

Information or instructions: ~~Motion Affidavit Order for private service package~~

PREVIEW

1. In the event a Constable or Sheriff's Department is unable to secure service on a defendant, because, e.g., the defendant is evading service or a Constable is unable to serve the papers as quickly as plaintiff desires, a Motion for Private Service may be used.
2. Courts require a showing by affidavit that the Constable or Sheriff's Department has attempted to serve the defendant but has been unsuccessful. The Motion must then state why the Motion for Private Service should be granted.

Form: Motion for private service

CAUSE NUMBER

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[Name],
PLAINTIFF

IN THE [Type of Court] COURT

[Court number]

vs.

[Name],
DEFENDANT

OF [NAME], COUNTY, TEXAS

MOTION FOR PRIVATE SERVICE

1. It is impractical and to date has been impossible for the County Constable's Office to obtain personal service of process in this cause on Defendant.

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2. Repeated attempts by the constables at [his or her] only known Address, [state Address] have failed.

3. The attempted service on the Defendant has continued for more than [specify period of time]; The citation has once been reissued, the trial has been continued, and Plaintiff must now request a second reissuance of citation, as the first reissuance expired on [Date].

THANK YOU

3. Assurances from the constable and others have so far proved to be in vain.

4. Further, the affidavit attached hereto shows that the Defendant can be given notice of this suit if a copy of the citation, with petition attached, is delivered to [Address], the Defendant's only known Address.

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5. This Motion is authorized by TEX. R. CIV. P. 106 and 13.

PREVIEW

PRAYER

Plaintiff requests that the Court order service on the Defendant by having a private process server under Texas Rules of Civil Procedure, Rule 106, deliver a copy of the Citation with Petition attached to this Motion for Private Service, and that a true and correct copy of the Order for Private Service be attached to and included with Citation and Petition so served; and that Plaintiff have such other relief as to which it may show itself justly entitled.

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Respectfully Submitted,

[Law Firm Name]

By _____

[Attorney's Name]

THIS DOCUMENT

Attorney for Plaintiff/
[Attorney's Address]
[Telephone Number]
[Facsimile Number]
[Bar Card Number]

[Insert Certificate of Service] if there are parties already joined in the case

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing pleading or document has been served upon all attorneys of record and any parties who are not represented by an attorney on _____.

THANK YOU

Attorney for: [Other attorney's client's name]

Attorney's name: [Other attorney's name]

Attorney's address: [Other attorney's address]

Type of Service:

___ U.S. Mail, Certified, Return Receipt Requested No. _____
___ U.S. Mail, First Class.
___ Hand delivery by [name of delivery service]: _____

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____ Facsimile transmission to _____ [fax number] before 5 p.m.

PREVIEW

[Attorney's signature]

Form: Affidavit in support of plaintiff's motion

CAUSE NUMBER _____

[Name],
PLAINTIFF

IN THE [Type of Court] COURT

vs.
[Name],
DEFENDANT

PLEASE DO NOT COPY
[Court number]
OF [NAME], COUNTY, TEXAS

AFFIDAVIT IN SUPPORT OF PLAINTIFF'S MOTION FOR PRIVATE SERVICE

State of Texas
County of _____

BEFORE ME, the undersigned authority, on this day personally appeared [Name], known to me to be a credible person, competent in all respects to make this affidavit, and who, being by me duly sworn upon his oath, deposed and stated as follows:

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"Repeated efforts by the County Constable's office has failed to effect service of process on Defendant, [Name] at [Address], his only known Address. The attempts have continued for well over [state period of time], with trial already having been continued in [Date] because of failure to have process served on the Defendant. Despite assurances and promises of impending success, the Defendant has not yet been served as of this date and the Citation has expired due to this inability to serve him."

[Include any other facts to support the affidavit]

Affiant
THANK YOU

State of Texas
County of _____

Subscribed and sworn to before me on _____ by

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PREVIEW

Signature of office

Notary's typed or printed name

My commission expires:

[or Notary's Stamp]

Form: Order for private service

CAUSE NUMBER _____

[Name]
PLAINTIFF

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IN THE [Type of Court] COURT

[Court number]

vs.
[Name],
DEFENDANT

OF [NAME], COUNTY, TEXAS

ORDER FOR PRIVATE SERVICE

On _____, the court considered Plaintiff's, [Movant's name], Motion for Private Service of Citation and request to have a private service person serve the Defendant [Name] at [Address].

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After considering the motion, the court decided the request should be granted because the constable's office has been unable to serve the Defendant in person, and that the manner of service ordered will be reasonably effective to give the Defendant notice of the suit.

It is ORDERED, that service upon Defendant [Name] be effected by having a private server of process deliver a copy of the citation with a copy of the Petition and this Order For Private Service attached to Defendant [Name] at [Address].

THANK YOU

Signed on _____.

APPROVED AS TO FORM AND SUBSTANCE

PREVIEW

[Law Firm's or Attorney's Name]

Attorney for Plaintiff

[Address]

[Telephone & facsimile numbers]

Texas Bar no. [Number]

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THANK YOU

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