

Instructions for Affidavit of Personal Service Form

The Affidavit of Personal Service is the sworn statement of the person serving papers that he or she actually handed those papers to the other party. Under state law, a party (the plaintiff or defendant) to the divorce is not allowed to personally serve the other party. You must have the other party served by someone who is not involved in the divorce such as a sheriff or process server. Private citizens can serve papers if they meet the qualifications of process servers in the state where the service is made. It is safer to have a sheriff, constable, or other official process server serve the documents.

- Complete the top portion of the Affidavit of Personal Service (the “caption”). This information will be the same as on the Summons and Complaint
- The Affidavit of Personal Service may only be completed after the papers/documents listed are actually handed to the opposing party.
- The blanks should be filled in with the appropriate information.
- **The person who served the documents must sign and date the Affidavit in the presence of a notary public or clerk of court. Make sure to bring identification to show the notary public or clerk of court. A notary public can usually be found at the bank and sometimes at the courthouse.**
- Upon receipt of proof of service, make a copy for you and file the original with the Clerk of Court. Filing proof of service starts the 30 days for the Answer and the 60 days for finalization of the divorce.

STATE OF SOUTH DAKOTA)
) :SS
COUNTY OF _____)

IN CIRCUIT COURT

JUDICIAL CIRCUIT

| | |
|---|--|
| <p>_____, Plaintiff,</p> <p>vs.</p> <p>_____, Defendant</p> | <p>DIV _____</p> <p>AFFIDAVIT OF PERSONAL SERVICE</p> |
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I, _____, being sworn, state that I am
(Name of person who served documents)
registered or eligible to register as a voter in the State of _____, and that on
_____, 20____, I served _____

(List all papers handed to the other party)

on _____ by handing a true and correct copy of each of the
(Name of other party)
documents to him/her.

Dated _____, 20____.

Signature of Person Who Served Documents
(Sign only in front of a Notary or Clerk of Courts)

Name: (Printed) _____

Address: _____

City/State/Zip: _____

Telephone: (____) _____

Sworn/affirmed before me this
_____ day of _____, _____.

(Notary Public/Clerk of Courts)

If Notary, my commission expires: _____
(SEAL)