

Instructions for Notice and Admission of Service of Summons and Complaint Form

The Notice and Admission of Service of Summons and Complaint asks the Defendant to admit that he or she has received a copy of the Summons and Complaint. You should use this form **only if** you think the Defendant will sign and return it promptly. Otherwise, you should have the Summons and Complaint served by the sheriff or process server. In that case, only use the Affidavit of Personal Service Form.

The Defendant is not required to sign the Notice and Admission of Service of Summons and Complaint, but not signing it and mailing it back to you can result in the Defendant having to reimburse you for the cost of service by the sheriff or other process server. If the Defendant chooses to sign the Notice and Admission of Service of Summons and Complaint, he/she should complete the form and return it to you.

If the Defendant refuses to sign and return the Notice and Admission of Service, you must have the Summons and Complaint served by the sheriff's office or another qualified person.

- Complete the top portion of the Notice and Admission of Service of Summons and Complaint (the "caption"). This information will be the same as on the Summons and Complaint.
- Circle whether the documents were mailed or hand-delivered to the Defendant.
- Fill in the date the Summons and Complaint were sent or hand-delivered to the Defendant.
- Fill in the address of the Defendant where the documents were sent or hand-delivered to the Defendant.
- Sign and date the Notice and Admission, including your telephone number.
- Upon receipt, the Defendant shall enter the date the copy of the Summons and Complaint were received and sign and date the Admission, including mailing address and telephone number.
- The Defendant should make a copy of the completed Notice and Admission forms for his/her own records and return the original document to the Plaintiff.
- Plaintiff should also make a copy for his/her own records and then file the original Notice and Admission of Service of Summons and Complaint with the Clerk of Court.
- **The divorce may not be finalized until at least sixty days have elapsed from the date the summons and complaint are served. (The day of service is not counted).**

STATE OF SOUTH DAKOTA)

IN CIRCUIT COURT

COUNTY OF _____ :SS)

_____ JUDICIAL CIRCUIT

_____,
Plaintiff,

vs.

_____,
Defendant

DIV _____

**NOTICE AND ADMISSION
OF SERVICE OF SUMMONS
AND COMPLAINT**

TO THE ABOVE NAMED DEFENDANT:

The enclosed Summons and Complaint are sent to you pursuant to SDCL § 15-6-4.

You must complete the admission part of this form and return the original to the sender within 20 days. In completing the form, you must sign and date it.

If you do not complete and return the form within 20 days, you may be required to pay any expenses incurred in having the papers delivered to you personally.

After you complete and return this form, you must then answer (respond to) the complaint within 30 more days. If you fail to answer in time, judgment may be entered against you by default as requested in the complaint.

I hereby certify that this Notice and Admission of Service was mailed / hand-delivered (circle one) on _____ (date) to the Defendant at the following address:

Plaintiff's Signature

Printed or typed name

Date of Signature

Telephone Number

ADMISSION OF SERVICE OF SUMMONS AND COMPLAINT

I admit receiving a copy of the Summons and Complaint in this matter. This admission merely acknowledges receipt of the papers; it does not admit or deny any of the statements contained in those papers.

Dated _____, _____.

Signature of Defendant

Typed or Printed Name

Mailing address

City, State and Zip Code

Telephone Number