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400-1

SERVICE GENERALLY

Rule 400. Person to Make Service.

(a) Except as provided in subdivisions (b) and (c) and in Rules 400.1 and 1930.4, original process shall be served within the Commonwealth only by the sheriff.

(b) In addition to service by the sheriff, original process may be served also by a competent adult in the following actions:

- (1) civil action in which the complaint includes a request for injunctive relief under Rule 1531, perpetuation of testimony under Rule 1532 or appointment of a receiver under Rule 1533,
- (2) partition, and
- (3) declaratory judgment when declaratory relief is the only relief sought.

Official Note: See Rule 76 for the definition of “competent adult.”

Service of original process in domestic relations matters is governed by Rule 1930.4.

(c) When the sheriff is a party to the action, original process shall be served by the coroner or other officer authorized by law to perform the duties of coroner.

(d) If service is to be made by the sheriff in a county other than the county in which the action was commenced, the sheriff of the county where service may be made shall be deputized for that purpose by the sheriff of the county where the action was commenced.

Source

The provisions of this Rule 400 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended May 11, 1990, effective immediately, 20 Pa.B. 2737; amended October 2, 1995, effective January 1, 1996, 25 Pa.B. 4518; amended May 14, 1999, effective July 1, 1999, 29 Pa.B. 2767; amended June 14, 1999, effective September 1, 1999, 29 Pa.B. 3191; amended December 16, 2003, effective July 1, 2004, 34 Pa.B. 9. Immediately preceding text appears at serial page (260362). (*Editor’s Note:* The Supreme Court of Pennsylvania suspended its order of June 14, 1999, published at 29 Pa.B. 3191 (June 26, 1999). See 29 Pa.B. 4859 (September 18, 1999).)

Rule 400.1. Provisions for All Courts of the First Judicial District.

(a) In an action commenced in the First Judicial District, original process may be served

- (1) within the county by the sheriff or a competent adult, or
- (2) in any other county by deputized service as provided by Rule 400(d) or by a competent adult forwarding the process to the sheriff of the county where service may be made.

Official Note: See Rule 76 for the definition of “competent adult.”

The First Judicial District is comprised of Philadelphia.

(b) In an action commenced in any other county, original process may be served in Philadelphia County by deputized service as provided by Rule 400(d) or by a competent adult.

Official Note: See Rule 76 for the definition of “competent adult.”

(c) Rescinded.

Official Note: For service in an action for protection from abuse, see Rule 1930.4(b).

Source

The provisions of this Rule 400.1 adopted May 11, 1990, effective immediately, 20 Pa.B. 2737; amended July 2, 1998, effective August 1, 1998, 28 Pa.B. 3373; amended May 14, 1999, effective July 1, 1999, 29 Pa.B. 2767; amended June 14, 1999, effective September 1, 1999, 29 Pa.B. 3191. Immediately preceding text appears at serial page (256951). (*Editor's Note:* The Supreme Court of Pennsylvania suspended its order of June 14, 1999, published at 29 Pa.B. 3191 (June 26, 1999). See 29 Pa.B. 4859 (September 18, 1999).)

Rule 401. Time for Service. Reissuance, Reinstatement and Substitution of Original Process. Copies for Service.

(a) Original process shall be served within the Commonwealth within thirty days after the issuance of the writ or the filing of the complaint.

Official Note: See Rule 404 for the time for service outside the Commonwealth.

(b)(1) If service within the Commonwealth is not made within the time prescribed by subdivision (a) of this rule or outside the Commonwealth within the time prescribed by Rule 404, the prothonotary upon praecipe and upon presentation of the original process, shall continue its validity by reissuing the writ or reinstating the complaint, by writing thereon "reissued" in the case of a writ or "reinstated" in the case of a complaint.

(2) A writ may be reissued or a complaint reinstated at any time and any number of times. A new party defendant may be named in a reissued writ or a reinstated complaint.

(3) A substituted writ may be issued or a substituted complaint filed upon praecipe stating that the former writ or complaint has been lost or destroyed.

(4) A reissued, reinstated or substituted writ or complaint shall be served within the applicable time prescribed by subdivision (a) of this rule or by Rule 404 after reissuance, reinstatement or substitution.

(5) If an action is commenced by writ of summons and a complaint is thereafter filed, the plaintiff instead of reissuing the writ may treat the complaint as alternative original process and as the equivalent for all purposes of a reissued writ, reissued as of the date of the filing of the complaint. Thereafter the writ may be reissued, or the complaint may be reinstated as the equivalent of a reissuance of the writ, and the plaintiff may use either the reissued writ or the reinstated complaint as alternative original process.

Official Note: If the applicable time has passed after the issuance of the writ or the filing of the complaint, the writ must be reissued or the complaint reinstated to be effective as process. Filing or reinstatement or substitution of a complaint which is used as alternative process under this subdivision, has been held effective in tolling the statute of limitations as the reissuance or substitution of a writ.

(c) The copy of the original process to be served upon the defendant shall be attested by the prothonotary or certified by the plaintiff to be a true copy.

Source

The provisions of this Rule 401 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452.

Rule 402. Manner of Service. Acceptance of Service.

- (a) Original process may be served
 - (1) by handing a copy to the defendant; or
 - (2) by handing a copy
 - (i) at the residence of the defendant to an adult member of the family with whom he resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or
 - (ii) at the residence of the defendant to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which he resides; or
 - (iii) at any office or usual place of business of the defendant to his agent or to the person for the time being in charge thereof.
- (b) In lieu of service under this rule, the defendant or his authorized agent may accept service of original process by filing a separate document which shall be substantially in the following form:

(Caption)
Acceptance of Service

I accept service of the _____ on behalf of
_____ and certify that I am authorized to do so).

(Date) _____ (Defendant, or Authorized Agent)

(Mailing Address)

Official Note: The plaintiff should insert in the first blank the name of the document being accepted, i.e., writ of summons or complaint.

When accepting service in person, the defendant would delete the part of the sentence in parentheses.

Source

The provisions of this Rule 402 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended June 14, 1999, effective September 1, 1999, 29 Pa.B. 3191. Immediately preceding text appears at serial pages (256952) to (256953). (Editor's Note: The Supreme Court of Pennsylvania has suspended its order of June 14, 1999, published at 29 Pa.B. 3191 (June 26, 1999). See 29 Pa.B. 4859 (September 18, 1999).)

Rule 403. Service by Mail.

If a rule of civil procedure authorizes original process to be served by mail, a copy of the process shall be mailed to the defendant by any form of mail requiring a receipt signed by the defendant or his authorized agent. Service is complete upon delivery of the mail.

(1) If the mail is returned with notation by the postal authorities that the defendant refused to accept the mail, the plaintiff shall have the right of service by mailing a copy to the defendant at the same address by ordinary mail with the return address of the sender appearing thereon. Service by ordinary mail is complete if the mail is not returned to the sender within fifteen days after mailing.

(2) If the mail is returned with notation by the postal authorities that it was unclaimed, the plaintiff shall make service by another means pursuant to these rules.

Official Note: The United States Postal Service provides for restricted delivery mail, which can only be delivered to the addressee or his authorized agent. Rule 403 has been drafted to accommodate the Postal Service procedures with respect to restricted delivery.

Source

The provisions of this Rule 403 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended June 14, 1999, effective September 1, 1999, 29 Pa.B. 3191. Immediately preceding text appears at serial page (256955). (*Editor's Note:* The Supreme Court of Pennsylvania suspended its order of June 14, 1999, published at 29 Pa.B. 3191 (June 26, 1999). See 29 Pa.B. 4859 (September 18, 1999).)

Rule 404. Service Outside the Commonwealth.

Original process shall be served outside the Commonwealth within ninety days of the issuance of the writ or the filing of the complaint or the reissuance or the reinstatement thereof:

Official Note: For reissuance and reinstatement of original process, see Rule 401(b).

(1) by a competent adult in the manner provided by Rule 402(a);

Official Note: See Rule 76 for the definition of "competent adult."

(2) by mail in the manner provided by Rule 403;

(3) in the manner provided by the law of the jurisdiction in which the service is made for service in an action in any of its courts of general jurisdiction;

(4) in the manner provided by treaty; or

Official Note: A treaty may provide that to effect service a plaintiff must satisfy requirements which are in addition to the procedures specified by this rule.

(5) as directed by the foreign authority in response to a letter rogatory or request.

Official Note: Sections 5323 and 5329(2) of the Judicial Code, 42 Pa.C.S. §§ 5323, 5329(2), provide additional alternative procedures for service outside the Commonwealth.

Source

The provisions of this Rule 404 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended May 14, 1999, effective July 1, 1999, 29 Pa.B. 2767. Immediately preceding text appears at serial pages (245988) and (202617).

Rule 405. Return of Service.

(a) When service of original process has been made the sheriff or other person making service shall make a return of service forthwith. If service has not been made and the writ has not been reissued or the complaint reinstated, a return of no service shall be made upon the expiration of the period allowed for service.

Official Note: See *Lamp v. Heyman*, 469 Pa. 465, 366 A.2d 882 (1976), with respect to original process as a means of tolling the statute of limitations, wherein the Court stated that original process “shall remain effective to commence an action only if the plaintiff then refrains from a course of conduct which serves to stall in its tracks the legal machinery he has just set in motion.”

(b) A return of service shall set forth the date, time, place and manner of service, the identity of the person served and any other facts necessary for the court to determine whether proper service has been made.

(c) Proof of service by mail under Rule 403 shall include a return receipt signed by the defendant or, if the defendant has refused to accept mail service and the plaintiff thereafter has served the defendant by ordinary mail,

(1) the returned letter with the notation that the defendant refused to accept delivery, and

(2) an affidavit that the letter was mailed by ordinary mail and was not returned within fifteen days after mailing.

(d) A return of service by a person other than the sheriff shall be by affidavit. If a person other than the sheriff makes a return of no service, the affidavit shall set forth with particularity the efforts made to effect service.

(e) The return of service or of no service shall be filed with the prothonotary.

(f) A return of service shall not be required when the defendant accepts service of original process.

(g) The sheriff upon filing a return of service or of no service shall notify by ordinary mail the party requesting service to be made that service has or has not been named upon a named party.

Source

The provisions of this Rule 405 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended July 7, 1986, effective January 1, 1987, 16 Pa.B. 2716; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5333; amended June 14, 1999, effective September 1, 1999, 29 Pa.B. 3191. Immediately preceding text appears at serial page (256956). (*Editor’s Note:* The Supreme Court

of Pennsylvania has suspended its order of June 14, 1999, published at 29 Pa.B. 3191 (June 26, 1999). See 29 Pa.B. 4859 (September 18, 1999).)

SERVICE IN PARTICULAR ACTIONS

Rule 410. Real Property Actions.

(a) In actions involving title to, interest in, possession of, or charges or liens upon real property, original process shall be served upon the defendant in the manner provided by Rule 400 *et seq.*

(b)(1) If in an action involving an interest in real property the relief sought is possession or mortgage foreclosure, original process also shall be served upon any person not named as a party who is found in possession of the property. The sheriff shall note the service in the return.

(2) If the relief sought is possession, the person so served shall thereupon become a defendant in the action. Upon praecipe of the plaintiff the prothonotary shall index the name of the person found in possession as a party to the action.

(3) If the relief sought is mortgage foreclosure, the person so served shall not thereby become a party to the action.

(c) If service is made pursuant to an order of court under Rule 430(a), the court shall direct one or more of the following methods of service:

(1) publication as provided by Rule 430(b),

Official Note: See Rule 1064 for additional requirements for service of original process by publication for actions to quiet title involving subsurface mineral, oil, or natural gas rights.

(2) posting a copy of the original process on the most public part of the property,

(3) registered mail to the defendant's last known address, and

(4) such other methods, if any, as the court deems appropriate to give notice to the defendant.

Source

The provisions of this Rule 410 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended June 14, 1999, effective September 1, 1999, 29 Pa.B. 3191; amended November 29, 2016, effective January 1, 2017, 46 Pa.B. 7933; amended December 30, 2016, effective January 1, 2017, 47 Pa.B. 178. Immediately preceding text appears at serial page (385495). (*Editor's Note:* The Supreme Court of Pennsylvania suspended its order of June 14, 1999, published at 29 Pa.B. 3191 (June 26, 1999). See 29 Pa.B. 4859 (September 18, 1999).)

Rule 411. Actions for Support.

When original process in an action for support is served within the Commonwealth by an official of the domestic relations section, that official shall send the defendant

(1) A copy of the complaint and order by ordinary mail. A defendant who attends the hearing in person shall be deemed to have been served; or

(2) two copies of the complaint and order, one by any form of mail requiring a receipt signed by the defendant, and one by ordinary mail. Service by mail is complete upon the return of the receipt personally signed by the defendant or other evidence of service satisfactory to the court. A defendant who attends the hearing in person shall be deemed to have been served.

Official Note: For general provisions governing service in an action for support, see Rules 400(b)(2), 402 and 404.

The rules governing service in support actions are only applicable when the venue provisions of Support Rule 1910.2 have been met. Otherwise, the action must proceed under the inter-county provisions of Sections 6712 and 6773 of the Judicial Code, 42 Pa.C.S. §§ 6712 and 6773, or the interstate provision of Section 6754 of the Judicial Code, 42 Pa.C.S. § 6754.

Source

The provisions of this Rule 411 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452; rescinded June 14, 1999, effective September 1, 1999, 29 Pa.B. 3191. Immediately preceding text appears at serial page (256957). (*Editor's Note:* The Supreme Court of Pennsylvania suspended its order of June 14, 1999, published at 29 Pa.B. 3191 (June 26, 1999). See 29 Pa.B. 4859 (September 18, 1999).)

Rule 412. Actions for Custody, Partial Custody and Visitation. Actions for Divorce or Annulment of Marriage.

In addition to the manner of service prescribed by Rule 402(a) in an action for custody, partial custody or visitation or in an action for divorce or annulment of marriage, original process may be served within the Commonwealth in the manner prescribed by Rule 403 governing service by mail.

Source

The provisions of this Rule 412 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452; rescinded June 14, 1999, effective September 1, 1999, 29 Pa.B. 3191. Immediately preceding text appears at serial pages (256957) to (256958). (*Editor's Note:* The Supreme Court of Pennsylvania suspended its order of June 14, 1999, published at 29 Pa.B. 3191 (June 26, 1999). See 29 Pa.B. 4859 (September 18, 1999).)

SERVICE UPON PARTICULAR PARTIES

Rule 420. Minors.

When the defendant is a minor, original process shall be served

- (1) upon the minor in the manner prescribed for the service of original process upon an adult defendant, or
- (2) by handing a copy to the minor's guardian.

Official Note: Rule 76 defines "minor" and Rule 2026 defines "guardian." The plaintiff cannot obtain a valid judgment against the minor until a guardian has been appointed; and a judgment obtained without the appointment of a guardian may be vacated and a guardian appointed forthwith, in accordance with Rule 2034. In all instances, the court in appointing a guardian for a minor may require that the guardian be served with copies of the pleadings

already served upon the minor or others and may also grant such continuance as is necessary to prepare and present the case of the minor. The court may also make orders extending the time for filing pleadings on behalf of the minor.

Source

The provisions of this Rule 420 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452; rescinded June 14, 1999, effective September 1, 1999, 29 Pa.B. 3191. (*Editor's Note:* The Supreme Court of Pennsylvania has suspended its order of June 14, 1999, published at 29 Pa.B. 3191 (June 26, 1999). See 29 Pa.B. 4859 (September 18, 1999).) Immediately preceding text appears at serial page (256958).

Rule 421. Incapacitated Persons.

If the defendant is an incapacitated person, original process shall be served

- (1) upon the incapacitated person in the manner prescribed for service of original process upon a competent defendant, or
- (2) by handing a copy to the incapacitated person's guardian.

Official Note: Rule 2051 defines "incapacitated person." Rule 2053 provides for the representation of an incapacitated person who is a defendant by a guardian or a guardian ad litem.

Source

The provisions of this Rule 421 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended June 3, 1994, effective July 1, 1994, 24 Pa.B. 3019; rescinded June 14, 1999, effective September 1, 1999, 29 Pa.B. 3191. Immediately preceding text appears at serial page (256958). (*Editor's Note:* The Supreme Court of Pennsylvania has suspended its order of June 14, 1999, published at 29 Pa.B. 3191 (June 26, 1999). See 29 Pa.B. 4859 (September 18, 1999).)

Rule 422. The Commonwealth and Political Subdivisions.

(a) Service of original process upon the Commonwealth or an officer of the Commonwealth, or a department, board, commission or instrumentality of the Commonwealth, or a member thereof, shall be made at the office of the defendant and the office of the attorney general by handing a copy to the person in charge thereof.

(b) Service of original process upon a political subdivision shall be made by handing a copy to

- (1) an agent duly authorized by the political subdivision to receive service of process, or
- (2) the person in charge at the office of the defendant, or
- (3) the mayor, or the president, chairman, secretary or clerk of the tax levying body thereof, and in counties where there is no tax levying body, the chairman or clerk of the board of county commissioners.

Official Note: See Rule 76 for the definition of "political subdivision."

(c) This rule shall not apply to an appeal from an administrative determination, order or decree of such officer, department, board, commission or instrumentality.

Source

The provisions of this Rule 422 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452; rescinded June 14, 1999, effective September 1, 1999, 29 Pa.B. 3191. Immediately preceding text appears at serial page (256958). (*Editor's Note:* The Supreme Court of Pennsylvania has suspended its order of June 14, 1999, published at 29 Pa.B. 3191 (June 26, 1999). See 29 Pa.B. 4859 (September 18, 1999).)

Rule 423. Partnerships and Unincorporated Associations.

Service of original process upon a partnership and all partners named in the action or upon an unincorporated association shall be made upon any of the following persons provided the person served is not a plaintiff in the action:

- (1) any partner, officer or registered agent of the partnership or association, or
- (2) an agent authorized by the partnership or association in writing to receive service of process for it, or
- (3) the manager, clerk or other person for the time being in charge of any regular place of business or activity of the partnership or association.

Source

The provisions of this Rule 423 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452; rescinded June 14, 1999, effective September 1, 1999, 29 Pa.B. 3191. Immediately preceding text appears at serial page (256958). (*Editor's Note:* The Supreme Court of Pennsylvania has suspended its order of June 14, 1999, published at 29 Pa.B. 3191 (June 26, 1999). See 29 Pa.B. 4859 (September 18, 1999).)

Rule 424. Corporations and Similar Entities.

Service of original process upon a corporation or similar entity shall be made by handing a copy to any of the following persons provided the person served is not a plaintiff in the action:

- (1) an executive officer, partner or trustee of the corporation or similar entity, or
- (2) the manager, clerk or other person for the time being in charge of any regular place of business or activity of the corporation or similar entity, or
- (3) an agent authorized by the corporation or similar entity in writing to receive service of process for it.

Official Note: Substituted service pursuant to Rule 402(a)(2) upon a corporation or similar entity is not permitted by this rule.

Source

The provisions of this Rule 424 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452; rescinded June 14, 1999, effective September 1, 1999, 29 Pa.B. 3191. Immediately preceding text appears at serial pages (256958) to (256959). (*Editor's Note:* The Supreme Court of Pennsylvania has suspended its order of June 14, 1999, published at 29 Pa.B. 3191 (June 26, 1999). See 29 Pa.B. 4859 (September 18, 1999).)

Rule 425. Additional Defendants.

(a) Original process shall be served upon an additional defendant who is not already a party to the action in the same manner as if he or she were an original defendant. The joining party, upon request, shall furnish copies of all or specified pleadings filed in the action.

Official Note: See Rule 213(b) for the right of an additional defendant to move for a severance and Rule 1006(d) for the right to move for a change of venue.

(b) The defendant or additional defendant shall serve a copy of his or her complaint upon every prior party.

Source

The provisions of this Rule 425 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452; rescinded June 14, 1999, effective September 1, 1999, 29 Pa.B. 3191; amended March 23, 2007, effective June 1, 2007, 37 Pa.B. 1480. Immediately preceding text appears at serial page (297565). (*Editor's Note:* The Supreme Court of Pennsylvania has suspended its order of June 14, 1999, published at 29 Pa.B. 3191 (June 26, 1999). See 29 Pa.B. 4859 (September 18, 1999).)

SERVICE PURSUANT TO SPECIAL ORDER OF COURT**Rule 430. Service Pursuant to Special Order of Court. Publication.**

(a) If service cannot be made under the applicable rule the plaintiff may move the court for a special order directing the method of service. The motion shall be accompanied by an affidavit stating the nature and extent of the investigation which has been made to determine the whereabouts of the defendant and the reasons why service cannot be made.

Official Note: A sheriff's return of "not found" or the fact that a defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. *Gonzales v. Polis*, 357 A.2d 580 (Pa. Super. 1976). Notice of intended adoption mailed to last known address requires a "good faith effort" to discover the correct address. *Adoption of Walker*, 360 A.2d 603 (Pa. 1976).

An illustration of a good faith effort to locate the defendant includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 C.F.R. Part 265, (2) inquiries of relatives, neighbors, friends, and employers of the defendant, (3) examinations of local telephone directories, courthouse records, voter registration records, local tax records, and motor vehicle records, and (4) a reasonable internet search.

See Rule 1064 for additional requirements for service of original process by publication for actions to quiet title involving subsurface mineral, oil, or natural gas rights.

(b)(1) If service of process by publication has been authorized by rule of civil procedure or order of court, the publication shall be by advertising a notice of the action once in the legal publication, if any, designated by the court for the publication of legal notices and in one newspaper of general circulation within the county. The publication shall contain the caption of the action and the names of the parties, state the nature of the action, and conclude with a notice substantially in the following form:

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

(NAME)

(ADDRESS)

(TELEPHONE NUMBER)

Official Note: The office shall be that designated by the court under Rule 1018.1(c).

(2) When service is made by publication upon the heirs and assigns of a named former owner or party in interest, the court may permit publication against the heirs or assigns generally if it is set forth in the complaint or an affidavit that they are unknown.

Source

The provisions of this Rule 430 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended June 10, 2003, effective September 1, 2003, 33 Pa.B. 2974; amended November 29, 2016, effective January 1, 2017, 46 Pa.B. 7933; amended December 30, 2016, effective January 1, 2017, 47 Pa.B. 178. Immediately preceding text appears at serial pages (385499) to (385500).

**SERVICE OF LEGAL PAPERS
OTHER THAN ORIGINAL PROCESS**

Rule 440. Service of Legal Papers Other than Original Process.

(a) (1) Copies of all legal papers other than original process filed in an action or served upon any party to an action shall be served upon every other party to the action. Service shall be made

(i) by handling or mailing a copy to or leaving a copy for each party at the address of the party's attorney of record endorsed on an appearance or prior pleading of the party, or at such other address as a party may agree, or

Official Note: Such other address as a party may agree might include a mailbox in the prothonotary's office or an e-mail address. For electronic service by means other than facsimile transmission, see Rule 205.4(g).

(ii) by transmitting a copy by facsimile to the party's attorney of record as provided by subdivision (d).

(2) (i) If there is no attorney of record, service shall be made by handing a copy to the party or by mailing a copy to or leaving a copy for the party at the address endorsed on an appearance or prior pleading or the residence or place of business of the party, or by transmitting a copy by facsimile as provided by subdivision (d).

(ii) If such service cannot be made, service shall be made by leaving a copy at or mailing a copy to the last known address of the party to be served.

Official Note: This rule applies to the service upon a party of all legal papers other than original process and includes, but is not limited to, all other pleadings as well as motions, petitions, answers thereto, rules, notices, interrogatories and answers thereto.

Original process is served under Rule 400 *et seq.*

(b) Service by mail of legal papers other than original process is complete upon mailing.

(c) If service of legal papers other than original process is to be made by the sheriff, he shall notify by ordinary mail the party requesting service to be made that service has or has not been made upon a named party or person.

(d) (1) A copy may be served by facsimile transmission if the parties agree thereto or if a telephone number for facsimile transmission is included on an appearance or prior legal paper filed with the court.

(2) The copy served shall begin with a facsimile cover sheet containing

(i) the name, firm, address, telephone number, of both the party making service and the party served,

(ii) the facsimile telephone number of the party making service and the facsimile telephone number to which the copy was transmitted,

(iii) the title of the legal paper served and

(iv) the number of pages transmitted.

(3) Service is complete when transmission is confirmed as complete.

Official Note: See Rule 236(d) providing for the prothonotary to give notice of orders and judgments, and also other matters, by facsimile or other electronic means.

See Rule 205.4 governing filing and service of legal papers by electronic means other than facsimile transmission.

Source

The provisions of this Rule 440 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended November 7, 1988, effective January 1, 1989, 18 Pa.B. 5333; amended August 3, 1998, effective January 1, 1999, 28 Pa.B. 3928; amended June 14, 1999, effective July 1, 1999, 29 Pa.B.

3189; amended November 28, 2000, effective January 1, 2001, 30 Pa.B. 6421; amended December 16, 2003, effective July 1, 2004, 34 Pa.B. 9. Immediately preceding text appears at serial pages (297566) to (271785).

Rule 441. Service on Minors or Incapacitated Persons.

(a) Service of legal papers other than original process upon a party who is a minor shall be made in the manner prescribed by Rule 440 upon the party's attorney of record or, if none, the party's guardian. If the party has no attorney of record or guardian, service may be made upon the minor.

(b) Service of legal papers other than original process upon a party who is an incapacitated person shall be made in the manner prescribed by Rule 440 upon the party's guardian, guardian ad litem or attorney of record.

Source

The provisions of this Rule 441 adopted July 5, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended June 3, 1994, effective July 1, 1994, 24 Pa.B. 3019. Immediately preceding text appears at serial pages (146629) to (146630).

Rule 449. Acts of Assembly Not Suspended. Abolition of Practice and Procedure Under Repealed Statutes.

(a) Sections 5323 and 5329 of the Judicial Code, 42 Pa.C.S. §§ 5323, 5329, relating to service of process on persons outside the Commonwealth, are not suspended or affected by these rules.

(b) The practice and procedure provided in all former acts of Assembly in actions where the defendant is a nonresident or has obstructed or prevented service of process by concealing his whereabouts or otherwise, which have been repealed by the Judiciary Act Repealer Act (JARA), Act of April 28, 1978, No. 53, are hereby abolished and shall not continue as part of the common law of the Commonwealth.

Source

The provisions of this Rule 449 adopted June 3, 1994, effective July 1, 1994, 24 Pa.B. 3010.

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