

1 **Rule 5. Service and filing of pleadings and other papers.**

2 **(a) When service is required.**

3 **(1) Papers that must be served.** Except as otherwise provided in these rules or as
4 otherwise directed by the court, the following papers must be served on every
5 party:

6 (A) a judgment;

7 (B) an order that states it must be served;

8 (C) a pleading after the original complaint;

9 (D) a paper relating to disclosure or discovery;

10 (E) a paper filed with the court other than a motion that may be heard ex
11 parte; and

12 (F) a written notice, appearance, demand, offer of judgment, or similar
13 paper.

14 **(2) Serving parties in default.** No service is required on a party who is in default
15 except that:

16 (A) a party in default must be served as ordered by the court;

17 (B) a party in default for any reason other than for failure to appear must
18 be served as provided in paragraph (a)(1);

19 (C) a party in default for any reason must be served with notice of any
20 hearing to determine the amount of damages to be entered against the
21 defaulting party;

22 (D) a party in default for any reason must be served with notice of entry of
23 judgment under Rule [58A\(d\)](#); and

24 (E) a party in default for any reason must be served under Rule [4](#) with
25 pleadings asserting new or additional claims for relief against the party.

26 **(3) Service in actions begun by seizing property.** If an action is begun by seizing
27 property and no person is or need be named as defendant, any service required
28 before the filing of an answer, claim or appearance must be made upon the
29 person who had custody or possession of the property when it was seized.

30 **(b) How service is made.**

31 **(1) Whom to serve.** If a party is represented by an attorney, a paper served under
32 this rule must be served upon the attorney unless the court orders service upon
33 the party. Service must be made upon the attorney and the party if:

34 (A) an attorney has filed a Notice of Limited Appearance
35 under Rule [75](#) and the papers being served relate to a matter within the
36 scope of the Notice; or

37 (B) a final judgment has been entered in the action and more than 90 days
38 has elapsed from the date a paper was last served on the attorney.

39 **(2) When to serve.** If a hearing is scheduled 7 days or less from the date of
40 service, a party must serve a paper related to the hearing by the method most
41 likely to be promptly received. Otherwise, a paper that is filed with the court
42 must be served before or on the same day that it is filed.

43 **(3) Methods of service.** A paper is served under this rule by:

44 (A) except in the juvenile court, submitting it for electronic filing, or the
45 court submitting it to the electronic filing service provider, if the person
46 being served has an electronic filing account;

47 (B) emailing it to

48 (i) the most recent email address provided by the person to the
49 court under [Rule 10\(a\)\(3\)](#) or [Rule 76](#), or

50 (ii) to the email address on file with the Utah State Bar;

51 (C) mailing it to the person's last known address;

- 52 (D) handing it to the person;
- 53 (E) leaving it at the person's office with a person in charge or, if no one is
- 54 in charge, leaving it in a receptacle intended for receiving deliveries or in a
- 55 conspicuous place;
- 56 (F) leaving it at the person's dwelling house or usual place of abode with a
- 57 person of suitable age and discretion who resides there; or
- 58 (G) any other method agreed to in writing by the parties.

59 **(4) When service is effective.** Service by mail or electronic means is complete

60 upon sending.

61 **(5) Who serves.** Unless otherwise directed by the court or these rules:

62 (A) every paper required to be served must be served by the party

63 preparing it; and

64 (B) every paper prepared by the court will be served by the court.

65 **(c) Serving numerous defendants.** If an action involves an unusually large number of

66 defendants, the court, upon motion or its own initiative, may order that:

67 (1) a defendant's pleadings and replies to them do not need to be served on the

68 other defendants;

69 (2) any cross-claim, counterclaim avoidance or affirmative defense in a

70 defendant's pleadings and replies to them are deemed denied or avoided by all

71 other parties;

72 (3) filing a defendant's pleadings and serving them on the plaintiff constitutes

73 notice of them to all other parties; and

74 (4) a copy of the order must be served upon the parties.

75 **(d) Certificate of service.** A paper required by this rule to be served, including

76 electronically filed papers, must include a signed certificate of service showing the

77 name of the document served, the date and manner of service and on whom it was
78 served. Except in the juvenile court, this paragraph does not apply to papers required to
79 be served under paragraph (b)(5)(B) when service to all parties is made under
80 paragraph (b)(3)(A).

81 **(e) Filing.** Except as provided in Rule [7\(j\)](#) and Rule [26\(f\)](#), all papers after the complaint
82 that are required to be served must be filed with the court. Parties with an electronic
83 filing account must file a paper electronically. A party without an electronic filing
84 account may file a paper by delivering it to the clerk of the court or to a judge of the
85 court. Filing is complete upon the earliest of acceptance by the electronic filing system,
86 the clerk of court or the judge.

87 **(f) Filing an affidavit or declaration.** If a person files an affidavit or declaration, the
88 filer may:

- 89 (1) electronically file the original affidavit with a notary acknowledgment as
90 provided by Utah Code Section [46-1-16\(7\)](#);
- 91 (2) electronically file a scanned image of the affidavit or declaration;
- 92 (3) electronically file the affidavit or declaration with a conformed signature; or
- 93 (4) if the filer does not have an electronic filing account, present the original
94 affidavit or declaration to the clerk of the court, and the clerk will electronically
95 file a scanned image and return the original to the filer.

96 The filer must keep an original affidavit or declaration of anyone other than the filer
97 safe and available for inspection upon request until the action is concluded, including
98 any appeal or until the time in which to appeal has expired.

99 [Advisory Committee Notes](#)