

1 **Rule 3. Service of the affidavit and summons.**

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) Service of the small claims affidavit and summons shall be as provided in Utah~~
10 ~~Rule of Civil Procedure 4. The affidavit and summons must be served at least 30~~
11 ~~calendar days before the trial date. Service by mail or commercial courier service is~~
12 ~~complete on the date the receipt is signed by defendant. If the affidavit is not served~~
13 ~~within 120 days after filing, the action may be dismissed without prejudice upon the~~
14 ~~court's own initiative with notice to the plaintiff.~~

15 ~~(e)(b) Proof of service of the affidavit and summons must be filed with the court as~~
16 ~~provided in Utah Rule of Civil Procedure 4 no later than 10 business days after service.~~
17 ~~If service is by mail or commercial courier service, plaintiff must file a proof of service. If~~
18 ~~service is by a sheriff, constable, or person regularly engaged in the business of serving~~
19 ~~process, proof of service must be filed by the person completing the service.~~

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

27