

1 Rule 3. Service of the affidavit.

2 (a) After filing the affidavit and receiving a trial date, plaintiff must serve the affidavit
3 and summons on defendant. To serve the affidavit, plaintiff must either:

4 (a)(1) have the affidavit served on defendant by a sheriff's department, constable, or
5 person regularly engaged in the business of serving process and pay for that service; or

6 (a)(2) have the affidavit delivered to defendant by a method of mail or commercial
7 courier service that requires defendant to sign a receipt and provides for return of that
8 receipt to plaintiff.

9 (b) The affidavit must be served at least 30 calendar days before the trial date.
10 Service by mail or commercial courier service is complete on the date the receipt is
11 signed by defendant. If the affidavit is not served within 120 days after the affidavit is
12 filed, the action is deemed dismissed without prejudice.

13 (c) Proof of service of the affidavit must be filed with the court no later than 10
14 business days after service. If service is by mail or commercial courier service, plaintiff
15 must file a proof of service. If service is by a sheriff, constable, or person regularly
16 engaged in the business of serving process, proof of service must be filed by the person
17 completing the service.

18 (d) Each party shall serve on all other parties a copy of all documents filed with the
19 court other than the counter affidavit. Each party shall serve on all other parties all
20 documents as ordered by the court. Service of all papers other than the affidavit and
21 counter affidavit may be by first class mail to the other party's last known address. The
22 party mailing the papers shall file proof of mailing with the court no later than 10
23 business days after service. If the papers are returned to the party serving them as
24 undeliverable, the party shall file the returned envelope with the court.

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