

# SERVICE & SERVICE RETURN GUIDE

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## CHECKLIST:

### Choose a method of service:

**Personal Service** – Service by Sheriff, Constable, or Process Server

OR

**Certified Mail** – USPS, Restricted Delivery

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## Important Information

If suing a business or corporation, you **MUST** serve the Registered Agent. You may find this information by contacting the [Nebraska Secretary of State Corporate and Business Search](#) or by calling 402-471-4079.

Always check with the clerk's office before the court date to make sure the defendant has been served.

If the defendant is not properly served within 180 days from the date the complaint is filed, the case will be dismissed without prejudice by operation of law.

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## Types of Service

### 1. Personal Service by Sheriff or Constable

- Sheriff or constable will hand deliver the defendant(s) a copy of the Summons and Complaint.
- You must request **at least 2 attempts** be made.
- Be prepared to pay the sheriff or constable fees when you turn in your Complaint or Small Claims Claim to the county court clerk's office.
- Contact the sheriff or constable in the county where the other party will be served to ask about the cost of personal service.

## 2. Personal Service by Process Server

- Independent process servers must comply with [Neb. Rev. Stat. § 25-507](#).
- Process servers will hand deliver to the defendant(s) a copy of the Summons and Complaint.
  - Process servers are not employed by the court.
  - You are responsible for choosing a process server and paying their fee.
- You must provide the process server's contact information to the clerk's office.
- You are required to provide the Summons and Complaint to the process server.
- You must decide who will file the Service Return with the court – either you or the process server.

## 3. Certified Mail, Restricted Delivery

- You are required to send the Summons and Complaint to the defendant through the mail.

**FORM 3800**

**U.S. Postal Service™ CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com®](http://www.usps.com®).

**OFFICIAL USE**

Certified Mail Fee \$  
 Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$  
 Postage \$  
 Total Postage and Fees \$

Sent to  
 Defendant's Name and Address Here  
 City State

**FORM 3811**

**SENDER: COMPLETE THIS SECTION**

■ Complete items 1, 2, and 3.  
 ■ Print your name and address on the reverse so that we can return the card to you.  
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Defendant's Name and Address Here

2. Article Number (Transfer from service label)  
 9590 9401 0000 5191 0000

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
☒ X  
☐ Agent  
☐ Address

B. Received by (Printed Name) C. Date of Delivery

**LEAVE BLANK**

D. Is delivery address different from item 1? ☐ Yes ☐ No  
 If YES, enter delivery address below:

3. Service Type  
☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☐ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery  
☐ Insured Mail  
☐ Insured Mail Restricted Delivery (over \$500)  
☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

- Postage fees for Certified Mail, Restricted Delivery, Return Receipt Requested are detailed on page two of the [Small Claims Certified Mail Return form \(CC 4:5\)](#).

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## Service Returns

- A Service Return is proof that the defendant has been notified of the lawsuit and upcoming court date. A Service Return **MUST** be filed with the court.
- Types of Service Returns
  - The type of Service Return required by the judge will depend on what method of service you chose. If you chose:
    - Personal service by sheriff or constable
      - The sheriff's office/constable will file the Service Return directly with the court.
    - Personal Service by process server
      - The process server will file the return or send it back to you.
    - Certified Mail
      - You must file the [Certified Mail Proof of Service \(CC 4:5\)](#) form with the court. Include copies of the receipt (form 3800) and the signed return receipt (3811).

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**A Case Cannot Go Before a Judge Until the Defendant Has Been Properly Served.**