

WAIVER OF SERVICE INSTRUCTIONS

Purpose: You are responsible to have the Defendant served. A waiver is one option.

- Use this packet only if the Defendant is willing to cooperate and waive service of the Summons and Complaint. The waiver does not stop the Defendant from contesting the case.
- If Defendant signs the waiver, Defendant will have more time to file an answer to your court filing than if he/she were served in other ways.
- If Defendant will not waive service, you have to find a different way to serve him/her. Read the instructions in your initial paperwork packet to learn about other service methods.

1. Fill out the Paperwork: Use black ink and write clearly.

➤ **Notice of a Lawsuit and Request to Waive Service of Summons**

Fill out this entire form. This form tells the Defendant that you filed a lawsuit and asks them to sign the Waiver of Service of Summons to avoid being personally served. You must calculate the due dates on the form. Defendant has 30 days from the date of your notice (60 days if Defendant lives in another country) to return the Waiver of Service of Summons to you.

➤ **Waiver of Service of Summons Under Rule 4.1 of the Nevada Rules of Civil Procedure**

Fill out everything on this form except the date and signature area for Defendant. Use the same dates and deadlines you used in the Notice. Defendant can sign this form if they agree to waive service.

2. Deliver the Documents to the Other Party (the “Defendant”):

➤ **Make Copies:**

Make a copy of the Complaint for the other party. **KEEP ALL THE ORIGINALS!!!!**
Make a copy of the Notice and Waiver. You will keep a copy of the notice for your records.

➤ **Deliver the Documents:** Hand deliver or mail to the Defendant:

- 1 Copy of the Complaint
- 1 Original Notice of a Lawsuit and Request to Waive Service of Summons
- 1 Original Waiver (to sign and return to you) + 1 Copy of the Waiver (for Defendant to keep)
- Self-Addressed Stamped Envelope (an envelope with your name and address on it, plus affixed prepaid postage), if applicable.

If Defendant does not return the waiver to you by the deadline, you must have him/her served in a different way (usually personal service).

3. File the Waiver of Service:

After Defendant signs the Waiver of Service, take it to court and file it. This is your proof of service of the Complaint. **File the form within 120 days of when you started your case. WARNING!!** If you do not file the form, your case may be dismissed and you will have to start all over.

If Defendant does not file anything by their deadline, you will have to fill out more papers to finalize your case. See the Self-Help Center (www.familylawselfhelpcenter.org) for the forms.