

CAUSE NO. _____

_____	§	IN THE COUNTY COURT
Plaintiff(s),	§	
	§	
VS.	§	AT LAW NO. (NUMBER) 4
	§	
_____	§	
Defendant(s).	§	OF HARRIS COUNTY, TEXAS

PLAINTIFF’S MOTION FOR SUBSTITUTE SERVICE

Plaintiff, _____, asks the Court to authorize substitute service pursuant to Tex. R. Civ. Proc. 106(b)/501.2 as to _____ (“Defendant(s)”) and would show unto the Court as follows:

1. Defendant’s address is _____.
2. Plaintiff has attempted but failed to personally serve _____ (“Defendant(s)”) as the last known usual place of abode on three (minimum) separate occasions. These service attempts and the facts are set forth in **EXHIBIT 1** which is attached herein by reference for all purposes.
3. Additionally, Process Server as **EXHIBIT 2** lists the actions and results of those actions which are attached herein by reference for all purposes.

It further appears to the Court that the manner of service ordered herein will be reasonably effective to give said Defendant notice of the lawsuit.

4. Plaintiff asks the Court to authorize the Plaintiff to serve Defendant(s) by **any one of the following method(s)**:
 - a. By **delivering** a true copy of the Citation, Petition, and Order Authorizing Substituted Service with anyone more than 16 years of age at the address located at _____, and mailing a copy of the Citation, Petition, and Order Authorizing Substituted Service by **First Class Mail and Certified Mail Return Receipt Requested** to the Defendant(s) at the same address at which service is authorized above **OR,**
 - b. By **attaching** a true copy of the Citation, Petition, and Order Authorizing Substitute Service securely to the front door or entry way at the address located at _____, and if the property is protected by a fence, by attaching securely to the gate at the address located at _____ and mailing a copy of the Citation, Petition, and Order Authorizing Substituted Service by **First Class Mail and Certified Mail Return Receipt Requested** to the Defendant at the same address at which service is authorized above.
5. Plaintiff asserts to the Court that the manner of service ordered herein will be reasonably effective to give said Defendant(s) notice of the lawsuit.
6. Plaintiff attaches the Affidavit of Plaintiff’s process server to this motion to establish facts not apparent from the record and incorporates same by reference.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the motion for substitute service is GRANTED.

Respectfully submitted,

Attorney:

SBOT No.:

Address:

Telephone:

Fax:

Email:

File No.:

EXHIBIT 1

AFFIDAVIT IN SUPPORT OF REQUEST FOR ALTERNATIVE SERVICE RULE 106

COUNTY COURT AT LAW NO. 4 HARRIS COUNTY, TEXAS

CAUSE NO.:
PLAINTIFF(S):
DEFENDANT(S):
TOTAL SERVICE FEES AS OF (DATE/TIME):

1. I'm authorized to serve citations under Texas Rule of Civil Procedure 103
2. I have attempted to make personal service on Defendant(s) _____, under Rule 106(a)(a) at: _____, which is the place where Defendant(s) can probably be found.
3. I made sufficient investigation of the premises to believe that the failure to personally serve the **Citation and Petition** is that the Defendant(s) was unavailable or is evading service.
4. I attempted to serve Defendant(s) on the following dates and times:

(Note: Plaintiff only needs a total of 3 service attempts to file this motion. Those attempts must be a combination of evenings and weekends.)

(Example: Friday, 2/1/2019 7:46 PM: No answer at door; no noise inside; no lights and no movement inside)

5. It is my opinion that it is impracticable to continue endeavoring to serve process on Defendant(s) in person and that additional attempts would be unsuccessful.
6. Process server, _____, conducted a skip trace using a skip trace company on the Defendant(s). The name of the skip trace company is _____. Information provided to me by the skip trace company included the following:
 - a. The above address appears on an SSN trace for the Defendant(s) between _____, ____ and _____, _____. (Example: March 1, 2017 and April 1, 2018)
 - b. TX DMV driver licensing records obtained from a third-party data source **does** reflect the above address on the Defendant(s)'s current driver's license.

- c. Harris County Assessor records list **does** list the Defendant(s) as the current owner of the real property located at _____. The Defendant(s) **does** claim the homestead exemption at this address.
7. I believe the most effective way to give Defendant(s) actual proper notice of the lawsuit is to serve the **Citation and Petition** by:
- Delivering** the **Citation and Petition** to anyone over 16 years of age at the above address and then by mailing a copy via **First Class Mail and Certified Mail Return Receipt Requested.**
 - Affixing** the **Citation and Petition** to the front door at the above address, and then by mailing a copy via **First Class Mail and Certified Mail Return Receipt Requested.**

PROCESS SERVER INFORMATION:

My name is: _____. My date of birth is: _____

My address is: _____

My Process Server identification number is: _____

Certification expires: _____

I, as the Process Server, _____, declare under penalty of perjury that the foregoing, **AFFIDAVIT IN SUPPORT OF REQUEST FOR ALTERNATIVE SERVICE RULE 106**, is true and correct.

Executed in _____ County, Texas

Signature of Process Server: _____

Printed name: _____

Date Executed: _____

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

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

EXHIBIT 2

CAUSE NO. _____

_____	§	IN THE COUNTY COURT
Plaintiff(s),	§	
	§	
VS.	§	AT LAW NO. (NUMBER) 4
	§	
_____	§	
Defendant(s).	§	OF HARRIS COUNTY, TEXAS

AFFIDAVIT IN SUPPORT OF SERVICE BY ALTERNATIVE MEANS

I, _____, being duly sworn, depose and say:

1. I am an employee of _____, and am authorized to make this declaration on its behalf. I am a Private Investigator licensed by the State of Texas (Texas license number _____), over the age of 18, a resident of the State of Texas, a citizen of the United States of America, not a party to nor interested in the above captioned matter. If called upon to testify in this action, as to the matters set forth in this affidavit, I could and would competently testify thereto.

2. On or about _____, 20__, _____, received a request to locate and serve the above captioned documents on Defendant(s), _____.

3. I performed a diligent search to locate the Defendant(s). As a licensed Private Investigator, I have access to numerous private and public record sources not customarily available to the general public. In these sources, I am able to link the Defendant(s) to the results by utilizing the Defendant(s)'s SSN, date of birth and other identifiers.

4. A search was initiated of third-party credit header data, which is the non-financial identifying information located at the top of an individual's credit report. This data is ultimately sourced from national credit bureaus including but not limited to Experian and TransUnion. Among other information, it consists of addresses reported by an individual accompanied by the dates or date range that the address was reported. Credit headers do not contain the confidential financial information in the body of the credit report.

5. In addition to credit header data, I also searched the following record sources:

- United States District Court records
- DMV records
- Real property records
- County public records
- USPS forwarding information
- Telephone listings
- Internet searches
- Nationwide Masterfile death search
- Regulatory agencies for professional or occupational licensing

6. During the course of this investigation, the following relevant information was discovered:

a. An extensive SSN trace reveals the Defendant(s) recently reporting their address at _____.

b. Harris County Tax Assessor records list the Defendant(s) as the current owner of the real property located at _____.

A true and correct copy of this record is attached hereto as **EXHIBIT A**.

c. Harris County Tax Assessor records list the Defendant(s)'s mailing address as _____.

A true and correct copy of this record is attached hereto as **EXHIBIT A**.

d. Harris County Tax Assessor records indicate Homestead Exemption is filed for the real property located at _____.

A true and correct copy of this record is attached hereto as **EXHIBIT A**.

e. Texas driver's licensing records obtained from a third-party data source reflect _____

on the Defendant(s)'s current driver's license record. A true and correct copy of this record is attached hereto as **EXHIBIT B**.

f. During a service attempt on _____, 20__ at the address located at _____,

a vehicle bearing Texas license plate _____ was photographed by the Process Server. This vehicle is registered to _____ with an address located at _____

and this record was last updated on _____. A true and correct copy of the photograph submitted by the Process Server and the vehicle registration information obtained from a third-party data source is attached hereto as **EXHIBIT C**.

7. As the Process Server, I completed the attempts of service on Defendant(s) as indicated in my EXHIBIT 1. The attempts of service records are in my custody and control and known to me to be accurate and true.
8. After a diligent search it is upon information and my belief that the address located at _____ is the Defendant(s) current address of record.

PROCESS SERVER INFORMATION:

My name is: _____ My date of birth is: _____

My address is: _____

My Process Server identification number is: _____

Certification expires: _____

I, as the Process Server, _____, declare under penalty of perjury that the foregoing, **AFFIDAVIT IN SUPPORT OF REQUEST FOR ALTERNATIVE SERVICE RULE 106**, is true and correct.

Executed in _____ County, Texas

Signature of Process Server: _____

Printed name: _____

Date Executed: _____

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

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

EXHIBIT A

(Harris County Tax Assessor's Records)

EXHIBIT B

(Texas Driver's License Records)

EXHIBIT C

(Picture of property and vehicle, if any, on property)

NOTE: If vehicle is in picture, make sure that you have a clear picture of the license plate so that you, as the Process Server, can go to publicdata.com or like database to determine the ownership and the current address of the owner of the vehicle and how this information is linked to the Defendant(s).

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ORDER ON PLAINTIFF'S MOTION FOR SUBSTITUTE SERVICE

Came on to be considered _____ Motion to Substitute Service and after considering such motion, as well as the supporting Affidavit(s), the Court finds Plaintiff's attempts to service _____ ("Defendant(s)") have been unsuccessful and find the Substitute Service requested in Plaintiff's motion will be reasonably effective to give Defendant notice of the suit.

Therefore, the Court **GRANTS** the motion and authorizes Substitute Service on _____ by **any one of the following method(s):**

- a. By **delivering** a true copy of the Citation, Petition, and Order Authorizing Substituted Service with anyone more than 16 years of age at the address located at _____ and mailing a copy of the Citation and Petition and Order authorizing substituted service by **First Class Mail and Certified Mail Return Receipt Requested** to the Defendant at the same address at which service is authorized above **OR,**
- b. By **attaching** a true copy of the Citation, Petition, and Order Authorizing Substitute Service securely to the front door or entry way at the address located at _____, and if the property is protected by a fence, by attaching securely to the gate at the address located at _____ and mailing a copy of the Citation, Petition, and Order Authorizing Substituted Service by **First Class Mail and Certified Mail Return Receipt Requested** to the Defendant at the same address at which service is authorized above.

Each of the authorized above described methods is reasonably effective to give Defendant notice of the suit and such service shall be deemed effective as of the date of compliance by Plaintiff.

Signed on _____, 20__.

 Judge Presiding
 The Honorable William "Bill" McLeod
 County Civil Court At Law No. 4