

MOTION FOR ALTERNATE SERVICE
Instructions for Completing DOM REL 70

You may use the Motion for Alternate Service only if you have *not* been able to find the opposing party in order to serve them with the complaint or petition and the Writ of Summons from the Court. **This type of service will slow down your case. If you have any way to locate the other party and serve them you should try that first.** There is no guarantee that the court will grant your motion for alternate service.

What You Should Do Before Completing This Form

Before completing this form, be sure you have made a good faith effort to locate and serve the opposing party. The court will not grant your motion until you have made several attempts at service. Below are examples of steps you can take to locate and serve the opposing party. Try as many as you can, and document your efforts as indicated:

- A. Serve them by **certified mail** at their last known address. Try more than once. Each time, save the mail receipt and have the person who mailed it for you complete an Affidavit of Service.
- B. Send **letters to their relatives or friends**, asking if they know their whereabouts. Each time, save a copy of your letter, mail return receipts, and any response you receive.
- C. Write to their last **employer**, asking if the employer knows their current address. Save a copy of your letter, any mail return receipt, and any response you receive.
- D. Hire a **private investigator or attorney** to locate them. Attach an Affidavit signed by the investigator or attorney indicating what they did and whether or not they were successful.
- E. Look the opposing party up in the **telephone directory** or call **directory assistance**. Keep a record of the times you looked, in which volume or within what location did you ask for directory assistance.
- F. Contact the **Motor Vehicle Administration of Maryland** to see if they have a current address for the other party.
- G. Contact the Military Worldwide Locator for the other party's branch of service if they are a member of the armed forces.

- H. Ask their former **neighbors** whether they know their whereabouts. Have any neighbors you spoke with complete an affidavit stating what they do or do not know.
- I. Contact the local **child support enforcement agency** to see if they have any record of the opposing party and know their current address. Keep a record of the date and numbers you called.
- J. Try any **additional means** you can think of that might help you locate them.

If you have tried all of these methods to locate and serve the opposing party and have not been successful, then you are ready to file a Motion for Alternate Service.

There are 5 steps you must follow in order to file the Motion for Alternate Service.

>STEP 1 — Complete form DOM REL 70 .

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Caption (Top Section). Fill in the name of the court, the case number, your name and address, and the name and last known address of the Defendant.

Paragraph 1. Indicate the type of complaint or petition you originally filed with the court (i.e., the document you have been trying to serve on the opposing party). Indicate the court you filed it in and the date filed.

Date and sign the form.

Affidavit. Complete the Affidavit, but DO NOT SIGN IT YET.

Paragraph 1 and Item 1. Fill in your name, as indicated, as well as information about the document(s) you filed with the court, including the name of the court and the date filed.

Item 2. Check off the boxes indicating each method you have used to try to locate and serve the opposing party. Attach all supporting documents as indicated. Use the Affidavit form, DOM REL 73 if you need to have investigators, neighbors or others provide an affidavit.

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Item 3. Indicate the date you last saw the opposing party, and indicate what you know by checking off the appropriate boxes.

Take the completed document to a Notary Public. Sign the Affidavit portion of the document in front of a Notary. Have the Notary complete the Notarization.

>STEP 2 — Complete the Caption (Top Portion) Only of the Order for Alternate Service, DOM REL 71.

>STEP 3 — Complete the Caption (Top Portion) Only of the Notice, DOM REL 72.

>STEP 4 — File the Forms and Pay the Filing Fee.

Take the original copies of the completed Motion for Alternate Service, proposed Order for Alternate service, proposed Notice, and all supporting documents to the Clerk of Court. Payment of a filing fee is generally required to file the motion.

>STEP 5 — The Judge will Consider Your Motion.

Once the motion and accompanying documents have been properly filed, they will be forwarded to a judge for consideration. If the motion is granted, you will receive a copy of the Order for Alternate Service, signed by a judge.

If the judge orders service by posting, the Clerk of Court will arrange to have the Notice posted for the time indicated by the judge. Once that time period is past, if no response has been filed by the opposing party, you may proceed to seek a default judgment or to move forward with your case.

If the judge orders service by publication, you will need to check with the Clerk of Court regarding publication of the Notice. In some jurisdictions publication arrangements are the responsibility of the party asking for publication. In other jurisdictions the Clerk of Court will arrange to have the Notice published. The newspaper will send you an invoice to have the Notice published. You are required to pay this invoice. Publication can be expensive. After the Notice has been published, you and the Clerk will receive a confirmation from the newspaper. After the period has passed indicated in the judge's Order, you may proceed to seek a default judgment or to move forward with your case.

Circuit Court for _____ Case No. _____
City or County

Name _____ Name _____
Street Address _____ Apt. # _____ VS. Street Address _____ Apt. # _____
City _____ State _____ Zip Code _____ () _____ Telephone _____ City _____ State _____ Zip Code _____ () _____ Telephone _____
Plaintiff *Defendant*

MOTION FOR ALTERNATE SERVICE
(DOM REL 70)

I, _____, representing myself state that:
My name

1. I filed the following document(s): _____
Name of Document(s)
with the Circuit Court for _____ on _____, _____
County or City Date document(s) filed

2. Since that time I have made reasonable efforts to locate the Defendant to effect service of process, but have been unable to do so as more fully set forth in the Affidavit below.

FOR THESE REASONS, I request that the Court order service by posting, or in the alternative by publication, or any other means of notice that the court may deem appropriate, pursuant to Maryland Rule 2-121 or 2-122.

Date Signature

AFFIDAVIT IN COMPLIANCE WITH
MARYLAND RULE 2-121 OR 2-122

STATE OF MARYLAND, COUNTY OF _____ :

I HEREBY CERTIFY that before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____, Plaintiff,
My Name
in the above-entitled case, and made oath, in due form of law as follows:

1. I filed the following document(s): _____
Name of Document(s)
with the Circuit Court for _____ on _____, _____
County or City Date document(s) filed

2. Since that time I have attempted to serve the opposing party with that document and any related court summons in the following manner (*Check all that apply and attach appropriate documents.*):

I have attempted to serve the opposing party at _____
Address
 but the opposing party has avoided service by _____.

I have tried to serve the opposing party by **certified mail** at their last known address _____ times, as shown by the attached Affidavit(s) of Service.

I have tried to get the opposing party's current address by **sending letter(s) to the following relative(s) or friend(s)**, as indicated by the attached copies of letters, mail return receipts, Affidavit(s) of Service and responses, if received:

| | | |
|---|--------------------|---|
| _____ Name of Person to Whom Letter Was Sent | _____ Date Sent | _____ Indicate whether you received a reply. |
| _____ Name of Person to Whom Letter Was Sent | _____ Date Sent | _____ Indicate whether you received a reply. |
| _____ Name of Person to Whom Letter Was Sent | _____ Date Sent | _____ Indicate whether you received a reply. |

I have tried to get the opposing party's current address by sending a letter to his/her last known employer, _____, as shown by the attached copy of my letter, mail return receipts, Affidavit(s) of Service and response, if received:

| | | |
|---------------------------|--------------------|---|
| _____ Name of Employer | _____ Date Sent | _____ Indicate whether you received a reply. |
|---------------------------|--------------------|---|

I have hired a private investigator or attorney who was unable to locate the opposing party as shown on the attached affidavit.

I looked in the telephone directory and/or called directory assistance in the following areas:
 _____.

I have contacted the Motor Vehicle Administration of Maryland and have learned the following: _____.

I have contacted the Military Worldwide Locator for Defendant's branch of the armed services and have learned the following: _____.

I asked the following former neighbors of the opposing party at his/her last known address, as indicated on the attached affidavits signed by those neighbors:

| | | |
|---------------------------|------------------------|-----------------------------------|
| _____ Name of Neighbor | _____ Their Address | _____ Date You Spoke With Them |
| _____ Name of Neighbor | _____ Their Address | _____ Date You Spoke With Them |
| _____ Name of Neighbor | _____ Their Address | _____ Date You Spoke With Them |

- I tried to get the opposing party's current address by contacting the local child support enforcement agency. They reported that they have been unable to locate the opposing party.
- I have tried the following additional means to obtain the opposing party's current address:

3. I have not seen the opposing party since _____, _____ and (*Check all that apply below and attach Financial Statement if required*):

- I do not know his/her current address.
- I do not know where he/she is working.
- I have no current address for any close relatives.
- I have no money to hire a private investigator or attorney to find him/her, as indicated in the attached Financial Statement.
- I have no money to do service by publication, as indicated in the attached Financial Statement.

I have made reasonable efforts to locate the Defendant, but have been unable to do so. I am over eighteen years old and am competent to testify.

Signature

SUBSCRIBED AND SWORN to before me, this _____ day of _____, _____.

Notary Public
MY COMMISSION EXPIRES: _____