

(Name) _____

(Address) _____

(Telephone No.) _____

Plaintiff Pro Se

IN THE FAMILY COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

	)	FC-D No. _____
)	
	)	EX PARTE MOTION FOR SERVICE BY
	)	MAIL AND POSTING IN LIEU OF
vs.	)	PUBLICATION; AFFIDAVIT OF PLAINTIFF;
	)	[ ] EXHIBIT "A" [] EXHIBIT "B";
	)	ORDER [] GRANTING [] DENYING
	)	EX PARTE MOTION FOR SERVICE BY
	)	MAIL AND POSTING IN LIEU OF
Defendant.	)	PUBLICATION
_____)	

EX PARTE MOTION FOR SERVICE BY MAIL
AND POSTING IN LIEU OF PUBLICATION

I, the Plaintiff, move for an order authorizing service of the Complaint for Divorce, Summons to Answer Complaint, this motion, affidavit and order and other appropriate documents herein on Defendant at his/her last known address and to Defendant's closest known relative by registered or certified mail, with return receipt requested and a directive to deliver to the addressee only, and posting at the courthouse in which said documents are filed, in place of service by publication.

This motion is made pursuant to Hawaii Revised Statutes Section 580-3(e) and is based on the attached affidavit(s), exhibit(s), files and records herein.

DATED: _____, Hawaii
(City/Town)

(Plaintiff's signature)

IN THE FAMILY COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

	)	FC-D No. _____
)	
	)	AFFIDAVIT OF PLAINTIFF;
Plaintiff,	)	[ ] EXHIBIT "A"; [] EXHIBIT "B"
vs.)	
)	
)	
)	
Defendant.)	
_____)	

AFFIDAVIT OF PLAINTIFF

STATE OF HAWAII)	
	)	ss.
COUNTY OF MAUI)	

I, the Plaintiff in the above-entitled action, being first duly sworn on oath, deposes and says that:

1. Financial Information: I am impoverished and cannot afford to publish legal notice of this divorce in the newspaper, as noted below:

a. My gross monthly income from all sources is \$_____. I receive money from:

(check all that apply)

- [] Job \$ _____
- [] Welfare \$ _____
- [] Food Stamps \$ _____
- [] Unemployment Benefits \$ _____
- [] Social Security \$ _____
- [] Child Support \$ _____
- [] Other: _____ \$ _____

b. I help to support _____ (fill in number) people in my household, not including myself.

- c. Within the past twelve months, I received money from the following sources:
(check all that apply)
- business, profession or self-employment \$ _____
 - rent payments, interest or dividends \$ _____
 - pensions, investments, annuities or life insurance \$ _____
 - gifts or inheritance \$ _____
 - disability payments, lawsuit damages, etc. \$ _____
 - other: _____ \$ _____

d. My total assets (including but not limited to cash, savings and checking accounts, cars, etc.) are \$ _____.

- e. I own the following: (check all that apply)
- house, townhouse, condominium, other real property worth \$ _____
 - pager, cellular phone, computer, etc., worth \$ _____
 - jewelry worth \$ _____
 - firearms, collectibles, sports equipment, etc., worth \$ _____
 - car, van, truck, motorcycle, boat, etc., worth \$ _____

- f. I have a total amount of \$ _____ in debts, owed on the following:
- mortgage \$ _____
 - credit cards \$ _____
 - loans \$ _____
 - other: _____ \$ _____

g. The following factors also affect my ability to pay for publication of legal notice:

_____.

2. Due and Diligent Search: I have conducted a due and diligent search for the Defendant, as noted below, for at least fifteen (15) days either before or after the filing of the Complaint, and still do not know where my spouse presently lives and receives mail.

a. I last saw or had any contact with my spouse on (month, day, year)
_____.

b. The last known address of my spouse as of (month, day, year)
_____ is: _____

_____.

c. Spouse's Current Address: I made the following efforts to locate my spouse:
(check all that apply)

- On _____ (date) I mailed the Complaint for Divorce and Summons to Answer Complaint to my spouse at my spouse's last known address noted

in (b) above, but the Post Office returned the letter to me stating that my spouse no longer lived at that address that it was undeliverable. The returned envelope is attached as Exhibit "A."

I gave a Request for Change of Address or Box Holder Information Needed for Service of Legal Process to the _____ (city, state) Post Office. They did not have my spouse's current address. This Request is attached as Exhibit "B."

d. Spouse's Current Phone Number: I do not have a current phone number for my spouse and made the following efforts:

I called the last known phone number for my spouse which is _____ and was told that my spouse no longer lives there it has been disconnected.

I called the Directory Assistance for _____ (city, state) where my spouse last lived and there is no current listing for my spouse.

My spouse is not listed in the phone book for (city, state): _____

e. Current Employment: I do not know where my spouse presently works and have made the following effort:

I contacted my spouse's last known employer and my spouse no longer works there.

f. Contacts with Spouse's Parents, Relatives and Friends:

I do not know any of my spouse's friends relatives.

I contacted the following parent/relative/friend of my spouse and none of them could give me any information on my spouse's present whereabouts.

Parent's Name: _____

Date/Time of Contact: _____

Relative's Name: _____

Date/Time of Contact: _____

Friend's Name: _____

Date/Time of Contact: _____

Friend's Name: _____

Date/Time of Contact: _____

[] g. I also made the following attempts to locate my spouse: _____

3. Name/Address of Spouse's Closest Relative:

The name/address of my spouse's closest relative is:

Name: _____

Address: _____

Relationship: _____

4. I swear under penalty of perjury that everything I have stated in this affidavit is true to the best of my knowledge. I realize that it is against the law for me to state any lies in this document. I also realize that this is a public document and that my spouse may be able to read this document.

FURTHER AFFIANT SAYETH NAUGHT.

Plaintiff's Signature (must be signed before a notary)

SUBSCRIBED AND SWORN TO BEFORE ME

on _____ in _____, Hawaii
(Date) (City)

NOTARY PUBLIC, State of Hawaii

MY COMMISSION EXPIRES: _____

EXHIBIT “A”

EXHIBIT “B”

IN THE FAMILY COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

	)	FC-D No. _____
)	
	)	ORDER <input type="checkbox"/> GRANTING <input type="checkbox"/> DENYING
Plaintiff,	)	EX PARTE MOTION FOR SERVICE BY
vs.	)	MAIL AND POSTING IN LIEU OF
	)	PUBLICATION
)	
)	
Defendant.)	
_____)	

ORDER GRANTING DENYING EX PARTE MOTION FOR SERVICE BY MAIL AND POSTING IN LIEU OF PUBLICATION

The Court has reviewed the Plaintiff's Ex Parte Motion for Service by Mail and Posting in Lieu of Publication, filed concurrently herewith, and the supporting material. Upon consideration of that Motion and the supporting material, and with good cause therefore,

IT IS HEREBY ORDERED as follows:

Plaintiff's Ex Parte Motion for service by Mail and Posting in Lieu of Publication is DENIED because Plaintiff is not impoverished Plaintiff has not made a due and diligent search for Defendant.

Plaintiff's Ex Parte Motion for Service by Mail and Posting in Lieu of Publication is GRANTED.

1. Plaintiff shall mail, by registered or certified mail, return receipt requested, with a directive to deliver to addressee only to:

A. Defendant at Defendant's last known address which is: _____

B. Defendant's closest known relative: (name/address): _____

certified copies of the following documents:

- A. Complaint for Divorce
 - B. Summons to Answer Complaint
 - C. Ex Parte Motion for Service by Mail and Posting in Lieu of Publication, Affidavit of Plaintiff, and Order [X] Granting [] Denying Ex Parte Motion for Service by Mail and Posting in Lieu of Publication
 - D. Notice to Attend Kids First - if the parties have minor children
2. Plaintiff shall arrange for the posting of a copy of the pleadings and process at the courthouse in which said documents were filed.
 3. Service shall be considered complete thirty (30) days after the date of mailing. By law, the Defendant has an additional twenty (20) days after that date to file an Answer.
 4. Plaintiff shall attest to the fact of mailing and the date thereof by affidavit, attaching the sender's receipt for that mail and, if available, the return receipt and envelope.
 5. **Court Hearing: No sooner than fifty (50) days after these documents are mailed to the Defendant, Plaintiff shall submit all necessary documents (including the proposed divorce decree and certificate of divorce), Plaintiff's Affidavit of Mailing in Lieu of Publication and a copy of the Affidavit of Posting to this Court for the setting of a court hearing on this matter.**

DATED: _____

_____, Hawaii
(City/Town)

Judge of the above-entitled Court

[] to the Defendant's closest known relative who is: (name) _____
_____ at the following address: _____
_____.

At the time of mailing, the receipt attached hereto as Exhibit "1" was postmarked and dated. Thereafter, the return receipt attached as Exhibit "2" was received. [] The receipts for defendant's relative are noted as Exhibits "3" and "4."

DATED: _____, Hawaii
(City/Town)

Plaintiff's Signature (must be signed before a notary)

SUBSCRIBED AND SWORN TO BEFORE ME
on _____ in _____, Hawaii
(Date) (City)

NOTARY PUBLIC, State of Hawaii

MY COMMISSION EXPIRES: _____

EXHIBIT “1”

EXHIBIT “2”

EXHIBIT “3”

EXHIBIT “4”

(Name) _____

(Address) _____

(Telephone No.) _____

Plaintiff Pro Se

IN THE FAMILY COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

		) FC-D No. _____
)
	Plaintiff,	) AFFIDAVIT OF POSTING OF
vs.		) COMPLAINT AND SUMMONS
		) PURSUANT TO ORDER FOR
		) SERVICE BY MAIL AND POSTING
		) IN LIEU OF PUBLICATION
	Defendant.)
	_____)

AFFIDAVIT OF POSTING OF COMPLAINT AND SUMMONS PURSUANT TO ORDER
FOR SERVICE BY MAIL AND POSTING IN LIEU OF PUBLICATION

STATE OF HAWAII)	
	)	SS
COUNTY OF MAUI)	

_____, being first duly sworn on oath, deposes and says:

Affiant is a Clerk of the Circuit Court of the Second Circuit, State of Hawaii; and that pursuant to the Order for Service By Mail And Posting in Lieu of Publication filed herein, on _____, Affiant posted a certified copy of the Complaint for Divorce and Summons filed in the above-captioned matter on the bulletin board at Hoapili Hale, 2145 Main Street, Wailuku, Hawaii 96793.

FURTHER AFFIANT SAYETH NAUGHT.

CLERK OF THE ABOVE-ENTITLED COURT

Americans with Disabilities Act Notice

If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as soon as possible to allow the court time to provide an accommodation:



Call (808) 244-2855 FAX (808) 244-2932 OR Send an e-mail to: adarequest@courts.hawaii.gov. The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.