies of the summons and the complaint to; the office of the  
23 registered agent or to the last registered office of the limited liability company, as shown by the  
24 records on file in the office of the Secretary of State; or, if the limited liability company is not  
25 authorized to transact business in this state at the time of the transaction, event, or occurrence  
26 upon which the action is based occurred, to the principal office or place of business of the

1 limited liability company[,] and in any case to any address the use of which the plaintiff knows  
2 or has reason to believe is most likely to result in actual notice; or

3 [(D)] **D(3)(c)(ii)(D)** upon the Secretary of State in the manner provided in ORS 63.121.

4 D(3)(d) **Limited partnerships.** Upon a domestic or foreign limited partnership:

5 D(3)(d)(i) **Primary service method.** By personal service or office service upon a  
6 registered agent or a general partner of a limited partnership; or by personal service upon any  
7 clerk on duty in the office of a registered agent.

8 D(3)(d)(ii) **Alternatives.** If a registered agent or a general partner of a limited  
9 partnership cannot be found in the county where the action is filed, true copies of the  
10 summons and the complaint may be served:

11 [(A)] **D(3)(d)(ii)(A)** by substituted service upon [such] **the** registered agent or general  
12 partner of a limited partnership;

13 [(B)] **D(3)(d)(ii)(B)** by personal service on any clerk or agent of the limited partnership  
14 who may be found in the county where the action is filed;

15 [(C)] **D(3)(d)(ii)(C)** by mailing in the manner specified in paragraph [(2)(d) of this section]

16 **D(2)(d) of this rule** true copies of the summons and the complaint to: the office of the  
17 registered agent or to the last registered office of the limited partnership, as shown by the  
18 records on file in the office of the Secretary of State; or, if the limited partnership is not  
19 authorized to transact business in this state at the time of the transaction, event, or occurrence  
20 upon which the action is based occurred, to the principal office or place of business of the  
21 limited partnership[,] and in any case to any address the use of which the plaintiff knows or  
22 has reason to believe is most likely to result in actual notice; or

23 [(D)] **D(3)(d)(ii)(D)** upon the Secretary of State in the manner provided in ORS 70.040 or  
24 70.045.

25 D(3)(e) **General partnerships and limited liability partnerships.** Upon any general  
26 partnership or limited liability partnership by personal service upon a partner or any agent

1 authorized by appointment or law to receive service of summons for the partnership or limited  
2 liability partnership.

3 D(3)(f) **Other unincorporated [association] associations subject to suit under a**  
4 **common name.** Upon any other unincorporated association subject to suit under a common  
5 name by personal service upon an officer, managing agent, or agent authorized by appointment  
6 or law to receive service of summons for the unincorporated association.

7 D(3)(g) **State.** Upon the state, by personal service upon the Attorney General or by  
8 leaving true copies of the summons and the complaint at the Attorney General's office with a  
9 deputy, assistant, or clerk.

10 D(3)(h) **Public bodies.** Upon any county; incorporated city; school district; or other  
11 public corporation, commission, board, or agency by personal service or office service upon an  
12 officer, director, managing agent, or attorney thereof.

13 D(3)(i) **Vessel owners and charterers.** Upon any foreign steamship owner or steamship  
14 charterer by personal service upon a vessel master in [such] **the** owner's or charterer's  
15 employment or any agent authorized by [such] **the** owner or charterer to provide services to a  
16 vessel calling at a port in the State of Oregon, or a port in the State of Washington on that  
17 portion of the Columbia River forming a common boundary with Oregon.

18 D(4) **Particular actions involving motor vehicles.**

19 D(4)(a) **Actions arising out of use of roads, highways, streets, or premises open to the**  
20 **public; service by mail.**

21 D(4)(a)(i) In any action arising out of any accident, collision, or other event giving rise to  
22 liability in which a motor vehicle may be involved while being operated upon the roads,  
23 highways, streets, or premises open to the public as defined by law of this state if the plaintiff  
24 makes at least one attempt to serve a defendant who operated such motor vehicle, or caused it  
25 to be operated on the defendant's behalf, by a method authorized by subsection [(3) of this  
26 section] **D(3) of this rule** except service by mail pursuant to subparagraph [(3)(a)(i) of this



1 | *section*] **D(3)(a)(i) of this rule** and, as shown by its return, did not effect service, the plaintiff  
2 | may then serve that defendant by mailings made in accordance with paragraph [(2)(d) of this  
3 | *section*] **D(2)(d) of this rule** addressed to that defendant at:

4 |       [(A)] **D(4)(a)(i)(A)** any residence address provided by that defendant at the scene of the  
5 | accident;

6 |       [(B)] **D(4)(a)(i)(B)** the current residence address, if any, of that defendant shown in the  
7 | driver records of the Department of Transportation; and

8 |       [(C)] **D(4)(a)(i)(C)** any other address of that defendant known to the plaintiff at the time  
9 | of making the mailings required by [(A) and (B)] **parts D(4)(a)(i)(A) and D(4)(a)(i)(B) of this rule**  
10 | that reasonably might result in actual notice to that defendant.

11 |       Sufficient service pursuant to this subparagraph may be shown if the proof of service  
12 | includes a true copy of the envelope in which each of the certified, registered, or express  
13 | mailings required by [(A), (B), and (C) above] **parts D(4)(a)(i)(A), D(4)(a)(i)(B), and D(4)(a)(i)(C)**  
14 | **of this rule** was made showing that it was returned to sender as undeliverable or that the  
15 | defendant did not sign the receipt. For the purpose of computing any period of time prescribed  
16 | or allowed by these rules or by statute, service under this subparagraph shall be complete on  
17 | the latest date on which any of the mailings required by [(A), (B), and (C) above] **parts**  
18 | **D(4)(a)(i)(A), D(4)(a)(i)(B), and D(4)(a)(i)(C) of this rule** is made. If the mailing required by [(C)]  
19 | **part D(4)(a)(i)(C) of this rule** is omitted because the plaintiff did not know of any address other  
20 | than those specified in [(A) and (B) above] **parts D(4)(a)(i)(A) and D(4)(a)(i)(B) of this rule**, the  
21 | proof of service shall so certify.

22 |       D(4)(a)(ii) Any fee charged by the Department of Transportation for providing address  
23 | information concerning a party served pursuant to subparagraph [(i) of this paragraph]  
24 | **D(4)(a)(i) of this rule** may be recovered as provided in Rule 68.

25 |       D(4)(a)(iii) The requirements for obtaining an order of default against a defendant  
26 | served pursuant to subparagraph [(i) of this paragraph] **D(4)(a)(i) of this rule** are as provided in

1 Rule 69 E.

2 D(4)(b) **Notification of change of address.** Any person who; while operating a motor  
3 vehicle upon the roads, highways, streets, or premises open to the public as defined by law of  
4 this state; is involved in any accident, collision, or other event giving rise to liability shall  
5 forthwith notify the Department of Transportation of any change of [*such defendant's*] **the**  
6 **person's** address occurring within three years after [*such*] **the** accident, collision, or event.

7 D(5) **Service in foreign country.** When service is to be effected upon a party in a foreign  
8 country, it is also sufficient if service of true copies of the summons and the complaint is made  
9 in the manner prescribed by the law of the foreign country for service in that country in its  
10 courts of general jurisdiction, or as directed by the foreign authority in response to letters  
11 rogatory, or as directed by order of the court. However, in all cases [*such*] service shall be  
12 reasonably calculated to give actual notice.

13 D(6) **Court order for service; service by publication.**

14 D(6)(a) **Court order for service by other method.** On motion upon a showing by affidavit  
15 or declaration that service cannot be made by any method otherwise specified in these rules or  
16 other rule or statute, the court, at its discretion, may order service by any method or  
17 combination of methods [*which*] **that** under the circumstances is most reasonably calculated to  
18 apprise the defendant of the existence and pendency of the action, including but not limited to:  
19 publication of summons; mailing without publication to a specified post office address of the  
20 defendant by first class mail and any of the following: certified, registered, or express mail,  
21 return receipt requested; or posting at specified locations. If service is ordered by any manner  
22 other than publication, the court may order a time for response.

23 D(6)(b) **Contents of published summons.** In addition to the contents of a summons as  
24 described in section C of this rule, a published summons shall also contain a summary  
25 statement of the object of the complaint and the demand for relief, and the notice required in  
26 subsection C(3) **of this rule** shall state: "The 'motion' or 'answer' (or 'reply') must be given to

1 the court clerk or administrator within 30 days of the date of first publication specified herein  
2 along with the required filing fee.” The published summons shall also contain the date of the  
3 first publication of the summons.

4 D(6)(c) **Where published.** An order for publication shall direct publication to be made in  
5 a newspaper of general circulation in the county where the action is commenced or, if there is  
6 no such newspaper, then in a newspaper to be designated as most likely to give notice to the  
7 person to be served. [*Such publication shall be*] **The summons shall be published** four times in  
8 successive calendar weeks. If the plaintiff knows of a specific location other than the county  
9 [*where*] **in which** the action is commenced where publication might reasonably result in actual  
10 notice to the defendant, the plaintiff shall so state in the affidavit or declaration required by  
11 paragraph [*(a) of this subsection*] **D(6)(a) of this rule**, and the court may order publication in a  
12 comparable manner at [*such*] **that** location in addition to, or in lieu of, publication in the county  
13 [*where*] **in which** the action is commenced.

14 D(6)(d) **Mailing summons and complaint.** If the court orders service by publication and  
15 the plaintiff knows or with reasonable diligence can ascertain the defendant’s current address,  
16 the plaintiff shall mail true copies of the summons and the complaint to the defendant at [*such*]  
17 **that** address by first class mail and any of the following: certified, registered, or express mail,  
18 return receipt requested. If the plaintiff does not know and cannot **ascertain** upon diligent  
19 inquiry [*ascertain*] the current address of any defendant, true copies of the summons and the  
20 complaint shall be mailed by the methods specified above to the defendant at the defendant’s  
21 last known address. If the plaintiff does not know, and cannot ascertain upon diligent inquiry,  
22 the defendant’s current and last known addresses, a mailing of copies of the summons and the  
23 complaint is not required.

24 D(6)(e) **Unknown heirs or persons.** If service cannot be made by another method  
25 described in this section because defendants are unknown heirs or persons as described in  
26 [*sections I and J of*] Rule 20 **I and J**, the action shall proceed against the unknown heirs or

1 persons in the same manner as against named defendants served by publication and with like  
2 effect; and any [such] unknown heirs or persons who have or claim any right, estate, lien, or  
3 interest in the property in controversy[,] at the time of the commencement of the action, and  
4 **who are** served by publication, shall be bound and concluded by the judgment in the action, if  
5 the same is in favor of the plaintiff, as effectively as if the action [was] **had been** brought  
6 against [such] **those** defendants by name.

7 D(6)(f) **Defending before or after judgment.** A defendant against whom publication is  
8 ordered or [such] **that** defendant's representatives, on application and sufficient cause shown,  
9 at any time before judgment[,] shall be allowed to defend the action. A defendant against  
10 whom publication is ordered or [such] **that** defendant's representatives may, upon good cause  
11 shown and upon [such terms as] **any terms that** may be proper, be allowed to defend after  
12 judgment and within one year after entry of judgment. If the defense is successful, and the  
13 judgment or any part thereof has been collected or otherwise enforced, restitution may be  
14 ordered by the court, but the title to property sold upon execution issued on [such] **that**  
15 judgment, to a purchaser in good faith, shall not be affected thereby.

16 D(6)(g) **Defendant who cannot be served.** Within the meaning of this subsection, a  
17 defendant cannot be served with summons by any method authorized by subsection [(3) of this  
18 section] **D(3) of this rule** if: [(i)] service pursuant to subparagraph [(4)(a)(i) of this section]  
19 **D(4)(a)(i) of this rule** is not authorized, and the plaintiff attempted service of summons by all of  
20 the methods authorized by subsection [(3) of this section] **D(3) of this rule** and was unable to  
21 complete service[,] ; or [(ii)] if the plaintiff knew that service by [such] **these** methods could not  
22 be accomplished.

23 **E By whom served; compensation.** A summons may be served by any competent  
24 person 18 years of age or older who is a resident of the state where service is made or of this  
25 state and is not a party to the action nor, except as provided in ORS 180.260, an officer,  
26 director, or employee of, nor attorney for, any party, corporate or otherwise. However, service

1 pursuant to subparagraph D(2)(d)(i) of this rule may be made **only** by an attorney for any party.  
2 Compensation to a sheriff or a sheriff's deputy in this state who serves a summons shall be  
3 prescribed by statute or rule. If any other person serves the summons, a reasonable fee may be  
4 paid for service. This compensation shall be part of disbursements and shall be recovered as  
5 provided in Rule 68.

6 **F Return; proof of service.**

7 **F(1) Return of summons.** The summons shall be promptly returned to the clerk with  
8 whom the complaint is filed with proof of service or mailing, or that defendant cannot be  
9 found. The summons may be returned by first class mail.

10 **F(2) Proof of service.** Proof of service of summons or mailing may be made as follows:

11 **F(2)(a) Service other than publication.** Service other than publication shall be proved  
12 by:

13 **F(2)(a)(i) Certificate of service when summons not served by sheriff or deputy.** If the  
14 summons is not served by a sheriff or a sheriff's deputy, the certificate of the server indicating:  
15 **the specific documents that were served;** the time, place, and manner of service; that the  
16 server is a competent person 18 years of age or older and a resident of the state of service or  
17 this state and is not a party to nor an officer, director, or employee of, nor attorney for any  
18 party, corporate or otherwise; and that the server knew that the person, firm, or corporation  
19 served is the identical one named in the action. If the defendant is not personally served, the  
20 server shall state in the certificate when, where, and with whom true copies of the summons  
21 and the complaint were left or describe in detail the manner and circumstances of service. If  
22 true copies of the summons and the complaint were mailed, the certificate may be made by the  
23 person completing the mailing or the attorney for any party and shall state the circumstances  
24 of mailing and the return receipt, **if any,** shall be attached.

25 **F(2)(a)(ii) Certificate of service by sheriff or deputy.** If the summons is served by a  
26 sheriff or a sheriff's deputy, the sheriff's or deputy's certificate of service indicating: **the specific**

1 **documents that were served;** the time, place, and manner of service[,]; and, if defendant is not  
2 personally served, when, where, and with whom true copies of the summons and the complaint  
3 were left or describing in detail the manner and circumstances of service. If true copies of the  
4 summons and the complaint were mailed, the certificate shall state the circumstances of  
5 mailing and the return receipt, **if any**, shall be attached.

6 F(2)(b) **Publication.** Service by publication shall be proved by an affidavit or by a  
7 declaration.

8 F(2)(b)(i) A publication by affidavit shall be in substantially the following form:

---

10 Affidavit of Publication

11 State of Oregon )  
12 ) ss.  
13 County of )

14 I, \_\_\_\_\_, being first duly sworn, depose and say that I am the \_\_\_\_\_ (here  
15 set forth the title or job description of the person making the affidavit), of the \_\_\_\_\_, a  
16 newspaper of general circulation published at \_\_\_\_\_ in the aforesaid county and state;  
17 that I know from my personal knowledge that the \_\_\_\_\_, a printed copy of which is  
18 hereto annexed, was published in the entire issue of said newspaper four times in the following  
19 issues: (here set forth dates of issues in which the same was published).

20 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

21 \_\_\_\_\_  
22 Notary Public for Oregon

23 My commission expires

24 \_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

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26 F(2)(b)(ii) A publication by declaration shall be in substantially the following form:

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Declaration of Publication

State of Oregon )  
 ) ss.  
County of )

I, \_\_\_\_\_, say that I am the \_\_\_\_\_ (here set forth the title or job description of the person making the declaration), of the \_\_\_\_\_, a newspaper of general circulation published at \_\_\_\_\_ in the aforesaid county and state; that I know from my personal knowledge that the \_\_\_\_\_, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper four times in the following issues: (here set forth dates of issues in which the same was published).

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

\_\_\_\_\_  
\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

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F(2)(c) **Making and certifying affidavit.** The affidavit of service may be made and certified before a notary public, or other official authorized to administer oaths and acting [as such] **in that capacity** by authority of the United States, or any state or territory of the United States, or the District of Columbia, and the official seal, if any, of [such] **that** person shall be affixed to the affidavit. The signature of [such] **the** notary or other official, when so attested by the affixing of the official seal, if any, of [such] **that** person, shall be prima facie evidence of authority to make and certify [such] **the** affidavit.

F(2)(d) **Form of certificate, affidavit, or declaration.** A certificate, affidavit, or declaration containing proof of service may be made upon the summons or as a separate document attached to the summons.

1 F(3) **Written admission.** In any case proof may be made by written admission of the  
2 defendant.

3 F(4) **Failure to make proof; validity of service.** If summons has been properly served,  
4 failure to make or file a proper proof of service shall not affect the validity of the service.

5 **G Disregard of error; actual notice.** Failure to comply with provisions of this rule relating  
6 to the form of a summons, issuance of a summons, or who may serve a summons shall not  
7 affect the validity of service of that summons or the existence of jurisdiction over the person if  
8 the court determines that the defendant received actual notice of the substance and pendency  
9 of the action. The court may allow amendment to a summons, affidavit, declaration, or  
10 certificate of service of summons. The court shall disregard any error in the content of a  
11 summons that does not materially prejudice the substantive rights of the party against whom  
12 the summons was issued. If service is made in any manner complying with subsection D(1) of  
13 this rule, the court shall also disregard any error in the service of a summons that does not  
14 violate the due process rights of the party against whom the summons was issued.



1 **SUMMONS**

2 **RULE 7**

3 **A Definitions.** For purposes of this rule, “plaintiff” shall include any party issuing  
4 summons and “defendant” shall include any party upon whom service of summons is sought.  
5 For purposes of this rule, a “true copy” of a summons and complaint means an exact and  
6 complete copy of the original summons and complaint.

7 **B Issuance.** Any time after the action is commenced, plaintiff or plaintiff’s attorney  
8 may issue as many original summonses as either may elect and deliver such summonses to a  
9 person authorized to serve summonses under section E of this rule. A summons is issued when  
10 subscribed by plaintiff or an active member of the Oregon State Bar.

11 **C(1) Contents.** The summons shall contain:

12 **C(1)(a) Title.** The title of the cause, specifying the name of the court in which the  
13 complaint is filed and the names of the parties to the action.

14 **C(1)(b) Direction to defendant.** A direction to the defendant requiring defendant  
15 to appear and defend within the time required by subsection [(2) of this section] **C(2) of this**  
16 **rule** and a notification to defendant that, in case of failure to do so, the plaintiff will apply to  
17 the court for the relief demanded in the complaint.

18 **C(1)(c) Subscription; post office address.** A subscription by the plaintiff or by an active  
19 member of the Oregon State Bar, with the addition of the post office address at which papers in  
20 the action may be served by mail.

21 **C(2) Time for response.** If the summons is served by any manner other than  
22 publication, the defendant shall appear and defend within 30 days from the date of service. If  
23 the summons is served by publication pursuant to subsection D(6) of this rule, the defendant  
24 shall appear and defend within 30 days from the date stated in the summons. The date so  
25 stated in the summons shall be the date of the first publication.

26 **C(3) Notice to party served.**

1 C(3)(a) **In general.** All summonses, other than a summons referred to in paragraph [(b)  
2 or (c) of this subsection] **C(3)(b) or C(3)(c) of this rule**, shall contain a notice printed in type size  
3 equal to at least 8-point type [which] **that** may be substantially in the following form:  
4

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5 NOTICE TO DEFENDANT:

6 READ THESE PAPERS

7 CAREFULLY!

8 You must “appear” in this case or the other side will win automatically. To “appear” you  
9 must file with the court a legal document called a “motion” or “answer.” The “motion” or  
10 “answer” must be given to the court clerk or administrator within 30 days along with the  
11 required filing fee. It must be in proper form and have proof of service on the plaintiff’s  
12 attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

13 If you have questions, you should see an attorney immediately. If you need help in  
14 finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at  
15 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or  
16 toll-free elsewhere in Oregon at (800) 452-7636.  
17

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18 C(3)(b) **Service for counterclaim or cross-claim.** A summons to join a party to  
19 respond to a counterclaim **or a cross-claim** pursuant to Rule [22 D (1)] **22 D(1)** shall contain a  
20 notice printed in type size equal to at least 8-point type [which] **that** may be substantially in the  
21 following form:  
22

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23 NOTICE TO DEFENDANT:

24 READ THESE PAPERS

25 CAREFULLY!

26 You must “appear” to protect your rights in this matter. To “appear” you must file with

1 the court a legal document called a [*“motion” or “reply.”*] **“motion,” a “reply” to a**  
2 **counterclaim, or an “answer” to a cross-claim.** The [*“motion” or “reply”*] **“motion,” “reply,” or**  
3 **“answer”** must be given to the court clerk or administrator within 30 days along with the  
4 required filing fee. It must be in proper form and have proof of service on the defendant’s  
5 attorney or, if the defendant does not have an attorney, proof of service on the defendant.

6 If you have questions, you should see an attorney immediately. If you need help in  
7 finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at  
8 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or  
9 toll-free elsewhere in Oregon at (800) 452-7636.

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11 C(3)(c) **Service on persons liable for attorney fees.** A summons to join a party pursuant  
12 to Rule 22 D(2) shall contain a notice printed in type size equal to at least 8-point type [*which*]  
13 **that** may be substantially in the following form:

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15 NOTICE TO DEFENDANT:

16 READ THESE PAPERS

17 CAREFULLY!

18 You may be liable for attorney fees in this case. Should plaintiff in this case not prevail, a  
19 judgment for reasonable attorney fees [*will*] **may** be entered against you, as provided by the  
20 agreement to which defendant alleges you are a party.

21 You must “appear” to protect your rights in this matter. To “appear” you must file with  
22 the court a legal document called a “motion” or “reply.” The “motion” or “reply” must be given  
23 to the court clerk or administrator within 30 days along with the required filing fee. It must be  
24 in proper form and have proof of service on the defendant’s attorney or, if the defendant does  
25 not have an attorney, proof of service on the defendant.

26 If you have questions, you should see an attorney immediately. If you need help in

1 finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at  
2 www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or  
3 toll-free elsewhere in Oregon at (800) 452-7636.  
4

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5 **D Manner of service.**

6 D(1) **Notice required.** Summons shall be served, either within or without this state, in  
7 any manner reasonably calculated, under all the circumstances, to apprise the defendant of the  
8 existence and pendency of the action and to afford a reasonable opportunity to appear and  
9 defend. Summons may be served in a manner specified in this rule or by any other rule or  
10 statute on the defendant or upon an agent authorized by appointment or law to accept service  
11 of summons for the defendant. Service may be made, subject to the restrictions and  
12 requirements of this rule, by the following methods: personal service of true copies of the  
13 summons and the complaint upon defendant or an agent of defendant authorized to receive  
14 process; substituted service by leaving true copies of the summons and the complaint at a  
15 person’s dwelling house or usual place of abode; office service by leaving true copies of the  
16 summons and the complaint with a person who is apparently in charge of an office; service by  
17 mail; or[,] service by publication.

18 D(2) **Service methods.**

19 D(2)(a) **Personal service.** Personal service may be made by delivery of a true  
20 copy of the summons and a true copy of the complaint to the person to be served.

21 D(2)(b) **Substituted service.** Substituted service may be made by delivering true  
22 copies of the summons and the complaint at the dwelling house or usual place of abode of the  
23 person to be served[,] to any person 14 years of age or older residing in the dwelling house or  
24 usual place of abode of the person to be served. Where substituted service is used, the plaintiff,  
25 as soon as reasonably possible, shall cause to be mailed[,] by first class mail[,] true copies of the  
26 summons and the complaint to the defendant at defendant’s dwelling house or usual place of

1 abode, together with a statement of the date, time, and place at which substituted service was  
2 made. For the purpose of computing any period of time prescribed or allowed by these rules or  
3 by statute, substituted service shall be complete upon [such] **the** mailing.

4 D(2)(c) **Office service.** If the person to be served maintains an office for the conduct of  
5 business, office service may be made by leaving true copies of the summons and the complaint  
6 at [such] **that** office during normal working hours with the person who is apparently in charge.

7 Where office service is used, the plaintiff, as soon as reasonably possible, shall cause to be  
8 mailed[,] by first class mail[,] true copies of the summons and the complaint to the defendant at  
9 defendant’s dwelling house or usual place of abode or defendant’s place of business or [such]  
10 **any** other place under the circumstances that is most reasonably calculated to apprise the  
11 defendant of the existence and pendency of the action, together with a statement of the date,  
12 time, and place at which office service was made. For the purpose of computing any period of  
13 time prescribed or allowed by these rules or by statute, office service shall be complete upon  
14 [such] **the** mailing.

15 D(2)(d) **Service by mail.**

16 D(2)(d)(i) **Generally.** When **service by mail is** required or allowed by this rule or by  
17 statute, except as otherwise permitted, service by mail shall be made by mailing true copies of  
18 the summons and the complaint to the defendant by first class mail and by any of the following:  
19 certified, registered, or express mail with return receipt requested. For purposes of this section,  
20 “first class mail” does not include certified, registered, or express mail, return receipt  
21 requested, or any other form of mail [which] **that** may delay or hinder actual delivery of mail to  
22 the addressee.

23 D(2)(d)(ii) **Calculation of time.** For the purpose of computing any period of time  
24 provided by these rules or by statute, service by mail, except as otherwise provided, shall be  
25 complete on the day the defendant, or other person authorized by appointment or law, signs a  
26 receipt for the mailing, or three days after the mailing if mailed to an address within the state,

1 or seven days after the mailing if mailed to an address outside the state, whichever first occurs.

2 D(3) **Particular defendants.** Service may be made upon specified defendants as  
3 follows:

4 D(3)(a) **Individuals.**

5 D(3)(a)(i) **Generally.** Upon an individual defendant, by personal delivery of true  
6 copies of the summons and the complaint to [such] **the** defendant or other person authorized  
7 by appointment or law to receive service of summons on behalf of [such] **the** defendant, by  
8 substituted service, or by office service. Service may also be made upon an individual defendant  
9 **or other person authorized to receive service** to whom neither subparagraph [(ii) nor (iii) of  
10 this paragraph] **D(3)(a)(ii) nor D(3)(a)(iii) of this rule** applies by a mailing made in accordance  
11 with paragraph [(2)(d) of this section] **D(2)(d) of this rule** provided the defendant **or other**  
12 **person authorized to receive service** signs a receipt for the certified, registered, or express  
13 mailing, in which case service shall be complete on the date on which the defendant signs a  
14 receipt for the mailing.

15 D(3)(a)(ii) **Minors.** Upon a minor under the age of 14 years, by service in the  
16 manner specified in subparagraph [(i) of this paragraph] **D(3)(a)(i) of this rule** upon [such] **the**  
17 minor; [and, also,] **and additionally** upon [such] **the** minor's father, mother, conservator of the  
18 minor's estate, or guardian, or, if there be none, then upon any person having the care or  
19 control of the minor, or with whom [such] **the** minor resides, or in whose service [such] **the**  
20 minor is employed, or upon a guardian ad litem appointed pursuant to Rule [27 A(2)] **27 B.**

21 D(3)(a)(iii) **Incapacitated persons.** Upon a person who is incapacitated or **is**  
22 financially incapable, as defined by ORS 125.005, by service in the manner specified in  
23 subparagraph [(i) of this paragraph] **D(3)(a)(i) of this rule** upon [such] **the** person and, also,  
24 upon the conservator of [such] **the** person's estate or guardian[,], or, if there be none, upon a  
25 guardian ad litem appointed pursuant to Rule [27 B(2)] **27 B.**

26 D(3)(a)(iv) **Tenant of a mail agent.** Upon an individual defendant who is a "tenant"

1 of a "mail agent" within the meaning of ORS 646A.340, by delivering true copies of the  
2 summons and the complaint to any person apparently in charge of the place where the mail  
3 agent receives mail for the tenant, provided that:

4 [(A)] **D(3)(a)(iv)(A)** the plaintiff makes a diligent inquiry but cannot find the  
5 defendant; and

6 [(B)] **D(3)(a)(iv)(B)** the plaintiff, as soon as reasonably possible after delivery, causes  
7 true copies of the summons and the complaint to be mailed by first class mail to the defendant  
8 at the address at which the mail agent receives mail for the defendant and to any other mailing  
9 address of the defendant then known to the plaintiff, together with a statement of the date,  
10 time, and place at which the plaintiff delivered the copies of the summons and the complaint.

11 Service shall be complete on the latest date resulting from the application of  
12 subparagraph D(2)(d)(ii) of this rule to all mailings required by this subparagraph unless the  
13 defendant signs a receipt for the mailing, in which case service is complete on the day the  
14 defendant signs the receipt.

15 D(3)(b) **Corporations including, but not limited to, professional corporations**  
16 **and cooperatives.** Upon a domestic or foreign corporation:

17 D(3)(b)(i) **Primary service method.** By personal service or office service upon a  
18 registered agent, officer, or director of the corporation; or by personal service upon any clerk  
19 on duty in the office of a registered agent.

20 D(3)(b)(ii) **Alternatives.** If a registered agent, officer, or director cannot be found in  
21 the county where the action is filed, true copies of the summons and the complaint may be  
22 served:

23 [(A)] **D(3)(b)(ii)(A)** by substituted service upon [such] **the** registered agent, officer, or  
24 director;

25 [(B)] **D(3)(b)(ii)(B)** by personal service on any clerk or agent of the corporation who  
26 may be found in the county where the action is filed;

1            [(C)] **D(3)(b)(ii)(C)** by mailing in the manner specified in paragraph [(2)(d) of this  
2 section] **D(2)(d) of this rule** true copies of the summons and the complaint to: the office of the  
3 registered agent or to the last registered office of the corporation, if any, as shown by the  
4 records on file in the office of the Secretary of State; or, if the corporation is not authorized to  
5 transact business in this state at the time of the transaction, event, or occurrence upon which  
6 the action is based occurred, to the principal office or place of business of the corporation[,];  
7 and, in any case, to any address the use of which the plaintiff knows or has reason to believe is  
8 most likely to result in actual notice; or

9            [(D)] **D(3)(b)(ii)(D)** upon the Secretary of State in the manner provided in ORS 60.121  
10 or 60.731.

11            D(3)(c) **Limited liability companies.** Upon a limited liability company:

12            D(3)(c)(i)        **Primary service method.** By personal service or office service upon a  
13 registered agent, manager, or (for a member-managed limited liability company) member of a  
14 limited liability company; or by personal service upon any clerk on duty in the office of a  
15 registered agent.

16            D(3)(c)(ii)        **Alternatives.** If a registered agent, manager, or (for a member-managed  
17 limited liability company) member of a limited liability company cannot be found in the county  
18 where the action is filed, true copies of the summons and the complaint may be served:

19            [(A)] **D(3)(c)(ii)(A)** by substituted service upon [such] **the** registered agent, manager,  
20 or (for a member-managed limited liability company) member of a limited liability company;

21            [(B)] **D(3)(c)(ii)(B)** by personal service on any clerk or agent of the limited liability  
22 company who may be found in the county where the action is filed;

23            [(C)] **D(3)(c)(ii)(C)** by mailing in the manner specified in paragraph [(2)(d) of this  
24 section] **D(2)(d) of this rule** true copies of the summons and the complaint to: the office of the  
25 registered agent or to the last registered office of the limited liability company, as shown by the  
26 records on file in the office of the Secretary of State; or, if the limited liability company is not



1 authorized to transact business in this state at the time of the transaction, event, or occurrence  
2 upon which the action is based occurred, to the principal office or place of business of the  
3 limited liability company[,] and, in any case, to any address the use of which the plaintiff knows  
4 or has reason to believe is most likely to result in actual notice; or

5 [(D)] **D(3)(c)(ii)(D)** upon the Secretary of State in the manner provided in ORS  
6 63.121.

7 D(3)(d) **Limited partnerships.** Upon a domestic or foreign limited partnership:

8 D(3)(d)(i) **Primary service method.** By personal service or office service upon a  
9 registered agent or a general partner of a limited partnership; or by personal service upon any  
10 clerk on duty in the office of a registered agent.

11 D(3)(d)(ii) **Alternatives.** If a registered agent or a general partner of a limited  
12 partnership cannot be found in the county where the action is filed, true copies of the  
13 summons and the complaint may be served:

14 [(A)] **D(3)(d)(ii)(A)** by substituted service upon [such] **the** registered agent or general  
15 partner of a limited partnership;

16 [(B)] **D(3)(d)(ii)(B)** by personal service on any clerk or agent of the limited  
17 partnership who may be found in the county where the action is filed;

18 [(C)] **D(3)(d)(ii)(C)** by mailing in the manner specified in paragraph [(2)(d) of this  
19 section] **D(2)(d) of this rule** true copies of the summons and the complaint to: the office of the  
20 registered agent or to the last registered office of the limited partnership, as shown by the  
21 records on file in the office of the Secretary of State; or, if the limited partnership is not  
22 authorized to transact business in this state at the time of the transaction, event, or occurrence  
23 upon which the action is based occurred, to the principal office or place of business of the  
24 limited partnership[,] and, in any case, to any address the use of which the plaintiff knows or  
25 has reason to believe is most likely to result in actual notice; or

26 [(D)] **D(3)(d)(ii)(D)** upon the Secretary of State in the manner provided in ORS 70.040

1 or 70.045.

2 D(3)(e) **General partnerships and limited liability partnerships.** Upon any  
3 general partnership or limited liability partnership by personal service upon a partner or any  
4 agent authorized by appointment or law to receive service of summons for the partnership or  
5 limited liability partnership.

6 D(3)(f) **Other unincorporated [*association*] associations subject to suit under a**  
7 **common name.** Upon any other unincorporated association subject to suit under a common  
8 name by personal service upon an officer, managing agent, or agent authorized by appointment  
9 or law to receive service of summons for the unincorporated association.

10 D(3)(g) **State.** Upon the state, by personal service upon the Attorney General or  
11 by leaving true copies of the summons and the complaint at the Attorney General's office with  
12 a deputy, assistant, or clerk.

13 D(3)(h) **Public bodies.** Upon any county; incorporated city; school district; or  
14 other public corporation, commission, board, or agency by personal service or office service  
15 upon an officer, director, managing agent, or attorney thereof.

16 D(3)(i) **Vessel owners and charterers.** Upon any foreign steamship owner or steamship  
17 charterer by personal service upon a vessel master in [*such*] **the** owner's or charterer's  
18 employment or any agent authorized by [*such*] **the** owner or charterer to provide services to a  
19 vessel calling at a port in the State of Oregon, or a port in the State of Washington on that  
20 portion of the Columbia River forming a common boundary with Oregon.

21 D(4) **Particular actions involving motor vehicles.**

22 D(4)(a) **Actions arising out of use of roads, highways, streets, or premises open**  
23 **to the public; service by mail.**

24 D(4)(a)(i) In any action arising out of any accident, collision, or other event giving  
25 rise to liability in which a motor vehicle may be involved while being operated upon the roads,  
26 highways, streets, or premises open to the public as defined by law of this state if the plaintiff

1 makes at least one attempt to serve a defendant who operated such motor vehicle, or caused it  
2 to be operated on the defendant's behalf, by a method authorized by subsection [(3) of this  
3 section] **D(3) of this rule** except service by mail pursuant to subparagraph [(3)(a)(i) of this  
4 section] **D(3)(a)(i) of this rule** and, as shown by its return, did not effect service, the plaintiff  
5 may then serve that defendant by mailings made in accordance with paragraph [(2)(d) of this  
6 section] **D(2)(d) of this rule** addressed to that defendant at:

7 [(A)] **D(4)(a)(i)(A)** any residence address provided by that defendant at the scene of  
8 the accident;

9 [(B)] **D(4)(a)(i)(B)** the current residence address, if any, of that defendant shown in  
10 the driver records of the Department of Transportation; and

11 [(C)] **D(4)(a)(i)(C)** any other address of that defendant known to the plaintiff at the  
12 time of making the mailings required by [(A) and (B)] **parts D(4)(a)(i)(A) and D(4)(a)(i)(B) of this**  
13 **rule** that reasonably might result in actual notice to that defendant.

14 Sufficient service pursuant to this subparagraph may be shown if the proof of service  
15 includes a true copy of the envelope in which each of the certified, registered, or express  
16 mailings required by [(A), (B), and (C) above] **parts D(4)(a)(i)(A), D(4)(a)(i)(B), and D(4)(a)(i)(C)**  
17 **of this rule** was made showing that it was returned to sender as undeliverable or that the  
18 defendant did not sign the receipt. For the purpose of computing any period of time prescribed  
19 or allowed by these rules or by statute, service under this subparagraph shall be complete on  
20 the latest date on which any of the mailings required by [(A), (B), and (C) above] **parts**  
21 **D(4)(a)(i)(A), D(4)(a)(i)(B), and D(4)(a)(i)(C) of this rule** is made. If the mailing required by [(C)]  
22 **part D(4)(a)(i)(C) of this rule** is omitted because the plaintiff did not know of any address other  
23 than those specified in [(A) and (B) above] **parts D(4)(a)(i)(A) and D(4)(a)(i)(B) of this rule**, the  
24 proof of service shall so certify.

25 D(4)(a)(ii) Any fee charged by the Department of Transportation for providing  
26 address information concerning a party served pursuant to subparagraph [(i) of this paragraph]

1 **D(4)(a)(i) of this rule** may be recovered as provided in Rule 68.

2 D(4)(a)(iii) The requirements for obtaining an order of default against a defendant  
3 served pursuant to subparagraph [(i) of this paragraph] **D(4)(a)(i) of this rule** are as provided in  
4 Rule 69 E.

5 D(4)(b) **Notification of change of address.** Any person who; while operating a  
6 motor vehicle upon the roads, highways, streets, or premises open to the public as defined by  
7 law of this state; is involved in any accident, collision, or other event giving rise to liability shall  
8 forthwith notify the Department of Transportation of any change of [such defendant's] **the**  
9 **person's** address occurring within three years after [such] **the** accident, collision, or event.

10 D(5) **Service in foreign country.** When service is to be effected upon a party in a  
11 foreign country, it is also sufficient if service of true copies of the summons and the complaint is  
12 made in the manner prescribed by the law of the foreign country for service in that country in  
13 its courts of general jurisdiction, or as directed by the foreign authority in response to letters  
14 rogatory, or as directed by order of the court. However, in all cases [such] service shall be  
15 reasonably calculated to give actual notice.

16 D(6) **Court order for service; service by publication.**

17 D(6)(a) **Court order for service by other method.** On motion upon a showing by  
18 affidavit or declaration that service cannot be made by any method otherwise specified in these  
19 rules or other rule or statute, the court, at its discretion, may order service by any method or  
20 combination of methods [which] **that** under the circumstances is most reasonably calculated to  
21 apprise the defendant of the existence and pendency of the action, including but not limited to:  
22 publication of summons; mailing without publication to a specified post office address of the  
23 defendant by first class mail and any of the following: certified, registered, or express mail,  
24 return receipt requested; or posting at specified locations. If service is ordered by any manner  
25 other than publication, the court may order a time for response.

26 D(6)(b) **Contents of published summons.** In addition to the contents of a

1 summons as described in section C of this rule, a published summons shall also contain a  
2 summary statement of the object of the complaint and the demand for relief, and the notice  
3 required in subsection C(3) **of this rule** shall state: “The ‘motion’ or ‘answer’ (or ‘reply’) must be  
4 given to the court clerk or administrator within 30 days of the date of first publication specified  
5 herein along with the required filing fee.” The published summons shall also contain the date of  
6 the first publication of the summons.

7 D(6)(c) **Where published.** An order for publication shall direct publication to be made in  
8 a newspaper of general circulation in the county where the action is commenced or, if there is  
9 no such newspaper, then in a newspaper to be designated as most likely to give notice to the  
10 person to be served. [*Such publication shall be*] **The summons shall be published** four times in  
11 successive calendar weeks. If the plaintiff knows of a specific location other than the county  
12 [*where*] **in which** the action is commenced where publication might reasonably result in actual  
13 notice to the defendant, the plaintiff shall so state in the affidavit or declaration required by  
14 paragraph [(a) of this subsection] **D(6)(a) of this rule**, and the court may order publication in a  
15 comparable manner at [*such*] **that** location in addition to, or in lieu of, publication in the county  
16 [*where*] **in which** the action is commenced.

17 D(6)(d) **Mailing summons and complaint.** If the court orders service by  
18 publication and the plaintiff knows or with reasonable diligence can ascertain the defendant’s  
19 current address, the plaintiff shall mail true copies of the summons and the complaint to the  
20 defendant at [*such*] **that** address by first class mail and any of the following: certified,  
21 registered, or express mail, return receipt requested. If the plaintiff does not know and cannot  
22 **ascertain** upon diligent inquiry [*ascertain*] the current address of any defendant, true copies of  
23 the summons and the complaint shall be mailed by the methods specified above to the  
24 defendant at the defendant’s last known address. If the plaintiff does not know, and cannot  
25 ascertain upon diligent inquiry, the defendant’s current and last known addresses, a mailing of  
26 copies of the summons and the complaint is not required.

1 D(6)(e) **Unknown heirs or persons.** If service cannot be made by another method  
2 described in this section because defendants are unknown heirs or persons as described in  
3 [sections I and J of] Rule 20 **I and J**, the action shall proceed against the unknown heirs or  
4 persons in the same manner as against named defendants served by publication and with like  
5 effect; and any [such] unknown heirs or persons who have or claim any right, estate, lien, or  
6 interest in the property in controversy[,] at the time of the commencement of the action, and  
7 **who are** served by publication, shall be bound and concluded by the judgment in the action, if  
8 the same is in favor of the plaintiff, as effectively as if the action [was] **had been** brought  
9 against [such] **those** defendants by name.

10 D(6)(f) **Defending before or after judgment.** A defendant against whom publication is  
11 ordered or [such] **that** defendant's representatives, on application and sufficient cause shown,  
12 at any time before judgment[,] shall be allowed to defend the action. A defendant against  
13 whom publication is ordered or [such] **that** defendant's representatives may, upon good cause  
14 shown and upon [such terms as] **any terms that** may be proper, be allowed to defend after  
15 judgment and within one year after entry of judgment. If the defense is successful, and the  
16 judgment or any part thereof has been collected or otherwise enforced, restitution may be  
17 ordered by the court, but the title to property sold upon execution issued on [such] **that**  
18 judgment, to a purchaser in good faith, shall not be affected thereby.

19 D(6)(g) **Defendant who cannot be served.** Within the meaning of this subsection,  
20 a defendant cannot be served with summons by any method authorized by subsection [(3) of  
21 this section] **D(3) of this rule** if: [(i)] service pursuant to subparagraph [(4)(a)(i) of this section]  
22 **D(4)(a)(i) of this rule** is not authorized, and the plaintiff attempted service of summons by all of  
23 the methods authorized by subsection [(3) of this section] **D(3) of this rule** and was unable to  
24 complete service[,] ; or [(ii)] if the plaintiff knew that service by [such] **these** methods could not  
25 be accomplished.

26 **E By whom served; compensation.** A summons may be served by any competent

1 person 18 years of age or older who is a resident of the state where service is made or of this  
2 state and is not a party to the action nor, except as provided in ORS 180.260, an officer,  
3 director, or employee of, nor attorney for, any party, corporate or otherwise. However, service  
4 pursuant to subparagraph D(2)(d)(i) of this rule may be made by an attorney for any party.  
5 Compensation to a sheriff or a sheriff's deputy in this state who serves a summons shall be  
6 prescribed by statute or rule. If any other person serves the summons, a reasonable fee may be  
7 paid for service. This compensation shall be part of disbursements and shall be recovered as  
8 provided in Rule 68.

9 **F Return; proof of service.**

10 F(1) **Return of summons.** The summons shall be promptly returned to the clerk with  
11 whom the complaint is filed with proof of service or mailing, or that defendant cannot be  
12 found. The summons may be returned by first class mail.

13 F(2) **Proof of service.** Proof of service of summons or mailing may be made as  
14 follows:

15 F(2)(a) **Service other than publication.** Service other than publication shall be proved  
16 by:

17 F(2)(a)(i) **Certificate of service when summons not served by sheriff or deputy.** If  
18 the summons is not served by a sheriff or a sheriff's deputy, the certificate of the server  
19 indicating: **the specific documents that were served;** the time, place, and manner of service;  
20 that the server is a competent person 18 years of age or older and a resident of the state of  
21 service or this state and is not a party to nor an officer, director, or employee of, nor attorney  
22 for any party, corporate or otherwise; and that the server knew that the person, firm, or  
23 corporation served is the identical one named in the action. If the defendant is not personally  
24 served, the server shall state in the certificate when, where, and with whom true copies of the  
25 summons and the complaint were left or describe in detail the manner and circumstances of  
26 service. If true copies of the summons and the complaint were mailed, the certificate may be

1 made by the person completing the mailing or the attorney for any party and shall state the  
2 circumstances of mailing and the return receipt, if any, shall be attached.

3 F(2)(a)(ii) **Certificate of service by sheriff or deputy.** If the summons is served by a  
4 sheriff or a sheriff's deputy, the sheriff's or deputy's certificate of service indicating: **the specific**  
5 **documents that were served;** the time, place, and manner of service[,] and, if defendant is not  
6 personally served, when, where, and with whom true copies of the summons and the complaint  
7 were left or describing in detail the manner and circumstances of service. If true copies of the  
8 summons and the complaint were mailed, the certificate shall state the circumstances of  
9 mailing and the return receipt, if any, shall be attached.

10 F(2)(b) **Publication.** Service by publication shall be proved by an affidavit or by a  
11 declaration.

12 F(2)(b)(i) A publication by affidavit shall be in substantially the following form:

---

14 Affidavit of Publication

15 State of Oregon )  
16 ) ss.  
17 County of )

18 I, \_\_\_\_\_, being first duly sworn, depose and say that I am the \_\_\_\_\_ (here  
19 set forth the title or job description of the person making the affidavit), of the \_\_\_\_\_, a  
20 newspaper of general circulation published at \_\_\_\_\_ in the aforesaid county and state;  
21 that I know from my personal knowledge that the \_\_\_\_\_, a printed copy of which is  
22 hereto annexed, was published in the entire issue of said newspaper four times in the following  
23 issues: (here set forth dates of issues in which the same was published).

24 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

25 \_\_\_\_\_  
26 Notary Public for Oregon



1 My commission expires  
2 \_\_\_ day of \_\_\_\_\_, 2\_\_.

3  
4 F(2)(b)(ii) A publication by declaration shall be in substantially the following form:  
5

6 Declaration of Publication

7 State of Oregon )  
8 ) ss.  
9 County of )

10 I, \_\_\_\_\_, say that I am the \_\_\_\_\_ (here set forth the title or job description  
11 of the person making the declaration), of the \_\_\_\_\_, a newspaper of general circulation  
12 published at \_\_\_\_\_ in the aforesaid county and state; that I know from my personal  
13 knowledge that the \_\_\_\_\_, a printed copy of which is hereto annexed, was published in  
14 the entire issue of said newspaper four times in the following issues: (here set forth dates of  
15 issues in which the same was published).

16 I hereby declare that the above statement is true to the best of my knowledge and belief, and  
17 that I understand it is made for use as evidence in court and is subject to penalty for perjury.

18 \_\_\_\_\_  
19 \_\_\_ day of \_\_\_\_\_, 2\_\_.

20  
21 F(2)(c) **Making and certifying affidavit.** The affidavit of service may be made and  
22 certified before a notary public, or other official authorized to administer oaths and acting [*as*  
23 *such*] **in that capacity** by authority of the United States, or any state or territory of the United  
24 States, or the District of Columbia, and the official seal, if any, of [*such*] **that** person shall be  
25 affixed to the affidavit. The signature of [*such*] **the** notary or other official, when so attested by  
26 the affixing of the official seal, if any, of [*such*] **that** person, shall be prima facie evidence of

1 authority to make and certify [*such*] **the** affidavit.

2 F(2)(d) **Form of certificate, affidavit, or declaration.** A certificate, affidavit, or  
3 declaration containing proof of service may be made upon the summons or as a separate  
4 document attached to the summons.

5 F(3) **Written admission.** In any case proof may be made by written admission of the  
6 defendant.

7 F(4) **Failure to make proof; validity of service.** If summons has been properly served,  
8 failure to make or file a proper proof of service shall not affect the validity of the service.

9 **G Disregard of error; actual notice.** Failure to comply with provisions of this rule  
10 relating to the form of a summons, issuance of a summons, or who may serve a summons shall  
11 not affect the validity of service of that summons or the existence of jurisdiction over the  
12 person if the court determines that the defendant received actual notice of the substance and  
13 pendency of the action. The court may allow amendment to a summons, affidavit, declaration,  
14 or certificate of service of summons. The court shall disregard any error in the content of a  
15 summons that does not materially prejudice the substantive rights of the party against whom  
16 the summons was issued. If service is made in any manner complying with subsection D(1) of  
17 this rule, the court shall also disregard any error in the service of a summons that does not  
18 violate the due process rights of the party against whom the summons was issued.

1 **SUMMONS**

2 **RULE 7**

3 **A Definitions.** For purposes of this rule, “plaintiff” shall include any party issuing  
4 summons and “defendant” shall include any party upon whom service of summons is sought.  
5 For purposes of this rule, a “true copy” of a summons and complaint means an exact and  
6 complete copy of the original summons and complaint.

7 **B Issuance.** Any time after the action is commenced, plaintiff or plaintiff’s attorney  
8 may issue as many original summonses as either may elect and deliver such summonses to a  
9 person authorized to serve summonses under section E of this rule. A summons is issued when  
10 subscribed by plaintiff or an active member of the Oregon State Bar.

11 **C(1) Contents.** The summons shall contain:

12 **C(1)(a) Title.** The title of the cause, specifying the name of the court in which the  
13 complaint is filed and the names of the parties to the action.

14 **C(1)(b) Direction to defendant.** A direction to the defendant requiring defendant  
15 to appear and defend within the time required by subsection [(2) of this section] **C(2) of this**  
16 **rule** and a notification to defendant that, in case of failure to do so, the plaintiff will apply to  
17 the court for the relief demanded in the complaint.

18 **C(1)(c) Subscription; post office address.** A subscription by the plaintiff or by an active  
19 member of the Oregon State Bar, with the addition of the post office address at which papers in  
20 the action may be served by mail.

21 **C(2) Time for response.** If the summons is served by any manner other than  
22 publication, the defendant shall appear and defend within 30 days from the date of service. If  
23 the summons is served by publication pursuant to subsection D(6) of this rule, the defendant  
24 shall appear and defend within 30 days from the date stated in the summons. The date so  
25 stated in the summons shall be the date of the first publication.

26 **C(3) Notice to party served.**

1 C(3)(a) **In general.** All summonses, other than a summons referred to in paragraph [(b)  
2 or (c) of this subsection] **C(3)(b) or C(3)(c) of this rule**, shall contain a notice printed in type size  
3 equal to at least 8-point type [which] **that** may be substantially in the following form:  
4

---

5 NOTICE TO DEFENDANT:

6 READ THESE PAPERS

7 CAREFULLY!

8 You must “appear” in this case or the other side will win automatically. To “appear” you  
9 must file with the court a legal document called a “motion” or “answer.” The “motion” or  
10 “answer” must be given to the court clerk or administrator within 30 days along with the  
11 required filing fee. It must be in proper form and have proof of service on the plaintiff’s  
12 attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

13 If you have questions, you should see an attorney immediately. If you need help in  
14 finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at  
15 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or  
16 toll-free elsewhere in Oregon at (800) 452-7636.  
17

---

18 C(3)(b) **Service for counterclaim or cross-claim.** A summons to join a party to  
19 respond to a counterclaim **or a cross-claim** pursuant to Rule [22 D (1)] **22 D(1)** shall contain a  
20 notice printed in type size equal to at least 8-point type [which] **that** may be substantially in the  
21 following form:  
22

---

23 NOTICE TO DEFENDANT:

24 READ THESE PAPERS

25 CAREFULLY!

26 You must “appear” to protect your rights in this matter. To “appear” you must file with

1 the court a legal document called a [*“motion” or “reply.”*] **“motion,” a “reply” to a**  
2 **counterclaim, or an “answer” to a cross-claim.** The [*“motion” or “reply”*] **“motion,” “reply,” or**  
3 **“answer”** must be given to the court clerk or administrator within 30 days along with the  
4 required filing fee. It must be in proper form and have proof of service on the defendant’s  
5 attorney or, if the defendant does not have an attorney, proof of service on the defendant.

6 If you have questions, you should see an attorney immediately. If you need help in  
7 finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at  
8 [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or  
9 toll-free elsewhere in Oregon at (800) 452-7636.

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11 C(3)(c) **Service on persons liable for attorney fees.** A summons to join a party pursuant  
12 to Rule 22 D(2) shall contain a notice printed in type size equal to at least 8-point type [*which*]  
13 **that** may be substantially in the following form:

---

15 NOTICE TO DEFENDANT:

16 READ THESE PAPERS

17 CAREFULLY!

18 You may be liable for attorney fees in this case. Should plaintiff in this case not prevail, a  
19 judgment for reasonable attorney fees [*will*] **may** be entered against you, as provided by the  
20 agreement to which defendant alleges you are a party.

21 You must “appear” to protect your rights in this matter. To “appear” you must file with  
22 the court a legal document called a “motion” or “reply.” The “motion” or “reply” must be given  
23 to the court clerk or administrator within 30 days along with the required filing fee. It must be  
24 in proper form and have proof of service on the defendant’s attorney or, if the defendant does  
25 not have an attorney, proof of service on the defendant.

26 If you have questions, you should see an attorney immediately. If you need help in

1 finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at  
2 www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or  
3 toll-free elsewhere in Oregon at (800) 452-7636.  
4

---

5 **D Manner of service.**

6 D(1) **Notice required.** Summons shall be served, either within or without this state, in  
7 any manner reasonably calculated, under all the circumstances, to apprise the defendant of the  
8 existence and pendency of the action and to afford a reasonable opportunity to appear and  
9 defend. Summons may be served in a manner specified in this rule or by any other rule or  
10 statute on the defendant or upon an agent authorized by appointment or law to accept service  
11 of summons for the defendant. Service may be made, subject to the restrictions and  
12 requirements of this rule, by the following methods: personal service of true copies of the  
13 summons and the complaint upon defendant or an agent of defendant authorized to receive  
14 process; substituted service by leaving true copies of the summons and the complaint at a  
15 person’s dwelling house or usual place of abode; office service by leaving true copies of the  
16 summons and the complaint with a person who is apparently in charge of an office; service by  
17 mail; or[,] service by publication.

18 D(2) **Service methods.**

19 D(2)(a) **Personal service.** Personal service may be made by delivery of a true  
20 copy of the summons and a true copy of the complaint to the person to be served.

21 D(2)(b) **Substituted service.** Substituted service may be made by delivering true  
22 copies of the summons and the complaint at the dwelling house or usual place of abode of the  
23 person to be served[,] to any person 14 years of age or older residing in the dwelling house or  
24 usual place of abode of the person to be served. Where substituted service is used, the plaintiff,  
25 as soon as reasonably possible, shall cause to be mailed[,] by first class mail[,] true copies of the  
26 summons and the complaint to the defendant at defendant’s dwelling house or usual place of

1 abode, together with a statement of the date, time, and place at which substituted service was  
2 made. For the purpose of computing any period of time prescribed or allowed by these rules or  
3 by statute, substituted service shall be complete upon [such] **the** mailing.

4 D(2)(c) **Office service.** If the person to be served maintains an office for the conduct of  
5 business, office service may be made by leaving true copies of the summons and the complaint  
6 at [such] **that** office during normal working hours with the person who is apparently in charge.

7 Where office service is used, the plaintiff, as soon as reasonably possible, shall cause to be  
8 mailed[,] by first class mail[,] true copies of the summons and the complaint to the defendant at  
9 defendant’s dwelling house or usual place of abode or defendant’s place of business or [such]  
10 **any** other place under the circumstances that is most reasonably calculated to apprise the  
11 defendant of the existence and pendency of the action, together with a statement of the date,  
12 time, and place at which office service was made. For the purpose of computing any period of  
13 time prescribed or allowed by these rules or by statute, office service shall be complete upon  
14 [such] **the** mailing.

15 D(2)(d) **Service by mail.**

16 D(2)(d)(i) **Generally.** When **service by mail is** required or allowed by this rule or by  
17 statute, except as otherwise permitted, service by mail shall be made by mailing true copies of  
18 the summons and the complaint to the defendant by first class mail and by any of the following:  
19 certified, registered, or express mail with return receipt requested. For purposes of this section,  
20 “first class mail” does not include certified, registered, or express mail, return receipt  
21 requested, or any other form of mail [which] **that** may delay or hinder actual delivery of mail to  
22 the addressee.

23 D(2)(d)(ii) **Calculation of time.** For the purpose of computing any period of time  
24 provided by these rules or by statute, service by mail, except as otherwise provided, shall be  
25 complete on the day the defendant, or other person authorized by appointment or law, signs a  
26 receipt for the mailing, or three days after the mailing if mailed to an address within the state,

1 or seven days after the mailing if mailed to an address outside the state, whichever first occurs.

2 D(3) **Particular defendants.** Service may be made upon specified defendants as  
3 follows:

4 D(3)(a) **Individuals.**

5 D(3)(a)(i) **Generally.** Upon an individual defendant, by personal delivery of true  
6 copies of the summons and the complaint to [such] **the** defendant or other person authorized  
7 by appointment or law to receive service of summons on behalf of [such] **the** defendant, by  
8 substituted service, or by office service. Service may also be made upon an individual defendant  
9 **or other person authorized to receive service** to whom neither subparagraph [(ii) nor (iii) of  
10 this paragraph] **D(3)(a)(ii) nor D(3)(a)(iii) of this rule** applies by a mailing made in accordance  
11 with paragraph [(2)(d) of this section] **D(2)(d) of this rule** provided the defendant **or other**  
12 **person authorized to receive service** signs a receipt for the certified, registered, or express  
13 mailing, in which case service shall be complete on the date on which the defendant signs a  
14 receipt for the mailing.

15 D(3)(a)(ii) **Minors.** Upon a minor under [the age of] 14 years **of age**, by service in  
16 the manner specified in subparagraph [(i) of this paragraph] **D(3)(a)(i) of this rule** upon [such]  
17 **the** minor; [and, also,] **and additionally** upon [such] **the** minor's father, mother, conservator of  
18 the minor's estate, or guardian, or, if there be none, then upon any person having the care or  
19 control of the minor, or with whom [such] **the** minor resides, or in whose service [such] **the**  
20 minor is employed, or upon a guardian ad litem appointed pursuant to Rule [27 A(2)] **27 B.**

21 D(3)(a)(iii) **Incapacitated persons.** Upon a person who is incapacitated or **is**  
22 financially incapable, as **both terms are** defined by ORS 125.005, by service in the manner  
23 specified in subparagraph [(i) of this paragraph] **D(3)(a)(i) of this rule** upon [such] **the** person  
24 and, also, upon the conservator of [such] **the** person's estate or guardian[,], or, if there be none,  
25 upon a guardian ad litem appointed pursuant to Rule [27 B(2)] **27 B.**

26 D(3)(a)(iv) **Tenant of a mail agent.** Upon an individual defendant who is a "tenant"



1 of a "mail agent" within the meaning of ORS 646A.340, by delivering true copies of the  
2 summons and the complaint to any person apparently in charge of the place where the mail  
3 agent receives mail for the tenant, provided that:

4 [(A)] **D(3)(a)(iv)(A)** the plaintiff makes a diligent inquiry but cannot find the  
5 defendant; and

6 [(B)] **D(3)(a)(iv)(B)** the plaintiff, as soon as reasonably possible after delivery, causes  
7 true copies of the summons and the complaint to be mailed by first class mail to the defendant  
8 at the address at which the mail agent receives mail for the defendant and to any other mailing  
9 address of the defendant then known to the plaintiff, together with a statement of the date,  
10 time, and place at which the plaintiff delivered the copies of the summons and the complaint.

11 Service shall be complete on the latest date resulting from the application of  
12 subparagraph D(2)(d)(ii) of this rule to all mailings required by this subparagraph unless the  
13 defendant signs a receipt for the mailing, in which case service is complete on the day the  
14 defendant signs the receipt.

15 D(3)(b) **Corporations including, but not limited to, professional corporations**  
16 **and cooperatives.** Upon a domestic or foreign corporation:

17 D(3)(b)(i) **Primary service method.** By personal service or office service upon a  
18 registered agent, officer, or director of the corporation; or by personal service upon any clerk  
19 on duty in the office of a registered agent.

20 D(3)(b)(ii) **Alternatives.** If a registered agent, officer, or director cannot be found in  
21 the county where the action is filed, true copies of the summons and the complaint may be  
22 served:

23 [(A)] **D(3)(b)(ii)(A)** by substituted service upon [such] **the** registered agent, officer, or  
24 director;

25 [(B)] **D(3)(b)(ii)(B)** by personal service on any clerk or agent of the corporation who  
26 may be found in the county where the action is filed;

1            [(C)] **D(3)(b)(ii)(C)** by mailing in the manner specified in paragraph [(2)(d) of this  
2 section] **D(2)(d) of this rule** true copies of the summons and the complaint to: the office of the  
3 registered agent or to the last registered office of the corporation, if any, as shown by the  
4 records on file in the office of the Secretary of State; or, if the corporation is not authorized to  
5 transact business in this state at the time of the transaction, event, or occurrence upon which  
6 the action is based occurred, to the principal office or place of business of the corporation[,];  
7 and, in any case, to any address the use of which the plaintiff knows or has reason to believe is  
8 most likely to result in actual notice; or

9            [(D)] **D(3)(b)(ii)(D)** upon the Secretary of State in the manner provided in ORS 60.121  
10 or 60.731.

11            D(3)(c) **Limited liability companies.** Upon a limited liability company:

12            D(3)(c)(i)        **Primary service method.** By personal service or office service upon a  
13 registered agent, manager, or (for a member-managed limited liability company) member of a  
14 limited liability company; or by personal service upon any clerk on duty in the office of a  
15 registered agent.

16            D(3)(c)(ii)        **Alternatives.** If a registered agent, manager, or (for a member-managed  
17 limited liability company) member of a limited liability company cannot be found in the county  
18 where the action is filed, true copies of the summons and the complaint may be served:

19            [(A)] **D(3)(c)(ii)(A)** by substituted service upon [such] **the** registered agent, manager,  
20 or (for a member-managed limited liability company) member of a limited liability company;

21            [(B)] **D(3)(c)(ii)(B)** by personal service on any clerk or agent of the limited liability  
22 company who may be found in the county where the action is filed;

23            [(C)] **D(3)(c)(ii)(C)** by mailing in the manner specified in paragraph [(2)(d) of this  
24 section] **D(2)(d) of this rule** true copies of the summons and the complaint to: the office of the  
25 registered agent or to the last registered office of the limited liability company, as shown by the  
26 records on file in the office of the Secretary of State; or, if the limited liability company is not

1 authorized to transact business in this state at the time of the transaction, event, or occurrence  
2 upon which the action is based occurred, to the principal office or place of business of the  
3 limited liability company[,] and, in any case, to any address the use of which the plaintiff knows  
4 or has reason to believe is most likely to result in actual notice; or

5 [(D)] **D(3)(c)(ii)(D)** upon the Secretary of State in the manner provided in ORS  
6 63.121.

7 D(3)(d) **Limited partnerships.** Upon a domestic or foreign limited partnership:

8 D(3)(d)(i) **Primary service method.** By personal service or office service upon a  
9 registered agent or a general partner of a limited partnership; or by personal service upon any  
10 clerk on duty in the office of a registered agent.

11 D(3)(d)(ii) **Alternatives.** If a registered agent or a general partner of a limited  
12 partnership cannot be found in the county where the action is filed, true copies of the  
13 summons and the complaint may be served:

14 [(A)] **D(3)(d)(ii)(A)** by substituted service upon [such] **the** registered agent or general  
15 partner of a limited partnership;

16 [(B)] **D(3)(d)(ii)(B)** by personal service on any clerk or agent of the limited  
17 partnership who may be found in the county where the action is filed;

18 [(C)] **D(3)(d)(ii)(C)** by mailing in the manner specified in paragraph [(2)(d) of this  
19 section] **D(2)(d) of this rule** true copies of the summons and the complaint to: the office of the  
20 registered agent or to the last registered office of the limited partnership, as shown by the  
21 records on file in the office of the Secretary of State; or, if the limited partnership is not  
22 authorized to transact business in this state at the time of the transaction, event, or occurrence  
23 upon which the action is based occurred, to the principal office or place of business of the  
24 limited partnership[,] and, in any case, to any address the use of which the plaintiff knows or  
25 has reason to believe is most likely to result in actual notice; or

26 [(D)] **D(3)(d)(ii)(D)** upon the Secretary of State in the manner provided in ORS 70.040

1 or 70.045.

2 D(3)(e) **General partnerships and limited liability partnerships.** Upon any  
3 general partnership or limited liability partnership by personal service upon a partner or any  
4 agent authorized by appointment or law to receive service of summons for the partnership or  
5 limited liability partnership.

6 D(3)(f) **Other unincorporated [*association*] associations subject to suit under a**  
7 **common name.** Upon any other unincorporated association subject to suit under a common  
8 name by personal service upon an officer, managing agent, or agent authorized by appointment  
9 or law to receive service of summons for the unincorporated association.

10 D(3)(g) **State.** Upon the state, by personal service upon the Attorney General or  
11 by leaving true copies of the summons and the complaint at the Attorney General's office with  
12 a deputy, assistant, or clerk.

13 D(3)(h) **Public bodies.** Upon any county; incorporated city; school district; or  
14 other public corporation, commission, board, or agency by personal service or office service  
15 upon an officer, director, managing agent, or attorney thereof.

16 D(3)(i) **Vessel owners and charterers.** Upon any foreign steamship owner or steamship  
17 charterer by personal service upon a vessel master in [*such*] **the** owner's or charterer's  
18 employment or any agent authorized by [*such*] **the** owner or charterer to provide services to a  
19 vessel calling at a port in the State of Oregon, or a port in the State of Washington on that  
20 portion of the Columbia River forming a common boundary with Oregon.

21 D(4) **Particular actions involving motor vehicles.**

22 D(4)(a) **Actions arising out of use of roads, highways, streets, or premises open**  
23 **to the public; service by mail.**

24 D(4)(a)(i) In any action arising out of any accident, collision, or other event giving  
25 rise to liability in which a motor vehicle may be involved while being operated upon the roads,  
26 highways, streets, or premises open to the public as defined by law of this state if the plaintiff

1 makes at least one attempt to serve a defendant who operated such motor vehicle, or caused it  
2 to be operated on the defendant's behalf, by a method authorized by subsection [(3) of this  
3 section] **D(3) of this rule** except service by mail pursuant to subparagraph [(3)(a)(i) of this  
4 section] **D(3)(a)(i) of this rule** and, as shown by its return, did not effect service, the plaintiff  
5 may then serve that defendant by mailings made in accordance with paragraph [(2)(d) of this  
6 section] **D(2)(d) of this rule** addressed to that defendant at:

7 [(A)] **D(4)(a)(i)(A)** any residence address provided by that defendant at the scene of  
8 the accident;

9 [(B)] **D(4)(a)(i)(B)** the current residence address, if any, of that defendant shown in  
10 the driver records of the Department of Transportation; and

11 [(C)] **D(4)(a)(i)(C)** any other address of that defendant known to the plaintiff at the  
12 time of making the mailings required by [(A) and (B)] **parts D(4)(a)(i)(A) and D(4)(a)(i)(B) of this**  
13 **rule** that reasonably might result in actual notice to that defendant.

14 Sufficient service pursuant to this subparagraph may be shown if the proof of service  
15 includes a true copy of the envelope in which each of the certified, registered, or express  
16 mailings required by [(A), (B), and (C) above] **parts D(4)(a)(i)(A), D(4)(a)(i)(B), and D(4)(a)(i)(C)**  
17 **of this rule** was made showing that it was returned to sender as undeliverable or that the  
18 defendant did not sign the receipt. For the purpose of computing any period of time prescribed  
19 or allowed by these rules or by statute, service under this subparagraph shall be complete on  
20 the latest date on which any of the mailings required by [(A), (B), and (C) above] **parts**  
21 **D(4)(a)(i)(A), D(4)(a)(i)(B), and D(4)(a)(i)(C) of this rule** is made. If the mailing required by [(C)]  
22 **part D(4)(a)(i)(C) of this rule** is omitted because the plaintiff did not know of any address other  
23 than those specified in [(A) and (B) above] **parts D(4)(a)(i)(A) and D(4)(a)(i)(B) of this rule**, the  
24 proof of service shall so certify.

25 D(4)(a)(ii) Any fee charged by the Department of Transportation for providing  
26 address information concerning a party served pursuant to subparagraph [(i) of this paragraph]

1 **D(4)(a)(i) of this rule** may be recovered as provided in Rule 68.

2 D(4)(a)(iii) The requirements for obtaining an order of default against a defendant  
3 served pursuant to subparagraph [(i) of this paragraph] **D(4)(a)(i) of this rule** are as provided in  
4 Rule 69 E.

5 D(4)(b) **Notification of change of address.** Any person who; while operating a  
6 motor vehicle upon the roads, highways, streets, or premises open to the public as defined by  
7 law of this state; is involved in any accident, collision, or other event giving rise to liability shall  
8 forthwith notify the Department of Transportation of any change of [such defendant's] **the**  
9 **person's** address occurring within three years after [such] **the** accident, collision, or event.

10 D(5) **Service in foreign country.** When service is to be effected upon a party in a  
11 foreign country, it is also sufficient if service of true copies of the summons and the complaint is  
12 made in the manner prescribed by the law of the foreign country for service in that country in  
13 its courts of general jurisdiction, or as directed by the foreign authority in response to letters  
14 rogatory, or as directed by order of the court. However, in all cases [such] service shall be  
15 reasonably calculated to give actual notice.

16 D(6) **Court order for service; service by publication.**

17 D(6)(a) **Court order for service by other method.** On motion upon a showing by  
18 affidavit or declaration that service cannot be made by any method otherwise specified in these  
19 rules or other rule or statute, the court, at its discretion, may order service by any method or  
20 combination of methods [which] **that** under the circumstances is most reasonably calculated to  
21 apprise the defendant of the existence and pendency of the action, including but not limited to:  
22 publication of summons; mailing without publication to a specified post office address of the  
23 defendant by first class mail and any of the following: certified, registered, or express mail,  
24 return receipt requested; or posting at specified locations. If service is ordered by any manner  
25 other than publication, the court may order a time for response.

26 D(6)(b) **Contents of published summons.** In addition to the contents of a

1 summons as described in section C of this rule, a published summons shall also contain a  
2 summary statement of the object of the complaint and the demand for relief, and the notice  
3 required in subsection C(3) **of this rule** shall state: “The ‘motion’ or ‘answer’ (or ‘reply’) must be  
4 given to the court clerk or administrator within 30 days of the date of first publication specified  
5 herein along with the required filing fee.” The published summons shall also contain the date of  
6 the first publication of the summons.

7 D(6)(c) **Where published.** An order for publication shall direct publication to be made in  
8 a newspaper of general circulation in the county where the action is commenced or, if there is  
9 no such newspaper, then in a newspaper to be designated as most likely to give notice to the  
10 person to be served. [*Such publication shall be*] **The summons shall be published** four times in  
11 successive calendar weeks. If the plaintiff knows of a specific location other than the county  
12 [*where*] **in which** the action is commenced where publication might reasonably result in actual  
13 notice to the defendant, the plaintiff shall so state in the affidavit or declaration required by  
14 paragraph [(a) of this subsection] **D(6)(a) of this rule**, and the court may order publication in a  
15 comparable manner at [*such*] **that** location in addition to, or in lieu of, publication in the county  
16 [*where*] **in which** the action is commenced.

17 D(6)(d) **Mailing summons and complaint.** If the court orders service by  
18 publication and the plaintiff knows or with reasonable diligence can ascertain the defendant’s  
19 current address, the plaintiff shall mail true copies of the summons and the complaint to the  
20 defendant at [*such*] **that** address by first class mail and any of the following: certified,  
21 registered, or express mail, return receipt requested. If the plaintiff does not know and cannot  
22 **ascertain** upon diligent inquiry [*ascertain*] the current address of any defendant, true copies of  
23 the summons and the complaint shall be mailed by the methods specified above to the  
24 defendant at the defendant’s last known address. If the plaintiff does not know, and cannot  
25 ascertain upon diligent inquiry, the defendant’s current and last known addresses, a mailing of  
26 copies of the summons and the complaint is not required.

1 D(6)(e) **Unknown heirs or persons.** If service cannot be made by another method  
2 described in this section because defendants are unknown heirs or persons as described in  
3 [sections I and J of] Rule 20 **I and J**, the action shall proceed against the unknown heirs or  
4 persons in the same manner as against named defendants served by publication and with like  
5 effect; and any [such] unknown heirs or persons who have or claim any right, estate, lien, or  
6 interest in the property in controversy[,] at the time of the commencement of the action, and  
7 **who are** served by publication, shall be bound and concluded by the judgment in the action, if  
8 the same is in favor of the plaintiff, as effectively as if the action [was] **had been** brought  
9 against [such] **those** defendants by name.

10 D(6)(f) **Defending before or after judgment.** A defendant against whom publication is  
11 ordered or [such] **that** defendant's representatives, on application and sufficient cause shown,  
12 at any time before judgment[,] shall be allowed to defend the action. A defendant against  
13 whom publication is ordered or [such] **that** defendant's representatives may, upon good cause  
14 shown and upon [such terms as] **any terms that** may be proper, be allowed to defend after  
15 judgment and within one year after entry of judgment. If the defense is successful, and the  
16 judgment or any part thereof has been collected or otherwise enforced, restitution may be  
17 ordered by the court, but the title to property sold upon execution issued on [such] **that**  
18 judgment, to a purchaser in good faith, shall not be affected thereby.

19 D(6)(g) **Defendant who cannot be served.** Within the meaning of this subsection,  
20 a defendant cannot be served with summons by any method authorized by subsection [(3) of  
21 this section] **D(3) of this rule** if: [(i)] service pursuant to subparagraph [(4)(a)(i) of this section]  
22 **D(4)(a)(i) of this rule** is not authorized, and the plaintiff attempted service of summons by all of  
23 the methods authorized by subsection [(3) of this section] **D(3) of this rule** and was unable to  
24 complete service[,] ; or [(ii)] if the plaintiff knew that service by [such] **these** methods could not  
25 be accomplished.

26 **E By whom served; compensation.** A summons may be served by any competent



1 person 18 years of age or older who is a resident of the state where service is made or of this  
2 state and is not a party to the action nor, except as provided in ORS 180.260, an officer,  
3 director, or employee of, nor attorney for, any party, corporate or otherwise. However, service  
4 pursuant to subparagraph D(2)(d)(i) of this rule may be made by an attorney for any party.  
5 Compensation to a sheriff or a sheriff's deputy in this state who serves a summons shall be  
6 prescribed by statute or rule. If any other person serves the summons, a reasonable fee may be  
7 paid for service. This compensation shall be part of disbursements and shall be recovered as  
8 provided in Rule 68.

9 **F Return; proof of service.**

10 F(1) **Return of summons.** The summons shall be promptly returned to the clerk with  
11 whom the complaint is filed with proof of service or mailing, or that defendant cannot be  
12 found. The summons may be returned by first class mail.

13 F(2) **Proof of service.** Proof of service of summons or mailing may be made as  
14 follows:

15 F(2)(a) **Service other than publication.** Service other than publication shall be proved  
16 by:

17 F(2)(a)(i) **Certificate of service when summons not served by sheriff or deputy.** If  
18 the summons is not served by a sheriff or a sheriff's deputy, the certificate of the server  
19 indicating: **the specific documents that were served;** the time, place, and manner of service;  
20 that the server is a competent person 18 years of age or older and a resident of the state of  
21 service or this state and is not a party to nor an officer, director, or employee of, nor attorney  
22 for any party, corporate or otherwise; and that the server knew that the person, firm, or  
23 corporation served is the identical one named in the action. If the defendant is not personally  
24 served, the server shall state in the certificate when, where, and with whom true copies of the  
25 summons and the complaint were left or describe in detail the manner and circumstances of  
26 service. If true copies of the summons and the complaint were mailed, the certificate may be

1 | made by the person completing the mailing or the attorney for any party and shall state the  
2 | circumstances of mailing and the return receipt, if any, shall be attached.

3 | F(2)(a)(ii) **Certificate of service by sheriff or deputy.** If the summons is served by a  
4 | sheriff or a sheriff's deputy, the sheriff's or deputy's certificate of service indicating: **the specific**  
5 | **documents that were served;** the time, place, and manner of service[,]; and, if defendant is not  
6 | personally served, when, where, and with whom true copies of the summons and the complaint  
7 | were left or describing in detail the manner and circumstances of service. If true copies of the  
8 | summons and the complaint were mailed, the certificate shall state the circumstances of  
9 | mailing and the return receipt, if any, shall be attached.

10 | F(2)(b) **Publication.** Service by publication shall be proved by an affidavit or by a  
11 | declaration.

12 | F(2)(b)(i) A publication by affidavit shall be in substantially the following form:

---

14 | Affidavit of Publication

15 | State of Oregon )  
16 | ) ss.  
17 | County of )

18 | I, \_\_\_\_\_, being first duly sworn, depose and say that I am the \_\_\_\_\_ (here  
19 | set forth the title or job description of the person making the affidavit), of the \_\_\_\_\_, a  
20 | newspaper of general circulation published at \_\_\_\_\_ in the aforesaid county and state;  
21 | that I know from my personal knowledge that the \_\_\_\_\_, a printed copy of which is  
22 | hereto annexed, was published in the entire issue of said newspaper four times in the following  
23 | issues: (here set forth dates of issues in which the same was published).

24 | Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

25 | \_\_\_\_\_  
26 | Notary Public for Oregon

1 My commission expires  
2 \_\_\_ day of \_\_\_\_\_, 2\_\_.

3  
4 F(2)(b)(ii) A publication by declaration shall be in substantially the following form:  
5

6 Declaration of Publication

7 State of Oregon )  
8 ) ss.  
9 County of )

10 I, \_\_\_\_\_, say that I am the \_\_\_\_\_ (here set forth the title or job description  
11 of the person making the declaration), of the \_\_\_\_\_, a newspaper of general circulation  
12 published at \_\_\_\_\_ in the aforesaid county and state; that I know from my personal  
13 knowledge that the \_\_\_\_\_, a printed copy of which is hereto annexed, was published in  
14 the entire issue of said newspaper four times in the following issues: (here set forth dates of  
15 issues in which the same was published).

16 I hereby declare that the above statement is true to the best of my knowledge and belief, and  
17 that I understand it is made for use as evidence in court and is subject to penalty for perjury.

18 \_\_\_\_\_  
19 \_\_\_ day of \_\_\_\_\_, 2\_\_.

20  
21 F(2)(c) **Making and certifying affidavit.** The affidavit of service may be made and  
22 certified before a notary public, or other official authorized to administer oaths and acting [*as*  
23 *such*] **in that capacity** by authority of the United States, or any state or territory of the United  
24 States, or the District of Columbia, and the official seal, if any, of [*such*] **that** person shall be  
25 affixed to the affidavit. The signature of [*such*] **the** notary or other official, when so attested by  
26 the affixing of the official seal, if any, of [*such*] **that** person, shall be prima facie evidence of

1 authority to make and certify [*such*] **the** affidavit.

2 F(2)(d) **Form of certificate, affidavit, or declaration.** A certificate, affidavit, or  
3 declaration containing proof of service may be made upon the summons or as a separate  
4 document attached to the summons.

5 F(3) **Written admission.** In any case proof may be made by written admission of the  
6 defendant.

7 F(4) **Failure to make proof; validity of service.** If summons has been properly served,  
8 failure to make or file a proper proof of service shall not affect the validity of the service.

9 **G Disregard of error; actual notice.** Failure to comply with provisions of this rule  
10 relating to the form of a summons, issuance of a summons, or who may serve a summons shall  
11 not affect the validity of service of that summons or the existence of jurisdiction over the  
12 person if the court determines that the defendant received actual notice of the substance and  
13 pendency of the action. The court may allow amendment to a summons, affidavit, declaration,  
14 or certificate of service of summons. The court shall disregard any error in the content of a  
15 summons that does not materially prejudice the substantive rights of the party against whom  
16 the summons was issued. If service is made in any manner complying with subsection D(1) of  
17 this rule, the court shall also disregard any error in the service of a summons that does not  
18 violate the due process rights of the party against whom the summons was issued.