

INSTRUCTIONS FOR COMPLETING AFFIDAVIT OF LONG ARM SERVICE

The purpose of so-called “Long Arm Service” is to allow the “long arm of the law” to reach out and serve legal pleadings on an out-of-state defendant, using the United States mail.

The person who files the legal proceedings (which will usually be you) is responsible for proving to the court that you properly mailed the pleadings to the defendant. This requires you to take the steps described in the attached Affidavit, to fill out and sign the Affidavit before a Notary Public, attach the “Green Card” when it comes back, and **file the Affidavit plus the Green Card into the suit record at least 30 days before your hearing.** If your Affidavit has not been filed in the suit record for at least 30 days, no hearing can be held on your case.

Only you (or your lawyer) can do this. The Clerk of Court cannot do it for you. The District Attorney’s office cannot do it for you.

Order of Completion:

1. When you file your document, tell the Clerk that you will need a copy to serve by long arm. The Clerk of Court will then give you a certified copy of the pleadings you have filed, any orders signed by the judge, and a blue cover sheet which is the “citation.”
2. Take that set of papers, and put them in an envelope. Put your return address on the outside of the envelope in the top left hand corner, and write the defendant’s address in the lower right center of the envelope. Be sure to print and write legibly.
3. Take the envelope to the nearest United States Post Office. Tell them you need to mail it “certified mail, return receipt requested.” They will assist you with filling out a small white slip of paper (the certified mail receipt) and a small Green Card. The Post Office will charge you a fee for these services, which varies. The Post Office will keep the Green Card, and will give you the white slip of paper as proof that you mailed the envelope.
4. Immediately staple the white slip to the Affidavit, and write the date that you mailed the envelope on the Affidavit so you won’t forget.
5. When the envelope is delivered out of state, someone at the defendant’s address has to sign the Green Card. The Post Office will return the signed Green Card to you. (Or they may return the whole envelope with the Green Card marked “Unclaimed.”)
6. When you get back the Green Card either signed or marked “Unclaimed,” staple it to the back of the Affidavit, and finish filling out the Affidavit and sign it in front of a Notary Public, and that same day take it to the Clerk of Court and file it into the suit record.
7. Keep a copy of the Affidavit and Green Card for yourself and bring it to court with you on the date of your hearing.
8. If the package cannot be delivered because the address is wrong, the Green Card and envelope will be returned to you marked something like “moved, unable to forward” or “vacant” or “no such address”. In that case, you probably do not have good service, but attach the Green Card and file the Affidavit anyway. Come to court on the day you were scheduled. The judge will decide if you have good service. If you have any other proof that the defendant actually lives at the address you used (letters from defendant, for example) bring that also. Meanwhile try to find out if there is a better address for the defendant.
9. If you simply cannot get a good address to mail the pleadings, there are other, more complicated options for serving a defendant out of state. You are *strongly* advised to consult an attorney at this point. These other options are beyond the scope of a self-help website.

State of Louisiana * Parish of Ouachita/Morehouse * 4th District Court

Plaintiff

FILED: _____

VERSUS NO. _____ (Section _____)

Defendant

BY: _____
DEPUTY CLERK OF COURT

AFFIDAVIT OF LONG ARM SERVICE

BEFORE ME, the undersigned Notary Public, personally came and appeared,
_____ [name of person who mailed pleadings to Defendant],
whose current address is _____, who
after being duly sworn did declare that:

On _____ [date letter was mailed] s/he served a certified copy of the
citation and of the Petition/Rule in this action under the Louisiana Long Arm Statute, LSA-R.S.
13:3201 and 3204, by mailing them to the Defendant, _____ [Defendant's
name], by certified mail, return receipt requested, properly addressed and postage prepaid; that
on _____ [date green slip shows Defendant received the letter] the citation and rule were
delivered and received by Defendant; and that s/he received the postal receipt attached hereto
indicating that same had been delivered to Defendant.

NAME OF PERSON WHO MAILED LETTER

SWORN TO AND SUBSCRIBED before me, this ____ day of _____, 20__.

NOTARY PUBLIC

NOTE: This affidavit must be filed in the record at least 30 days before any action can be taken.