

PROOF OF SERVICE

A proof of service is, in almost all instances, required to be attached to documents that you are filing with the Court. This document is "proof" to the Court of the "service" you completed for the document you are filing. For instance, you are a guardian of a minor and are required to file an "Annual Report of Guardian" with the Court on a yearly basis. In addition to that requirement, you are also required by law to give a copy of that document to the minor if he/she is over the age of fourteen and to that minor's biological parent(s). The "Proof of Service" will tell the Court that 1) you served a copy of the "Annual Report" 2) that you served that copy on the minor, his mother, his father and 3) whether you served the "Annual Report" by placing in an envelope in the mail and/or personally handing a copy to the person(s).

"Interested persons" is defined under MCR 5.125. This Court Rule is lengthy and can be viewed at the Court, online at www.courts.michigan.gov, or a copy may be obtained at the cost of \$7.00. The Court Rule sets forth the interested persons for specific proceedings and special conditions or special persons.

Following are instructions for completion of the Proof of Service and on the reverse side is an EXAMPLE of a completed Proof of Service. NOTE: Your Proof of Service will contain different information than the example.

A. This line is the case "heading". In the Probate Court, case headings are the names of the persons for which the case was filed (i.e. Minor Guardianships it would be the minor's name, Adult Guardianships it would be the adult's name who is in need of the guardianship, etc.) Example: JANE DOE

Item #1 requires the titles of the documents that you are required to "serve" on the interested persons. The title of the document can be located at the top of each document that you are providing to the interested persons in the middle box (i.e. Proof of Service). Example: PETITION FOR APPOINTMENT OF GUARDIAN AND NOTICE OF HEARING. This line only contains the title of the document you served and not any persons' names, how you served the document, or any other information.

Item #2 and #3 are the method you used to serve the interested persons. You have the option of serving by mail or by personal service. You may use either method or both (note it is not necessary to mail and personally serve only one method is necessary).

- ♦ Complete item #2 if you mailed and only for those persons you mailed documents.
 - This may be completed through ordinary first-class mail, by addressing an envelope with the person's name and complete address and depositing the envelope in a mailbox for delivery by the United States Postal Service.
 - For each person that an envelope was addressed and mailed by the USPS complete item #2 with their full name, the complete address that was printed on the envelope (including street number, street name, city, state and zip code), and the date you placed the envelope into a mailbox for delivery by the USPS. You may choose certified mail but in most instances it is not necessary.
- ♦ Complete item #3 if you and only for those persons to whom you personally handed documents.
 - This may be completed by the petitioner handing the documents to the interested person.
 - In some instances, personal service is required.
 - For each person to whom documents were personally handed complete item #3 with their full name, the complete address where you were when you handed the documents to that person (including street number, street name, city, state and zip code), and the date you stood before the person and handed them the documents.
 - You may hire a process server to personally serve these documents, however in most cases it is not required.

It is the petitioner's responsibility to insure that proper and timely service is made on all interested parties. If proper and timely service is not made on all interested persons, your hearing may be adjourned and/or your petition dismissed.

Service for hearings must be completed at least 14 days if by mail and at least 7 days prior to the hearing date.
Service for the filing of annual reports, accounts, inventories, etc. must be completed at the time of filing the document.

Item #4 is only completed only after the approval of Court staff after attempts to mail or personally serve an interested person have failed. You will be provided with a document to illustrate your efforts in service.

Finally, the person performing the service of the documents should date and sign the Proof of Service where indicated at the bottom of the form.

Once the proof of service is completed, the original document must be filed with the Probate Court office prior to the hearing date. You may file the document with the Court either in person or by mail as follows:

In Person: The Montcalm County Probate Court is located north of Stanton on M-66 at the Court Complex. Our office hours are 8:00 a.m. until 5:00 p.m. Monday through Friday.

By Mail: Montcalm County Probate Court, 625 North State Street, Stanton, MI 48888

Keep copies of all documents filed with the Court for your records and to provide to the interested persons. Copies obtained from the Court are \$1.00 per page.

If the Proof of Service is not completed correctly or completely, it will be returned to you for completion or correction and if service is not made as required it could delay your hearing or dismiss your proceedings or subject you to suspension as guardian/conservator or contempt proceedings of the Court.

09/07

SAMPLE

STATE OF MICHIGAN PROBATE COURT MONTCALM COUNTY	PROOF OF SERVICE	FILE NO. xx-xx,xxx-GM
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In the matter of: A. JANE DOE

1. **Titles of the papers** served: PETITION FOR APPOINTMENT OF GUARDIAN OF MINOR AND NOTICE OF HEARING

2. I served by ordinary mail or certified mail (copy of return receipt attached) the papers listed above on:

Name of person served by mail	Address printed on envelope for mailing (including street number, street address, city, state and zip code)	Date envelope placed in box for delivery by USPS
Mom Doe	1234 Main Street, Anywhere, MI 99999	August 31, 2007
Dad Doe	555 Another Street, Anywhere, MI 99999	August 31, 2007

3. I personally handed a copy of the papers listed above on:

Name of person served by handing the documents to them	Address where I was when document was handed to that person (including street number, street address, city, state and zip code)	Date I stood before the person and gave them the documents
Jane Doe	0000 This Street, Anywhere, MI 99999	August 31, 2007

Complete this section only with the approval of Court Staff: (Approved by: _____)

4. After diligent search and inquiry, I have been unable to find and serve the following interested persons: _____

I have made the efforts listed in the attached Due Diligence Affidavit in attempting to serve process.

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge and belief.

Date: September 1, 2007

Signature of Person Completing Service