

RULE 10
APPOINTMENT OF SPECIAL PROCESS SERVER

Pursuant to Civ. R. 83, the following Local Rule of Practice in the General Division of the Clermont County Common Pleas Court is adopted. This Rule shall be effective immediately upon the journalization of this Entry.

10.1 Application for Appointment.

An individual or a legal organization, through an authorized agent, may apply to be appointed as Special Process Server, pursuant to R.C. 311.22, Civ. R. 4.1, Civ. R. 45, and Crim. R. 17, for the General Division of the Clermont County Common Pleas Court.

10.2 General Requirements for all Applicants.

- (i) The Applicant shall file an Application for an Appointment as a Special Process Server which substantially complies with Form 10.2(a). (*See*, Appendix D)
- (ii) With each Application, the Applicant shall file an affidavit which shall aver all of the following:
 - a. The Applicant is 18 years of age or older;
 - b. The Applicant will not serve any process in which he or she may be a party in the action;
 - c. The Applicant has no familial relationship to any party in any action for which he or she may serve process;
 - d. The Applicant has no felony criminal record in Ohio, in any other state, or the United States;
 - e. The applicant will carry out his or her duties in accordance with all applicable Court Rules and the laws of Ohio.
 - f. If the Applicant is an authorized agent of any legal organization and more than one employee of the organization may serve process for the organization, each additional employee shall be identified and shall satisfy the requirements set forth at 10.2(ii)(a-e) as fully as if that person had submitted his or her own signed affidavit.
- (iii) All Applicants shall submit the required affidavit in substantial compliance with Form 10.2(b). (*See*, Appendix D)
- (iv) With each Application and affidavit, all Applicants shall present an order which shall be reviewed and signed by the Administrative Judge. This order shall substantially comply with Form 10.2(c). (*See*, Appendix D)
- (v) The Clerk shall record the application and affidavit when submitted by an Applicant as a miscellaneous civil case filing. When the order is signed, it shall also be entered on the Clerk's docket and a copy then provided to the Applicant. No Applicant may serve process until a signed order has been filed with the Clerk and provided to the Applicant.

10.3 Term for a Special Process Server.

- (i) An Applicant may request to be appointed as a one-time Special Process Server for a particular matter. In this instance, the Applicant's term shall terminate when the case is terminated by a final entry or as otherwise ordered by the Administrative Judge.

- (ii) An Applicant may request to be appointed as a Standing Process Server. The term for a Standing Process Server is one year from the date the signed order granting the Application is journalized. A Standing Process Server may serve process in any action pending in this Court during this term.
- (iii) No duly appointed Special Process Server may represent or advertise to the public, in any manner, that he or she is the official Process Server for the Court.
- (iv) After the Applicant is duly appointed as a Special Process Server under this Rule, he or she shall present a time-stamped copy of the signed order to the Clerk to verify his or her appointment.
- (v) If any standing process server seeks to continue any term, he or she shall, not later than 30 days prior to the expiration of the current term, file an application, affidavit, and proposed order as herein required seeking to be reappointed for another term.

10.4 Filing Fee

- (i) The filing fee for an individual applicant shall be \$25.00. The filing fee for a legal organization for which two or more employees may be authorized to serve process shall be \$50.00. Any fee shall be paid when the Application and Affidavit are filed. No order shall issue until the filing fee is paid in full.
- (ii) The filing fee shall be waived for any applicant who is an employee of a Clermont County office, department, board, agency, commission or the like.
- (iii) The fees shall be paid to the Special Projects account to the Court.