

Service of Small Claims

Serving the Affidavit and Summons

Serving papers - also called service of process - means delivering a copy of the papers to the other parties in the case. [Utah Rule of Small Claims Procedure 3](#) says that [Utah Rule of Civil Procedure 4](#) governs service of the Affidavit and Summons. Each party must serve all other parties a copy of every document filed with the court and then must file a Proof of Service. Proof of Service must be filed with the court no later than **10 days** after service. The Affidavit and Summons must be served on the defendant at least **30 days** before the trial date. You cannot serve the documents in your own case.

Personal Service

[URCP 4\(d\)\(1\)](#)

In personal service, documents are given personally to the defendant/respondent.

Who can serve?

Utah Rules of Civil Procedure(URCP) 4(d)(1) Documents can be served by a sheriff, a constable, a U.S. Marshal, or by any person 18 or older who is:

- not a party in the case or an attorney for a party in the case,
- not been convicted of a felony violation of a sex offense listed in [Utah Code section 77-41-102\(16\)](#), or
- not a respondent in a protective order proceeding (See [Utah Code section 78B-7-101 et seq.](#)).

You cannot serve the documents in your own case.

If the other party cannot be found to be served personally, the documents can be given to an adult who resides in the defendant's home. If the defendant is a company, the documents can be given to the company's manager or the person in charge of the Office.

If some other person 18 or older who is not a party to the case or a party's attorney serves the Affidavit and Summons, that person must complete and file with the court a Proof of Service form. For more information and forms, see the courts website at...

http://www.co.davis.ut.us/docs/librariesprovider22/default-document-library/proof-of-service.pdf?sfvrsn=d2084353_0

Alternative Service

If the Person to be served cannot be found, they can be served by alternative means. For more information and forms, see the Alternative Service options at...

https://www.utcourts.gov/howto/service/alternate_service.html

Military Service Affidavit

You must fill out and complete the Military Service Affidavit found on the courts website under the small claims forms at...

<http://www.daviscountyutah.gov/justicecourt/quicklinks/forms#small-claims>

You are required to return to the court, **30 days** before the trial date, the completed Military Service Affidavit along with a copy of the printed form obtained from...

<https://scra.dmdc.osd.mil/scra/#/login>