

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

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| IN THE DISTRICT COURT OF THE SECOND CIRCUIT _____ DIVISION STATE OF HAWAI'I | |
| Plaintiff | Reserved for Court Use |
| | Civil No. |
| Defendant | Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, Telephone Number and Email |
| 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 request 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 below, service by posting and certified mail is necessary as described in Hawai'i Revised Statutes §666-8. | |
| Date: | Signature of Declarant: Print/Type Name: |

SEE PAGE 2

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 Addresses and Other Addresses listed on page 1, that are the only known addresses for Defendant. I have checked the telephone directory of this circuit and I 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).

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| Date: | Signature of Process Server: 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 by Posting Complaint for Summary Possession on the Premises and by Certified Mail at the Premises 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 that 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 the 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

- | | |
|---|---|
| <input type="checkbox"/> Wailuku Division, (Regular Claims) | 2145 Main Street, Courtroom 3C, Third Floor, Wailuku, Hawai'i 96793 |
| <input type="checkbox"/> Wailuku Division, (Small Claims) | 2145 Main Street, Courtroom 3D, Third Floor, Wailuku, Hawai'i 96793 |
| <input type="checkbox"/> Lahaina Division | 1870 Honoapiilani Highway, Lahaina, Hawai'i 96761 |
| <input type="checkbox"/> Hana Division | 4974 Uakea Road, Hana, Hawai'i 96713 |
| <input type="checkbox"/> Molokai Division | 55 Makaena Place, Kaunakakai, Hawai'i 96748 |
| <input type="checkbox"/> Lana'i Division | 312 8 th Street, Lana'i City, Hawai'i 96763 |

Mailing address for the Court: 2145 Main Street, Room 106, Wailuku, Hawai'i 96793

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| Date: | Judge |
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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 email to adarequest@courts.hawaii.gov

The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.

For Civil related matters, please call (808) 244-2706 or visit the District Court Service Center at 2145 Main St, Room 141, Wailuku, Hawai'i 96793.