

Oregon Rules of Civil Procedure Legislative Amendments 1979-2023

ORCP 7

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Lewis & Clark Law School | Oregon Council on Court Procedures

Rule 7 – Summons

§	Latest Amendment
A	Or. Laws 1979 c.284 § 9
B	Unamended
C	Or. Laws 2011 c.398 § 3.
D	Or. Laws 2003 c.194 § 5
E	Or. Laws 1981 c.898 § 5
F	Or. Laws 2003 c.194 § 5
G	Or. Laws 2003 c.194 § 5

Or. Laws 1979 c.284 § 9 Amends Rule 7(A), (C), (D), & (F)

- A. **Plaintiff and defendant defined Definitions.** For purposes of this rule, "plaintiff" shall include any party issuing summons and "defendant" shall include any party upon whom service of summons is sought. **For purposes of this rule, a "true copy" of a summons and complaint means an exact and complete copy of the original summons and complaint with a certificate upon the copy signed by an attorney of record, or if there is no attorney, by a party, which indicates that the copy is exact and complete.**
- B. [Unamended]
- C. [No text]
- [Unamended]
 - [Unamended]
 - Notice to party served.**
 - In general.** All summonses other than a summons ~~to join a party pursuant to Rule 22 D,~~ referred to in **paragraph (b) or (c) of this subsection,** shall contain a notice printed in a type size equal to at least 8-point type which may be substantially in the following form:

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court legal paper called a "motion" or "answer." ~~This paper~~ **The "motion" or "answer"** must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff. If you have questions, you should see an attorney immediately.

- Service on maker of contract for counterclaim.** A summons to join a party **to respond to a counterclaim** pursuant to Rule 22 D. ~~(2)~~ **(1)** shall contain notice printed in type size equal to at least 8-point type which may be substantially in the following form:

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

You must "appear" to protect your rights in this matter. To "appear" you must file with the court a legal paper called a "motion" or "reply." ~~This paper~~ **The "motion" or "reply"** must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the defendant's attorney or, if the defendant does not have an attorney, proof of service on the defendant. If you have questions, you should see an attorney immediately.

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

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

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

You must "appear" to protect your rights in this matter. To "appear" you must file with the court a legal paper called a "motion" or "reply." ~~This paper~~ The "motion" or "reply" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the defendant's attorney or, if the defendant does not have an attorney, proof of service on the defendant. If you have questions, you should see an attorney immediately.

D. **Manner of service.**

1. [Unamended]
2. **Service methods.**
 - a. **Personal service.** Personal service may be made by delivery of a **certified true** copy of the summons and a **certified true** copy of the complaint to the person to be served.
 - b. **Substituted service.** Substituted service may be made by delivering a **certified true** copy of the summons and complaint at the dwelling house or usual place of abode of the person to be served, to any person over 14 years of age residing in the dwelling house or usual place of abode of the person to be served. Where substituted service is used, the plaintiff, **immediately as soon as reasonably possible**, shall cause to be mailed a **certified true** copy of the summons and complaint to the defendant at defendant's dwelling house or usual place of abode, together with a statement of the date, time, and place at which substituted service was made. **For the purpose of computing any period of time prescribed or allowed by these rules**, substituted service shall be complete upon such mailing.
 - c. **Office service.** If the person to be served maintains an office for the conduct of business, office service may be made by leaving a **certified true** copy of the summons and complaint at such office during normal working hours with the person who is apparently in charge. Where office service is used, the plaintiff **immediately as soon as reasonably possible**, shall cause to be mailed a **certified true** copy of the summons and complaint to the defendant at the defendant's dwelling house or usual place of abode, together with a statement of the date, time, and place at which office service was made. **For the purpose of computing any period of time prescribed or allowed by these rules**, office service shall be complete upon such mailing.
 - d. **Service by mail.** Service by mail, when required or allowed by this rule, shall be made by mailing a **certified true** copy of the summons and a **certified true** copy of the complaint to the defendant by certified or registered mail, return receipt requested. **For the purpose of computing any period of time prescribed or allowed by these rules**, service by mail shall be complete when the registered or certified mail is delivered and the return receipt signed or when acceptance is refused.
3. **Particular defendants.** Service may be made upon specified defendants as follows:
 - a. [Unamended]
 - b. **Corporations; limited partnerships; unincorporated associations subject to suit under common name.** [Full section text unamended]
 - i. **Primary service method.** By personal service or office service upon a registered agent, officer, director, general partner, or managing agent of the corporation, limited partnership, or association, **or by personal service upon any clerk on duty in the office of a registered agent.**
 - ii. **Alternatives.** If a registered agent, officer, director, general partner, or managing agent cannot be found ~~and does not have an office~~ in the county where the action is filed, the summons may be served: by substituted service upon such registered agent, officer, director, general partner, or managing agent; or by personal service on any clerk or agent of the corporation, limited partnership, or association who may be found in the county where the action is filed; or by mailing a copy of the summons and complaint to ~~a registered agent, officer, director, general partner, or managing agent~~ **the last registered office of the corporation, limited partnership, or association, if any, as shown by the records on file in the office of the Corporation Commissioner or, if the**

corporation, limited partnership, or association is not authorized to transact business in this state at the time of the transaction, event, or occurrence upon which the action is based occurred, to the principal office or place of business of the corporation, limited partnership, or association, and in any case to any address the use of which the plaintiff knows or, on the basis of reasonable inquiry, has reason to believe is most likely to result in actual notice.

- c. [Unamended]
 - d. **Public bodies.** Upon any county, incorporated city, school district, or other public corporation, commission, ~~or~~ board **or agency**, by personal service or office service upon an officer, director, managing agent, clerk, or secretary thereof. When a county is a party to an action, in addition to the service of summons specified above, an additional copy of the summons and complaint shall also be served upon the district attorney of the county in the same manner as required for service upon the county clerk.
4. **Particular actions involving motor vehicles.**
- a. **Actions arising out of use of roads, highways, and streets; service by mail.** In an action arising out of any accident, collision, or liability in which a motor vehicle may be involved while being operated upon the roads, highways, and streets of this state, any defendant who operated such motor vehicle, or caused such motor vehicle to be operated on the defendant's behalf, may be served with summons by mail, except a defendant which is a foreign corporation maintaining an attorney in fact within this state. Service by mail shall be made by mailing to: (i) the address given by the defendant at the time of the accident or collision that is the subject of the action, and (ii) the most recent address furnished by the defendant to the Administrator of the Motor Vehicles Division, and (iii) any other address of the defendant known to the plaintiff, which might result in actual notice.
 - b. **Notification of change of address.** Every motorist or user of the roads, highways, and streets of this state who, while operating a motor vehicle upon the roads, highways, or streets of this state, is involved in any accident, collision, or liability, shall forthwith notify the Administrator of the Motor Vehicles Division of any change of such defendant's address within three years after such accident or collision.
 - c. **Default.** No default shall be entered against any defendant served by mail under this subsection who has not either received or rejected the registered or certified letter containing the copy of the summons and complaint, unless the plaintiff can show by affidavit that the defendant cannot be found residing at the address given by the defendant at the time of the accident or collision, or residing at the most recent address furnished by the defendant to the Administrator of the Motor Vehicles Division, or residing at any other address actually known by the plaintiff to be defendant's residence address, if it appears from the affidavit that inquiry at such address or addresses was made within a reasonable time preceding the service of summons by mail.
5. [(4)] **Service in foreign country.** When service is to be effected upon a party in a foreign country, it is also sufficient if service of summons is made in the manner prescribed by the law of the foreign country for service in that country in its courts of general jurisdiction, or as directed by the foreign authority in response to letters rogatory, or as directed by order of the court. ~~-, provided,~~ However, ~~that~~ in all cases such service shall be reasonably calculated to give actual notice.
6. [(5)] ~~Service by publication or mailing to a post office address; other service by court order~~ **Court order for service; service by publication.**
- a. ~~Order for publication or mailing or other service~~ **Court order for service by other method.** On motion upon a showing by affidavit that service cannot be made by any ~~other method more reasonably calculated to apprise the defendant of the existence and pendency of the action~~ otherwise specified in these rules or other rule or statute, the court, at its discretion, may order service by any method or combination of methods which under the circumstances is most reasonably calculated to apprise the defendant of the existence and pendency of the action, including but not limited to: ~~by publication of summons; or at the discretion of the court, by~~ **by publication of summons; by mailing without publication to a specified post office address of defendant, return receipt requested, deliver to addressee only; or by any other method** posting at specified locations. If service is ordered by any manner other than publication, the court may order a time for response.
 - b. **Contents of published summons.** In addition to the contents of a summons as described in section C. of this rule, a published summons shall also contain a summary statement of the object of the complaint and the demand for relief, and the notice required in subsection C.(3) shall state: ~~"This paper~~ **The 'motion' or 'answer' (or 'reply')** must be given to the court clerk or administrator

within 30 days of the date of first publication specified herein along with the required filing fee.”
The published summons shall also contain the date of the first publication of the summons.

- c. Where published. [Full section text redesignated]
 - d. Mailing summons and complaint. [Full section text redesignated]
 - e. Unknown heirs or persons. [Full section text redesignated]
 - f. Defending before or after judgment. [Full section text redesignated]
 - g. Completion of service. For the purpose of computing any period of time prescribed or allowed by these rules service by publication shall be complete at the date of the last publication.
- E. [Unamended]
- F. Return; proof of service.
- 1. [Unamended]
 - 2. Proof of service. [Full section text unamended]
 - a. [Full section text unamended]
 - i. ~~Affidavit of service~~ Certificate of service when summons not served by sheriff or deputy. ~~The affidavit~~ If the summons is not served by a sheriff or a sheriff's deputy, the certificate of the server indicating: the time, place, and manner of service; that the server is a competent person 18 years of age or older and a resident of the state of service or this state and is not a party to nor an officer, director, or employee of, nor attorney for any party, corporate or otherwise; and that the server knew that the person, firm, or corporation served is the identical one named in the action. If the defendant is not personally served, the server shall state in the ~~affidavit certificate~~ when, where, and with whom a copy of the summons and complaint was left or describe in detail the manner and circumstances of service. If the summons and complaint were mailed, the ~~affidavit certificate~~ shall state the circumstances of mailing and the return receipt shall be attached.
 - ii. Certificate of service by sheriff or deputy. If the ~~copy of the~~ summons is served by ~~the~~ a sheriff, or a sheriff's deputy, ~~proof may be made by~~ the sheriffs or deputy's certificate of service indicating the time, place, and manner of service, and if defendant is not personally served, when, where, and with whom the copy of the summons and complaint was left or describing in detail the manner and circumstances of service. If the summons and complaint were mailed, the certificate shall state the circumstances of mailing and the return receipt shall be attached.
 - iii. ~~Form. An affidavit or certificate containing proof of service may be made upon the summons or as a separate document attached to the summons.~~
 - b. Publication. [Full section text unamended] [*See Excerpt Below*]
 - c. [Unamended]
 - d. Form of certificate or affidavit. A certificate or affidavit containing proof of service may be made upon the summons or as a separate document attached to the summons.
 - 3. [Unamended]
 - 4. [Unamended]
- G. [Unamended]
- H. [Unamended]

Affidavit of Publication

State of Oregon) ss.
County of)

I, _____, being first duly sworn, depose and say that I am the (here set forth the title or job description of the person making the affidavit), of the _____ a newspaper of general circulation, ~~as defined by ORS 193.010 and 193.020;~~ 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).

Subscribed and sworn to before me this ____ day of ____, 19__.

Notary Public for Oregon

My commission expires
____ day of ____, 19__.

H.B. 3131

Or. Laws 1979 c.284 § 9

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 1981 c.898 § 4-5

§4 Amends Rule 7(D);

§5 Amends Rule 7(E)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Manner of service.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. [Unamended]
 - 4. **Particular actions involving motor vehicles.**
 - a. **Actions arising out of use of roads, highways, and streets; service by mail.**
 - i. In any action arising out of any accident, collision, or liability in which a motor vehicle may be involved while being operated upon the roads, highways, and streets of this state, any defendant who operated such motor vehicle, or caused such motor vehicle to be operated on the defendant's behalf ~~may be served with summons by mail, except a defendant which is a foreign corporation maintaining an attorney in fact within this state. Service by mail shall be made by mailing to: (i) the address given by the defendant at the time of the accident or collision that is the subject of the action, and (ii) the most recent address furnished by the defendant to the Administrator of the motor Vehicles Division, and (iii) any other address of the defendant known to the plaintiff, which might result in actual notice~~ except a defendant which is a foreign corporation maintaining a registered agent within this state, may be served with summons by personal service upon the Motor Vehicles Division and mailing a copy of the summons and complaint to the defendant.
 - ii. Summons may be served by leaving one copy of the summons and complaint with a fee of \$12.50 in the hands of the Administrator of the Motor Vehicles Division or in the Administrator's office or at any office the Administrator authorizes to accept summons. The plaintiff, as soon as reasonably possible, shall cause to be mailed a true copy of the summons and complaint to the defendant at the address given by the defendant at the time of the accident or collision that is the subject of the action, and the most recent address as shown by the Motor Vehicles Division's driver records, and any other address of the defendant known to the plaintiff, which might result in actual notice. For purposes of computing any period of time prescribed or allowed by these rules, service under this paragraph shall be complete upon such mailing.
 - iii. The fee of \$12.50 paid by the plaintiff to the Administrator of the Motor Vehicles Division shall be taxed as part of the costs if plaintiff prevails in the action. The Administrator of the Motor Vehicles Division shall keep a record of all such summonses which shall show the day of service.
 - b. [Unamended]
 - c. **Default.** No default shall be entered against any defendant served by mail under this subsection who has not either received or rejected the registered or certified letter containing the copy of the summons and complaint, unless the plaintiff can show by affidavit that the defendant cannot be found residing at the address given by the defendant at the time of the accident or collision, or residing at the most recent address ~~furnished by the defendant to the Administrator of~~ as shown by the Motor Vehicles *[Division]* Division's driver records, or residing at any other address actually known by the plaintiff to be defendant's residence address, if it appears from the affidavit that inquiry at such address or addresses was made within a reasonable time preceding the service of summons by mail.
 - 5. [Unamended]
 - 6. [Unamended]
- E. **By whom served; compensation.** A summons may be served by any competent person 18 years of age or older who is a resident of the state where service is made or of this state and is not a party to the action nor an officer, director, or employee of, nor attorney for, any party, corporate or otherwise. Compensation to a sheriff or a sheriff's deputy in this state who serves a summons shall be prescribed by statute or rule. If any other person serves the summons, a reasonable fee may be paid for service. This compensation shall be part of disbursements and shall be recovered as provided in **ORS 20.020 Rule 68.**

H.B. 3261

Or. Laws 1981 c.898 § 4-5

House Introduction

6/5/81

A-Engrossed Bill

6/23/81 – Passed unamended in House

7/17/81 – Passed with amendments in Senate (per Justice Committee recommendation)

7/24/81 – House refused to concur with Senate Amendments; Conference Committee formed

Conference Committee Bill

8/1/81 – House adopted and repassed Conference Committee Bill

8/1/81 – Senate adopted and repassed Conference Committee Bill

Governor signed Enrolled Bill

8/22/81

Or. Laws 1983 c.751 § 3–4

§3 Amends Rule 7(D);

§4 Amends Rule 7(F)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Manner of Service.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. **Individuals.**
 - a. [Unamended]
 - b. [Unamended]
 - c. [Unamended]
 - d. **Public bodies.** Upon any county, incorporated city, school district, or other public corporation, commission, board or agency, by personal service or office service upon an officer, director, managing agent, ~~secretary~~, or attorney thereof.
 - e. [Unamended]
 - f. [Unamended]
 - g. [Unamended]
 - 4. [Unamended]
 - 5. [Unamended]
 - 6. [Unamended]
- E. [Unamended]
- F. **Return; proof of service.**
 - 1. **Return of summons.** [Full section text unamended]
 - 2. **Proof of service.** [Full section text unamended]
 - a. **Service other than publication.** Service other than publication shall be proved by:
 - i. **Certificate of service when summons not served by sheriff or deputy.** If the summons is not served by a sheriff or a sheriff's deputy, the certificate of the server indicating: the time, place, and manner of service; that the server is a competent person 18 years of age or older and a resident of the state of service or this state and is not a party to nor an officer, director, or employee of, nor attorney for any party, corporate or otherwise; and that the server knew that the person, firm, or corporation served is the identical one named in the action. If the defendant is not personally served, the server shall state in the certificate when, where, and with whom a copy of the summons and complaint was left or describe in detail the manner and circumstances of service. If the summons and complaint were mailed, the certificate may be made by **the person completing the mailing** or the attorney for any party and shall state the circumstances of mailing and the return receipt shall be attached.
 - ii. [Unamended]
 - b. [Unamended]
 - c. [Unamended]
 - 3. [Unamended]
 - 4. [Unamended]

H.B. 2891

Or. Laws 1983 c.751 § 3–4

House Introduction

2/24/83

A-Engrossed Bill

4/28/83 – Passed with amendments in the House (per Judiciary Committee recommendation)

7/14/83 – Passed with amendments in the Senate (per Judiciary Committee recommendation)

B-Engrossed Bill

7/15/83 – House concurred with Senate amendments and repassed bill.

Governor signed Enrolled Bill

Or. Laws 1995 c.79 § 402
Amends Rule 7(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Manner of service.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. **Particular defendants.** [Full section text unamended]
 - a. [Unamended]
 - i. [Unamended]
 - ii. [Unamended]
 - iii. **Incapacitated persons.** Upon an incapacitated person as defined by ORS 126.003 (4), by service in the manner specified in subparagraph (i) of this paragraph upon such person, and also upon the conservator of such person's estate or guardian, or, if there be none, upon a guardian ad litem appointed pursuant to Rule 27 B(2).
 - b. **Corporations and limited partnerships.** [Full section text unamended]
 - i. [Unamended]
 - ii. **Alternatives.** If a registered agent, officer, director, general partner, or managing agent cannot be found in the county where the action is filed, the summons may be served: by substituted service upon such registered agent, officer, director, general partner, or managing agent; or by personal service on any clerk or agent of the corporation or limited partnership who may be found in the county where the action is filed; or by mailing a copy of the summons and complaint to the office of the registered agent or to the last registered office of the corporation or limited partnership, if any, as shown by the records on file in the office of the **Corporation Commissioner Secretary of State** or, if the corporation or limited partnership is not authorized to transact business in this state at the time of the transaction, event, or occurrence upon which the action is based occurred, to the principal office or place of business of the corporation or limited partnership, and in any case to any address the use of which the plaintiff knows or, on the basis of reasonable inquiry, has reason to believe is most likely to result in actual notice
 - c. [Unamended]
 - d. [Unamended]
 - e. [Unamended]
 - f. [Unamended]
 - g. [Unamended]
 - 4. **Particular actions involving motor vehicles.**
 - a. **Actions arising out of use of roads, highways, and streets; service by mail.**
 - i. In any action arising out of any accident, collision, or liability in which a motor vehicle may be involved while being operated upon the roads, highways, and streets of this state, any defendant who operated such motor vehicle, or caused such motor vehicle to be operated on the defendant's behalf who cannot be served with summons by any method specified in subsection **7 D(3)** of this rule, may be served with summons by leaving one copy of the summons and complaint with a fee of \$12.50 ~~in the hands of the Administrator of the Motor Vehicles Division or in the Administrator's office~~ with the Department of Transportation or at any office the **Administrator department** authorizes to accept summons or by mailing such summons and complaint with a fee of \$12.50 to the ~~office of the Administrator of the Motor Vehicles Division~~ **Department of Transportation** by registered or certified mail, return receipt requested. The plaintiff shall cause to be mailed by registered or certified mail, return receipt requested, a true copy of the summons and complaint to the defendant at the address given by the defendant at the time of the accident or collision that is the subject of the action, and at the most recent address as shown by the **Motor Vehicles Division Department of Transportation's** driver records, and at any other address of the defendant known to the plaintiff, which might result in actual notice to the defendant. For purposes of computing any period of time prescribed or allowed by these rules, service under this paragraph shall be complete upon the date of the first mailing to the defendant.
 - ii. The fee of \$12.50 paid by the plaintiff to the ~~Administrator of the Motor Vehicles Division~~ **Department of Transportation** shall be taxed as part of the costs if plaintiff prevails in the action.

The ~~Administrator of the Motor Vehicles Division~~ **Department of Transportation** shall keep a record of all such summonses which shall show the day of service.

- b. Notification of change of address. Every motorist or user of the roads, highways, and streets of this state who, while operating a motor vehicle upon the roads, highways, or streets of this state, is involved in any accident, collision, or liability, shall forthwith notify the ~~Administrator of the Motor Vehicles Division~~ **Department of Transportation** of any change of such defendant's address within three years after such accident or collision.
- c. **Default.** [Full section text unamended]
 - i. [Unamended]
 - ii. either, if the identity of the defendant's insurance carrier is known to the plaintiff or could be determined from any records of the ~~Motor Vehicles Division~~ **Department of Transportation** accessible to plaintiff, that the plaintiff not less than 14 days prior to the application for default caused a copy of the summons and complaint to be mailed to such insurance carrier by registered or certified mail, return receipt requested, or that the defendant's insurance carrier is unknown; and
 - iii. that service of summons could not be had by any method specified in subsection **7 D(3)** of this rule.
5. [Unamended]
6. [Unamended]
7. **Defendant who cannot be served.** A defendant cannot be served with summons by any method specified in subsection **7 D(3)** of this rule if the plaintiff attempted service of summons by all of the methods specified in subsection **7 D(3)** and was unable to complete service, or if the plaintiff knew that service by such methods could not be accomplished.

S.B. 851 [Passed Unamended]

Or. Laws 1995 c.851 § 402

Or. Laws 1995 c.664 § 99
Amends Rule 7(D)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Manner of service.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. **Particular defendants.** Service may be made upon specified defendants as follows:
 - a. **Individuals.**
 - i. [Unamended]
 - ii. [Unamended]
 - iii. **Incapacitated persons.** Upon ~~an~~ **a person who is** incapacitated or **financially incapable**, **person** as defined by ~~ORS 126.003 (4)~~ **section 1 of this 1995 Act**, by service in the manner specified in subparagraph (i) of this paragraph upon such person, and also upon the conservator of such person's estate or guardian, or, if there be none, upon a guardian ad litem appointed pursuant to Rule 27 B(2).
 - b. [Unamended]
 - c. [Unamended]
 - d. [Unamended]
 - e. [Unamended]
 - f. [Unamended]
 - g. [Unamended]
 - 4. [Unamended]
 - 5. [Unamended]
 - 6. [Unamended]
 - 7. [Unamended]

S.B. 61

Or. Laws 1995 c.664 § 99

Senate Introduction

1/9/95

A-Engrossed Bill

4/14/95 – Passed with amendments in Senate (per Judiciary Committee recommendation)

5/29/95 – Passed with amendments in House (per Judiciary Committee and Civil Law and Judicial Administration Subcommittee recommendation)

B-Engrossed Bill

6/1/95 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

7/18/95

Or. Laws 2003 c.194 § 5
Amends Rule 7(D), (F) & (G)

- A. [Unamended]
- B. [Unamended]
- C. [Unamended]
- D. **Manner of service.**
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. [Unamended]
 - 4. [Unamended]
 - 5. [Unamended]
 - 6. **Court order for service; service by publication.**
 - a. **Court order for service by other method.** On motion upon a showing by affidavit **or declaration** that service cannot be made by any method otherwise specified in these rules or other rule or statute, the court, at its discretion, may order service by any method or combination of methods which under the circumstances is most reasonably calculated to apprise the defendant of the existence and pendency of the action, including but not limited to: publication of summons; mailing without publication to a specified post office address of the defendant by first class mail and by any of the following: certified or registered mail, return receipt requested, or express mail; or posting at specified locations. If service is ordered by any manner other than publication, the court may order a time for response.
 - b. [Unamended]
 - c. **Where published.** An order for publication shall direct publication to be made in a newspaper of general circulation in the county where the action is commenced or, if there is no such newspaper, then in a newspaper to be designated as most likely to give notice to the person to be served. Such publication shall be four times in successive calendar weeks. If the plaintiff knows of a specific location other than the county where the action is commenced where publication might reasonably result in actual notice to the defendant, the plaintiff shall so state in the affidavit **or declaration** required by paragraph (a) of this subsection, and the court may order publication in a comparable manner at such location in addition to, or in lieu of, publication in the county where the action is commenced.
 - d. [Unamended]
 - e. [Unamended]
 - f. [Unamended]
 - g. [Unamended]
- E. [Unamended]
- F. **Return; proof of service.**
 - 1. [Unamended]
 - 2. **Proof of Service.** [Full section text unamended]
 - a. [Unamended]
 - b. **Publication.** Service by publication shall be proved by an affidavit **or by a declaration in substantially the following form:**
 - i. **A publication by affidavit shall be substantially the following form:** [form is unamended]
 - ii. **A publication by declaration shall be in substantially the following form:**

Declaration of Publication

State of Oregon)
) s.s.
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____.

- c. [Unamended]
- d. **Form of certificate, ~~or~~ affidavit or declaration.** A certificate, ~~or~~ affidavit **or declaration** containing proof of services may be made upon the summons or as a separate document attached to the summons.
- 3. [Unamended]
- 4. [Unamended]
- G. **Disregard of error; actual notice.** Failure to comply with provisions of this rule relating to the form of summons, issuance of summons, or who may serve summons shall not affect the validity of service of summons or the existence of jurisdiction over the person if the court determines that the defendant received actual notice of the substance and pendency of the action. The court may allow amendment to a summons, or affidavit, **declaration** or certificate of service of summons. The court shall disregard any error in the content of summons that does not materially prejudice the substantive rights of the party against whom summons was issued. If service is made in any manner complying with subsection D(1) of this section, the court shall also disregard any error in the service of summons that does not violate the due process rights of the party against whom summons was issued.
- H. [Unamended]

Or. Laws 2007 c.129 § 23
Amends Rule 7(C)

- A. [Unamended]
- B. [Unamended]
- C. **Contents.** The summons shall contain:
 - 1. [Unamended]
 - 2. [Unamended]
 - 3. **Notice to party served.**
 - a. **In general.** [Full section text unamended]

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

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

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

- b. **Service for counterclaim.** [Full section text unamended]

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

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

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

- c. **Service on persons liable for attorney fees.** [Full section text unamended]

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

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

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

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

- D. [Unamended]
- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]

H.B. 2357

Or. Laws 2007 c.129 § 23

House Introduction

1/10/07

A-Engrossed Bill

2/26/07 – Passed with amendments in House (per Judiciary Committee recommendation)

3/29/07 – Passed unamended in Senate

Governor signed Enrolled Bill

5/9/07

Or. Laws 2011 c.398 § 3
Amends Rule 7(C)

A. [Unamended]

B. [Unamended]

C. **[No text]**

1. [Unamended]

2. [Unamended]

3. **Notice to party served.**

a. **In general.** [Full section text unamended]:

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

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

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

b. **Service for counterclaim.** [Full section text unamended]:

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

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

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

c. **Service on persons liable for attorney fees.** [Full section text unamended]:

NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!

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

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

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

D. [Unamended]

- E. [Unamended]
- F. [Unamended]
- G. [Unamended]
- H. [Unamended]

H.B. 2667

Or. Laws 2011 c.398 § 3

House Introduction

1/11/11

A-Engrossed Bill

4/21/11 – Passed with amendments in House (per Judiciary Committee recommendation)

5/26/11 – Passed unamended in Senate

Governor signed Enrolled Bill

6/17/11