

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1138

Amending District Court Civil
Rule 11(a) and Civil Rule 69
concerning service of process.

IT IS ORDERED:

1. District Court Civil Rule 11(a) is amended to provide:

(a) The summons shall be issued and the summons and complaint served, according to the procedures of Civil Rule 4, except that:

(1) If personal service is used, the clerk shall deliver the summons for service to a peace officer or to a person specially appointed to serve it.

(2) If service is by registered or certified mail, the clerk shall mail the summons and a copy of the complaint as provided in Civil Rule 4(h).

(3) [(1)] Service by publication or posting shall not be allowed. [; AND]

(4) [(2)] Service on a defendant who is outside the state shall be allowed only in accordance with the Landlord-Tenant Act, AS 34.03.340 and AS 09.05.020, entitled Service of Process on Nonresident Owner or Operator of Motor Vehicle.

(5) The affidavit required by Civil Rule 4(f) is not required in small claims cases and Civil Rule 4(j) shall not apply.

2. Civil Rule 69(f) is amended to provide:

(f) **Service [RETURN] of Writ of Execution and Other Papers.** (1) If personal service is used, the clerk shall deliver the papers for service to a process server or to a person specially appointed to serve them. Papers allowed to be served by registered or certified mail shall be mailed by the clerk as provided in Civil Rule 4(h). Postal delivery receipts for writs of execution served on the Permanent Fund Division of the Department of Revenue shall be made returnable to the judgment creditor. All other postal delivery receipts shall be made returnable to the court.

(2) A process server who receives money as a result of a levy must deliver the money and a return of service to the court on the next business day after receipt. The process server must file the original writ unless the money received by the server will satisfy only part of the judgment and the server expects to seize more money or property with the writ. In this situation, the process server may make a partial return by delivery to the court of all money received, a return of service and a copy of the writ. The original writ must be returned to the court when the process server no longer expects to seize more money or property with the writ.

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DATED: June 30, 1993

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Chief Justice Moore

Justice Rabinowitz

Justice Burke

Justice Matthews

Justice Compton