

OREGON

State Capital: Salem
Population: 4 million - 36 counties

OREGON RULES OF CIVIL PROCEDURE

RULE 7. SUMMONS

D. Manner of Service.

- (1) *Notice Required.* Summons shall be served, either within or without this state ... by the following methods: personal service upon defendant or an agent of defendant authorized to receive process; substituted service by leaving a copy of summons and complaint at a person's dwelling house or abode; office service by leaving with a person who is apparently in charge of an office; service by mail; or, service by publication.
- (2) *Service Methods.*
 - (a) *Personal Service.* ... by delivery of a true copy of the summons and a true copy of the complaint to the person to be served.
 - (b) *Substituted Service.* ... by delivering a true copy of the summons and the complaint at the dwelling house or usual place of abode of the person to be served, to any person 14 years of age or older residing in the dwelling house... [followed by mailing a true copy by first class mail to the defendant at the abode where substituted service made, together with a statement of the date, time, and place at which service made], substituted service shall be complete upon such mailing.
 - (c) *Office Service.* If the person to be served maintains an office for the conduct of business, office service may be made by leaving a true copy of the summons and the complaint at such office during normal working hours with the person who is apparently in charge [followed by mailing a true copy by first class mail to the defendant at defendant's dwelling house or place of business or such other place under the circumstances that will give defendant notice of action, together with a statement of the date, time, and place at which office service was made]..., office service shall be complete upon such mailing.
 - (d) *Service by Mail.*
 - (i) *Generally.* When required or allowed by this rule or by statute, except as otherwise permitted, service by mail shall be made by mailing a true copy of the summons and the complaint to the defendant by first class mail and by any of the following: certified or registered mail, return receipt requested, or express mail. For purposes of this section, "first class mail" does not include certified or registered, or any other form of mail which may delay or hinder actual delivery of mail to the addressee.

- (ii) *Calculation of Time.* For the purpose of computing any period of time provided by these rules or by statute, service by mail ... shall be complete on the day the defendant signs a receipt for the mailing, or three days after the mailing if mailed to an address within the state, or seven days after the mailing if mailed to an address outside the state, whichever occurs first.

(3) *Particular Defendants.*

- (a) *Individuals.* Upon an individual defendant, by personal service upon defendant or an agent authorized by appointment or law to receive service of summons or, if defendant personally cannot be found at defendant's dwelling house or usual place of abode, then by substituted service or by office service upon such defendant or agent. Service may also be made ... by mailing made in accordance with paragraph (2)(d) of this section provided the defendant signs a receipt for the certified, registered or express mailing, in which case service shall be complete on the date...the defendant signs a receipt...

(a)(iv) **Tenant of a Mail Agent.** [new 2/1/00]

Upon an individual defendant who is a "tenant" of a "mail agent" within the meaning of ORS 646.221 by delivering a true copy of the summons and the complaint to any person apparently in charge of the place where the mail agent receives mail for the tenant, provided that:

- (A) the plaintiff makes a diligent inquiry but cannot find the defendant; and
- (B) the plaintiff, as soon as reasonably possible after delivery, causes a true copy of the summons and the complaint to be mailed by first class mail to the defendant at the address at which the mail agent received mail for the defendant and to any other mailing address of the defendant then known to the plaintiff, together with a statement of the date, time, and place at which the plaintiff delivered the copy of the summons and the complaint.

Service shall be complete on the latest date resulting from the application of subparagraph D(2)(d)(ii) of this rule to all mailings required by this subparagraph unless the defendant signs a receipt for the mailing, in which case service is complete on the day the defendant signs the receipt.

- (b) *Corporations and Limited Partnerships.*... By personal service or office service upon a registered agent, officer, director, general partner, or managing agent of the corporation or limited partnership, or by personal service upon any clerk on duty in the office of a registered agent.
- #### (4) *Particular Actions Involving Motor Vehicles.*
- (a) *Actions arising out of use of roads, highways and streets; service by mail.*
 - (i) In any action arising out of any accident, collision, or other event giving rise to liability in which a motor vehicle may be

involved while being operated upon the roads, highways, or streets of this state, if the plaintiff makes at least one attempt to serve the defendant who operated such motor vehicle . . . , by a method authorized by subsection (3) of this section except service by mail pursuant to subparagraph (3)(a)(i) of this section and, as shown by its return, did not effect service, the plaintiff may then serve that defendant by mailings made in accordance with paragraph (2)(d) of this section addressed to that defendant at:

- (A) any residence address provided by that defendant at the scene of the accident;
- (B) the current residence address, if any, of that defendant shown in the driver records of the Department of Transportation; and
- (C) any other address of that defendant known to the plaintiff at the time of making the mailings required by (A) and (B) that reasonably might result in actual notice to the defendant.

Sufficient service pursuant to this subparagraph may be shown if the proof of service includes a true copy of the envelope in which each of the certified, registered or express mailings required by (A), (B) and (C) above was made showing that it was returned to sender as undeliverable or that the defendant did not sign the receipt. . . . If the mailing required by (C) is omitted because the plaintiff did not know of any address other than those specified in (A) and (B) above, the proof of service shall so certify.

- (5) *Service in Foreign Country.* When service is to be effected upon a party in a foreign country, it is also sufficient if service of summons is made in the manner prescribed by the law of the foreign country for service in that country in its courts of general jurisdiction, or as directed by the foreign authority in response to letters rogatory, or as directed by order of the court. However, in all cases such service shall be reasonably calculated to give actual notice.

E. By Whom Served; Compensation. Summons may be served by any competent person 18 years of age or older who is a resident of the state where service is made or of this state and is not a party to the action nor an officer, director, or employee of, nor attorney for, any party, corporate or otherwise. However, service pursuant to subparagraph D(2)(d)(i). Compensation to a sheriff [is provided by statute]. If any other person serves the summons, a reasonable fee may be paid for service. This compensation shall be part of disbursements and shall be recovered as provided in Rule 68.

F. Return; Proof of Service.

- (1) *Return of Summons.* The summons shall be promptly returned to the clerk with whom the complaint is filed with proof of service or

mailing, or that the defendant cannot be found. The summons may be returned by first class mail.

- (2) *Proof of Service.* Proof of service of summons or mailing may be made as follows:

- (a) *Service Other Than Publication.* Service other than publication shall be proved by:

- (i) *Certificate of Service When Summons Not Served by Sheriff or Deputy.* If the summons is not served by a sheriff. . . the certificate of the server indicating: the time, place, and manner of service; that the server is a competent person 18 years of age or older and a resident of the state of service or this state and is not a party to nor an officer, director, or employee of, nor attorney for any party, corporate or otherwise; and that the server knew that the person, firm or corporation served is the identical one named in the action. If the defendant is not personally served, the server shall state in the certificate when, where, and with whom a copy of the summons and complaint was left or describe in detail the manner and circumstances of service

- (ii) *Certificate of Service by Sheriff or Deputy. . .*

G. Disregard of Error; Actual Notice. Failure to comply with the provisions of this rule relating to the form of summons, issuance of summons, and the person who may serve summons shall not affect the validity of service of summons or the existence of jurisdiction over the person, if the court determines that the defendant received actual notice of the substance of the pendency of the action. The court may allow amendment to a summons, or affidavit or certificate of service of summons, and shall disregard any error in the content of service of summons that does not materially prejudice the substantive rights of the party against whom summons was issued.

RULE 55. SUBPOENA

D. Service; Service on Law Enforcement Agency; Service by Mail; Proof of Service

- (1) *Service.* Except as provided in subsection (2) of this section, a subpoena may be served by the party or any other person 18 years of age or older. The service shall be made by delivering a copy to the witness personally and giving or offering to the witness at the same time the fees to which the witness is entitled [for one day's attendance and for travel to and from place of attendance]. . .
- (2) *Service on Law Enforcement Agency. . .*
- (3) *Service by Mail.* [specifies certain circumstances under which subpoena may be mailed to witness who has indicated willingness to appear, or with whom prior arrangement has been made for payment of witness fees and mileage, or who has provided attorney with signed receipt more than three days prior to trial.]

- (4) *Proof of Service.* Proof of service of subpoena is made in the same manner as proof of service of a summons.

OREGON REVISED STATUTES

29.165 Delivery of Writ; Insurance of Deliverer; Fee. To be valid, a writ of garnishment must be delivered to the garnishee in one of the following ways:

- (1) By certified mail, return receipt requested. ...
 - (2) In person. The following apply when a writ is delivered under this subsection:
 - (a) The writ may be delivered by any of the following:
 - (b) The sheriff..
 - (c) Any competent person 18 years of age or older who is a resident of the state of Oregon and is not a party or attorney in the action.
 - (d) Notwithstanding paragraph (a)..., no person other than the sheriff shall deliver a writ of garnishment unless the person has errors and omissions insurance with limits of not less than \$100,000 per occurrence from a company authorized to do business in this state.
 - (3) The fee for delivery of a writ of garnishment by a person other than a sheriff shall be in an amount agreed to between the person making the delivery and the person requesting the delivery. The fee for delivery ... by a sheriff ... shall be ...
 - (A) \$12.50 if ... delivered in a county with less than 400,000 population [applies to 35 of Oregon's 36 counties]
 - (B) \$9.50 if ... delivered in a county with not less than 400,000 population [Multnomah is the only county with more than 400,000 pop.]
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