

_____ COUNTY SUPERIOR COURT
STATE OF GEORGIA

Petitioner: _____ :
: Civil Action
:
v. : Case Number _____
:
Respondent: _____ :

MOTION FOR SERVICE BY PUBLICATION

I am the Petitioner in this case. I cannot find the Respondent in this case, even though I have tried my very best. The Georgia Civil Practice Act, at O.C.G.A. § 9-10-71, allows me to serve the Respondent by publication because I cannot find the Respondent. I need the Judge or Clerk of Court to give me permission to serve the Respondent by publication. Therefore I move the court for an order directing that service on the Respondent be made by publication because the Respondent cannot, after due diligence, be found within the state. I have attached an *Affidavit of Diligent Search* to this *Motion for Service by Publication*. The *Affidavit of Diligent Search* gives details about all the things I did to try to find the Respondent.

Petitioner *pro se* [self-represented]

Address

Telephone Number(s)

_____ COUNTY SUPERIOR COURT
STATE OF GEORGIA

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AFFIDAVIT OF PUBLICATION AND DILIGENT SEARCH

[Required for Service by Publication under O.C.G.A. §9-11-4(e)]

I am the Respondent in this case. I have personal knowledge about the fact that the Respondent cannot be found within Georgia for service of the summons and petition. The Respondent is a necessary party in this case. I personally appeared before the Notary Public and signed this *Affidavit of Diligent Search* in front of the Notary Public. The notary public signed and stamped this document after seeing me sign it.

1. The Respondent's Whereabouts

[Choose only one, either a, b, c or d]

__ a. The Respondent formerly lived in Georgia at the following address: _____
_____. The Respondent left this address around approximately

_____ [date]. The Respondent has left the Georgia or cannot after due diligence be found in Georgia.

__ b. The last known residence of the Respondent was outside the State of Georgia at the following address:

_____. The most recent time that I know the respondent lived at that address was on or around _____. The Respondent no longer lives at that address, to the best of my knowledge, and I do not know his / her present address or whereabouts.

__ c. The Respondent is hiding from service of process. Here are some details about how the Respondent is hiding: _____

_____.

2. I have tried my very best to find the Respondent. I tried to find him / her by:

[Check all that apply]

__ a. I searched on the Internet. Here are the search engines and/or search services I used:

_____.

___ b. I searched telephone directories. Here are the telephone directories I used:

___ c. I searched city directories and/or criss/cross directories. Here are the directories I used:

___ d. I filed a request for customer information with the U.S. Postal Service [You can find information on how to do this in the U.S.P.S.'s publication, *Handbook AS-343-Guide to Privacy, the Freedom of Information Act, and Records Management Contents, Section 5, Requests for Special Categories of Records, Requests for Employee or Customer Information*, available at http://about.usps.com/handbooks/as353/as353c5_002.htm, retrieved 12-20-16].

___ e. I looked on the Secretary of State's Corporations Registration website because the Respondent is an officer, board member or partner in a business organization that is officially registered with the Secretary of State's website [at <https://ecorp.sos.ga.gov/>, retrieved 12-20-16].

___ f. I looked on the Secretary of State's Professional Licenses website because the Respondent has a professional license that is registered with the state [at <http://verify.sos.ga.gov/Verification/>, retrieved 12-20-16].

___ g. I searched county tax records at the county tax assessor's office or on the tax assessor's website search engine because the Respondent owns property in that county.

___ h. I searched county "doing business as" business name records at the Clerk of Superior Court's office because the Respondent owns a business.

___ i. I asked the Respondent's friends and relatives for information about his / her whereabouts. Here are the names, addresses, and telephone numbers of everyone Petitioner contacted:

___ j. I asked the Respondent's former landlord or boss for information about his / her whereabouts. Here is the name address and telephone number of the former landlord or boss whom I contacted:

- ___ k. I used the Georgia / Federal Department of Corrections Offender Search online because the Respondent is in prison [Georgia's is at <http://www.dcor.state.ga.us/GDC/OffenderQuery/jsp/OffOryForm.jsp>, while the Federal Bureau of Prison's is at <http://www.bop.gov/inmateloc/>], retrieved 12-20-16.
- ___ l. I attempted to have him / her served at his / her last known address, which is listed above.
- ___ m. Other [specify]: _____.

Affiant has no knowledge as to the present residence or whereabouts of the Respondent.

Petitioner *pro se* [self-represented]

Sworn to and subscribed before me this _____ day of _____, 20__.

Notary Public

My commission expires: _____

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ORDER FOR SERVICE BY PUBLICATION

Petitioner having moved the Court for an order directing service to be made upon Respondent _____ in the case named above, and it appearing to the Court from the verified Complaint and Affidavit in support of such motion that Respondent is a nonresident and that the action is an action in which a Respondent may be served by publication pursuant to O.C.G.A. § 9- 10-71, it is

ORDERED, that service upon the Respondent be made by publication as provided by law.

This _____ day of _____, ____ (year).

 JUDGE / Clerk

_____ County Superior Court

State of Georgia

_____ COUNTY SUPERIOR COURT
STATE OF GEORGIA

Petitioner: _____ :
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NOTICE OF SUMMONS

TO: _____, Respondent Named Above:

This notice has been published to let you know that a _____ [Type of case] case was filed against you in Superior Court on _____, 20___. The court issued an order for service of summons by publication on _____. 20___. You must file an *Answer* to the Petition with the clerk of Superior Court and serve the Petitioner with a copy of the *Answer*. The Petitioner's address is _____ . You must file your *Answer* within sixty (60) days of the date of the order for service by publication. If you fail to file an *Answer*, then a judgment by default will be taken against you, and the Petitioner will get everything he asked for in the *Petition for* _____ [Type of case].

This the _____ day of _____, ____ (year).

 JUDGE / Clerk

_____ County Superior Court

State of Georgia