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Rural Law Center of New York, Inc.

## **DIRECTIONS FOR PERSONAL SERVICE IN NEW YORK STATE**

When you file your court papers with your County Clerk, be sure to bring 2 additional copies and have the clerk stamp them with date of entry. Bring the copies home with you. Now you can arrange to have the other party served.

THIS IS WHAT YOU MUST DO:

- 1) Find someone who is over 18, who is willing to serve the other party in person. *(Sometimes this can be done at no cost by the County Sheriff. Ask for the Process Service Department.)*
- 2) Give that person a file-stamped copy of the DOCUMENT TO BE SERVED and A blank AFFIDAVIT OF SERVICE.
- 3) That person (the server) must hand the DOCUMENT TO BE SERVED to the other party.

IMPORTANT: When that person is about to serve the paper, he or she must ask:

1) Are you \_\_\_\_\_?

*(and in a divorce action)*

2) Are you in the U.S. Military Service?

Also, remember, service cannot be done on a Sunday.

- 4) Then the server must fill out the AFFIDAVIT OF SERVICE. This will be the proof that the other party was served.

5) The server then takes the AFFIDAVIT OF SERVICE to a notary, signs it in front of the notary (not before), and has it notarized.

6) Last, have the server give you back the completed AFFIDAVIT OF SERVICE. When you have it, make a copy, then file the original with the County Clerk. Have the Clerk stamp your copy and put it with your copies of the papers.

**REMEMBER, FOR PERSONAL SERVICE, THE OTHER PARTY MUST BE SERVED IN PERSON, NOT BY MAIL.**