

Small Claims Notice on Filing a Return of Service

You must have the Affidavit and Summons served on the defendant(s) involved in your dispute within **120 days** of filing or your small claims case shall be dismissed without prejudice with no other notice.

You cannot serve the Affidavit and Summons yourself. The Affidavit and Summons must be served on the defendant(s) by a person 18 years old or older who is not involved in the case.

- That person must deliver the Affidavit and Summons to:
 - the defendant at any location;
 - a person of suitable age and discretion who lives in the defendant's home;
 - or an agent authorized to receive the papers at any location.
- Deputy sheriffs, constables and private investigators commonly serve papers. They will charge a fee.

File Proof of Service of Affidavit and Summons

If a sheriff, constable, or private process server serves the Affidavit and Summons on the defendant, that person will complete and file a Proof of Service.

- If some other person 18 or older who is not a party to the case or a party's attorney serves the Affidavit and Summons, that person must complete and file with the court a Proof of Service form.
- Proof of service of the affidavit and summons must be filed no later than 10 business days after service as provided in Utah Rule of Civil Procedure 4.

For more information and forms, see www.utcourts.gov/howto/service/service_of_process.html.

If the defendant cannot be found for service, the plaintiff can ask the court to permit alternative service. For more information, see www.utcourts.gov/howto/service/alternate_service.html.