

**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)**

<b>IN THE DISTRICT COURT OF THE FIFTH CIRCUIT</b> _____ <b>DIVISION</b> <b>STATE OF HAWAI'I</b>	
Plaintiff(s)	Reserved for Court Use
	Civil No.
Defendant(s)	Filing Party(ies)/Filing Party(ies)' Attorney (Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Facsimile Numbers)
Premises Address:	Other Address(es):
Attempted Service Dates: Premises Address _____  Other Address(es) _____	Complaint Filing Date:
<b>EX PARTE MOTION FOR SERVICE OF PROCESS BY POSTING AND BY CERTIFIED MAIL</b>  Filing Party(ies) requests that this Motion be granted for the reasons stated in the Declarations below. This Motion is based on the District Court Rules of Civil Procedure, Rule 4(e) and Hawai'i Revised Statutes §666-8.	
<b>DECLARATION</b>  I have read this Motion, know the contents and verify that the statements are true to my personal knowledge and belief. <b>I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF HAWAI'I THAT THE FOLLOWING IS TRUE AND CORRECT:</b> I am Plaintiff(s) or the attorney for Plaintiff(s). 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:
<b>DECLARATION OF PROCESS SERVER</b>  I have read this Declaration, know the contents and verify that the statements are true to my personal knowledge and belief. <b>I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF HAWAI'I THAT THE FOLLOWING IS TRUE AND CORRECT:</b> I am a person authorized to serve process in the State of Hawai'i. I have personal	
<b>(continued on reverse side)</b>	

**DECLARATION OF PROCESS SERVER (continued)**

knowledge of the statements in this declaration and am competent to testify to these matters. I was engaged by Filing Party(ies)/Filing Party(ies)' Attorney to serve a certified copy of the Complaint for Summary Possession on Defendant(s). I attempted service on the Attempted Service Dates at the Premises Address and Other Address(es) listed on the reverse side, which are the only known address(es) for Defendant(s). I have checked the telephone directory for this circuit and I have not been able to find any other address for Defendant(s). Despite my efforts, I have not been able to locate and serve said Defendant(s). I am informed and believe that Defendant(s) 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:  Print/Type Name:
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**ORDER DIRECTING SERVICE OF PROCESS AND APPEARANCE OF DEFENDANT(S)**

THE STATE OF HAWAI'I

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

WHEREAS, the Filing Party(ies)/Filing Party(ies)' Attorney has moved this Court for a special Order Directing Service of Process on Defendant(s) by Posting Complaint for Summary Possession on the Premises and by Certified Mail at the Premise Address listed on the reverse;

NOW, THEREFORE, YOU ARE COMMANDED to leave certified copies of this Motion and the Complaint for Summary Possession with some agent or employee of mature years of Defendant(s), 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 the reverse, certified copies of this Motion and said 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 Filing Party(ies)/Filing Party(ies)' Attorney send to Defendant(s), by certified mail, return-receipt requested, certified copies of this Motion and the Complaint for Summary Possession and file in these proceedings an affidavit of said certified mail in the appropriate form.

IT IS FURTHER ORDERED that Defendant(s) shall appear before the Presiding Judge of this Court in his/her Courtroom, at the address checked below on \_\_\_\_\_, \_\_\_\_\_, 199\_\_\_\_ at \_\_\_\_\_ a.m. to respond to the Complaint filed herein.

**COURT ADDRESSES**

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|--|--|
| <input type="checkbox"/> Lihue Division      | 3059 Umi Street, Suite 110, Lihue, Hawai'i |
| <input type="checkbox"/> Lihue (LK) Division | 3059 Umi Street, Suite 110, Lihue, Hawai'i |
| <input type="checkbox"/> Waimea Division     | 4556 Makeke Road, Waimea, Hawai'i          |
| <input type="checkbox"/> Koloa Division      | 3461 Weliweli Road, Koloa, Hawai'i         |
| <input type="checkbox"/> Hanalei Division    | 5-5358 Kuhio Highway, Hanalei, Hawai'i     |

Mailing address for the above Courts: **4357 Rice Street, Suite 101, Lihue, Hawai'i 96766-1367**

Date:	Judge of the above-entitled Court
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In accordance with the **Americans with Disabilities Act** if you require an accommodation for your disability, please contact the District Court Administration Office at PHONE NO. 246-3347, FAX 246-3353, or TTY 539-4853 at least ten (10) working days in advance of your hearing or appointment date.