

**EX PARTE MOTION FOR SERVICE OF PROCESS BY POSTING AND BY CERTIFIED MAIL; DECLARATION; DECLARATION OF PROCESS SERVER; ORDER DIRECTING SERVICE OF PROCESS AND APPEARANCE OF DEFENDANT(S) (FOR SUMMARY POSSESSION COMPLAINTS ONLY)**

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| <b>IN THE DISTRICT COURT OF THE FIFTH CIRCUIT<br/>STATE OF HAWAI‘I</b> |  |
| Plaintiff(s)   | Reserved for Court Use   |
|  | Civil No.  |
| Defendant(s)   | Filing Party/Attorney (Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Facsimile Numbers) |
| Premises Address:  | Other Address(es):   |
| Attempted Service Dates: _____   | Attempted Service Dates : _____  |
|  | Complaint Filing Date:   |

**EX PARTE MOTION FOR SERVICE OF PROCESS BY POSTING AND BY CERTIFIED MAIL**

Plaintiff(s) request(s) that this Motion be granted for the reasons stated in the Declaration below. This Motion is based on the District Court Rules of Civil Procedure, Rule 4(e) and Hawai‘i Revised Statutes §666-8.

**DECLARATION**

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOLLOWING IS TRUE AND CORRECT:** I am Plaintiff or the attorney for Plaintiff. I caused the Complaint for Summary Possession to be filed on the Complaint Filing Date listed above. Based upon the Declaration of the Process Server on reverse, service by posting and certified mail is necessary as described in Hawai‘i Revised States §666-8.

|       |                         |
|-------|-------------------------|
| Date: | Signature of Declarant: |
|       | Print/Type Name:        |

**DECLARATION OF PROCESS SERVER**

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOLLOWING IS TRUE AND CORRECT:** I am a person authorized to serve process in the State of Hawai'i. I have personal knowledge of the statements in this declaration and am competent to testify to these matters. I was engaged by Plaintiff to serve a certified copy of the Complaint for Summary Possession on Defendant. I attempted service on the Attempted Service Dates at the Premises Address and Other Addresses listed on the page 1, that are the only known addresses for Defendant. I have checked the telephone directory for the circuit and have not been able to find any other address for Defendant. Despite my efforts, I have not been able to locate and serve Defendant. I am informed and believe that Defendant continues to reside and/or do business in the State of Hawai'i but is avoiding service of process. (Attach continuation page, if necessary).

|       |  |
|-------|--|
| Date: | Signature of Process Server:<br><br>Print/Type Name: |
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**ORDER DIRECTING SERVICE OF PROCESS AND SUMMONING DEFENDANT TO APPEAR**

THE STATE OF HAWAI'I

TO THE SHERIFF, OR THE CHIEF OF POLICE OF THIS CIRCUIT, OR THEIR DEPUTY, OR THEIR DULY AUTHORIZED SUBORDINATES IN THIS CIRCUIT OR ANY PERSON AUTHORIZED TO SERVE PROCESS IN THE STATE OF HAWAI'I:

WHEREAS, the Plaintiff has moved this Court for a special Order Directing Service of Process on Defendant for Posting Complaint for Summary Possession on the Premises and by Certified Mail at the Premise Address listed on page 1;

NOW, THEREFORE, YOU ARE COMMANDED to leave certified copies of **this Motion and** the Complaint for Summary Possession with some agent or employee of Defendant, provided an agent or employee can be found upon the premises or elsewhere within the circuit, and also to affix in a conspicuous place upon the certain premises located at Premises Address listed on page 1, certified copies of this Motion and the Complaint for Summary Possession, such posting to be not less than ten (10) days before the return date, and make due return of this Order with what you have done endorsed thereon.

IT IS FURTHER ORDERED that Plaintiff shall send to Defendant, by certified mail, return-receipt requested, certified copies of this Motion and the Complaint for Summary Possession and file in these proceedings a declaration of the certified mailing in the appropriate form.

IT IS FURTHER ORDERED that Defendant shall appear before the Presiding Judge of this Court in his/her Courtroom, at the address indicated below on \_\_\_\_\_, 20 \_\_\_\_\_.  
at \_\_\_\_\_ a.m. to respond to the Complaint for Summary Possession.


**THE PROCESS SERVER MUST POST BOTH THIS MOTION  
AND THE COMPLAINT FOR SUMMARY POSSESSION**

**COURT ADDRESS**

Kaua'i Judiciary Complex  
Courtroom #2  
3970 Kā'ana Street  
Līhu'e, Hawai'i

Mailing address for the above Court: 3970 Kā'ana Street, DC Civil Division, Suite 207, Līhu'e, Hawai'i 96766

|       |       |
|-------|-------|
| Date: | Judge |
|-------|-------|

 In accordance with the **Americans with Disabilities Act**, and other applicable State and Federal laws, if you require an accommodation for a disability when working with a court program, service, or activity please contact the District Court Administration Office at PHONE NO. 482-2347, FAX 482-2509, OR TTY 482-2533 at least (10) working days in before your proceeding, hearing, or appointment date.