

**Form No. 5-A. Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)**

STATE
OF
MISSOURI

SUMMONS FOR PERSONAL SERVICE
OUTSIDE THE STATE OF MISSOURI
(Except Attachment Action)

CASE NUMBER

IN THE CIRCUIT COURT OF _____ COUNTY, DIVISION ____ IN _____, MISSOURI

[DEFENDANT]/[RESPONDENT] ADDRESS (to be served):

Plaintiff(s)
vs.

ATTORNEY FOR PLAINTIFF/ADDRESS:

[Defendant(s)]/[Respondent(s)]

The State of Missouri to [Defendant]/[Respondent]:

You are summoned to appear before this court and to file your response to the petition, copy of which is attached, and to serve a copy of your response upon the attorney for the Plaintiff at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your response, judgment by default may be taken against you for the relief demanded in the petition.

(Seal of Circuit Court)

Clerk
By: _____
Deputy Clerk

Date Issued

AFFIDAVIT OF SERVICE

I hereby certify that:

- 1) I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- 2) If served by Sheriff: my official title is _____ of _____ County, _____ (State).
- 3) If served by Special Process Server, I hereby certify that I also served upon the [Defendant]/[Respondent] a copy of the order appointing me.
- 4) I have served the above summons by: (check one)
 - delivering a copy of the summons and a copy of the petition to the [Defendant]/[Respondent].
 - leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the [Defendant]/[Respondent] with _____, a person of the [Defendant's]/[Respondent's] family over the age of 15 years.
 - (for service on a corporation) delivering a copy of the summons and a copy of the petition to (name) _____, (title) _____, at (address) _____
 - other (describe) _____

SERVED IN _____ COUNTY, _____ (STATE) ON THIS ____ DAY OF _____, 20____.

SERVICE FEES

Summons \$ _____
Non est \$ _____
Mileage \$ _____
TOTAL \$ _____

Officer of _____ County, _____ (State)
By: _____

SUBSCRIBED AND SWORN TO before me this ____ day of _____, 20____.

I am: (check one)

- the clerk of the court of which affiant is an officer.
- the judge of the court of which affiant is an officer.
- authorized to administer oaths in the state in which the affiant served the above summons.

(Seal)

Signature

Title

SEE REVERSE SIDE FOR DIRECTIONS TO CLERK AND TO OFFICER MAKING RETURN ON SERVICE OF SUMMONS

DIRECTIONS TO CLERK

Personal service outside of the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the [Defendant(s)][Respondent(s)] who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court, and a copy of the summons and a copy of the petition for each [Defendant][Respondent] should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the petition may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff has no attorney, the address of the Plaintiff should be stated in the summons and the words "Attorney for..." eliminated or the space left blank. This form is not for use in attachment actions. (See Rule 54.06, 54.07, and 54.14)

DIRECTIONS TO OFFICER MAKING RETURN ON SERVICE OF SUMMONS

A copy of the summons and a copy of the petition must be served on each [Defendant][Respondent]. If any [Defendant][Respondent] refuses to receive the copy of the summons and petition when offered to him or her, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the [Defendant's][Respondent's] refusal to receive the same.

Service shall be made as follows: (1) On Individual. Upon an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition to him or her personally or by leaving a copy of the summons and petition at his or her dwelling house or usual place of abode with some person of his family over 15 years of age or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. Upon an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership, or Other Unincorporated Association. Upon a corporation, partnership, or other unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent or by leaving the copies at any business office of the [Defendant][Respondent] with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental, or quasi-public corporation or body, by delivering a copy of the summons and petition to the clerk of the county governing body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by any officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state".

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which he or she is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

The return should be made promptly and, in any event, so that it will reach the Missouri court within 30 days after service.