

INSTRUCTIONS ON PREPARING PROOF OF SERVICE

The Judicial Council form is approved for proof of service of process under Code Civ. Proc. §§415.10 (personal service), 415.20 (abode, etc., service), 415.30 (mail and acknowledgment service), 415.40 (registered or certified mail service), 413.30 (court directed service and proof of service), or pursuant to another California statute when no method of proof is prescribed by such statute. (See C.C.P. §§ 417.10, 417.20.)

1. **(Name of defendant)** State the full name of the defendant(s) served, as shown in the summons. If a defendant is sued under a fictitious name, state his true and fictitious names, e.g., "Richard Roe sued as Doe One."
(See C.C.P. §§ 474.)
2. **(Person served and title)** When a copy of the summons and complaint are delivered to someone other than the defendant, state his name and his official title or position, e.g., "Richard Roe, President" or "Richard Roe, General Manager." (See C.C.P. §§ 416.10-416.50.) When a copy of the summons and complaint are delivered to a parent, guardian, conservator or similar fiduciary, state his name and his title or relationship to the defendant, e.g., "Mary Roe, mother of Richard Roe (Minor)" or "Mary Roe, Guardian of Richard Roe (Minor)."
(See C.C.P. §§ 416.60-416.90.)
3. **(Person with whom left, etc.)** When a copy of the summons and complaint are left with someone apparently in charge of the office of the person to be served, state his name and his title or position, e.g., "Mary Smith, Secretary to Richard Roe, President of Doe Corporation" or "Mary Smith, Secretary to Richard Roe (Defendant)."
(See C.C.P. §§ 415.20(a) and (b), 416.10-416.90.) When a copy of the summons and complaint are left with someone at the home of the party to be served, state his name and relationship to the party, e.g., "Mary Roe, wife of Richard Roe (Defendant)." (See C.C.P. §§ 415.20(b), 416.60-416.90.)
4. **(Date and time of delivery)** When applicable, state the date and time when a copy of the summons and complaint were handed to or left with the recipient, e.g., "July 1, 1970, at 10:45 a.m."
5. **(Mailing date; type of mail)** When applicable, state (a) the date when a copy of the summons and complaint were deposited in the mail, addressed to the person served, and (b) the type of mail used, such a ordinary first-class mail or airmail, or registered or certified airmail with return receipt requested.
6. **(Address, city and state)** (a) Personal service: state the full address or location of the place of delivery. (C.C.P. §415.10.) (b) Substituted service: state the full address of the place where copies were left and to which copies were mailed. Indicate whether such address is the home or place of business of the person served. (C.C.P. § 415.20.) (c) Mail and acknowledgment service (C.C.P. § 415.30) or certified or registered mail service (C.C.P. § 415.40): state the full address to which copies were mailed.
7. **(Manner of service)** Check appropriate box to indicate the manner in which service was made. When applicable, state the place of mailing, e.g., "San Francisco," and attach any required papers. When copies are served by substitute service and one person delivers or leaves the papers and another mails them, the statement as to mailing should be stricken. Attach a separate declaration, affidavit or certificate of mailing.

The Judicial Council form is not appropriate for proof of service under C.C.P. § 415.50 (publication). (See C.C.P. § 417.10(b).) Generally speaking, the form may not be appropriate for proof of service under C.C.P. § 417.20(c) (service pursuant to law of another state or foreign country). (See C.C.P. § 417.20(c).) In all cases, proof of service may be made by written admission of service by (or on behalf of) the party. (C.C.P. § 417.10(d), 417.20(d).)

For the following methods of service, the effective date of service is as follows when all statutory requirements are met:

- (a) **(Personal service--C.C.P. § 415.10)** The date of delivery.
- (b) **(Substitute service--C.C.P. § 415.20)** The 10th day after the date of mailing.
- (c) **(Mail and acknowledgment service--C.C.P. § 415.30)** The date of signing of the Acknowledgment of Receipt of Summons if this form is returned to the sender.
- (d) **(Certified or registered mail service--C.C.P. § 415.40)** The 10th day after the date of mailing.