

**Using This Form**

1. Copies (Contact the court to determine if you should bring copies to the Clerk's Office or if copies will be made upon filing.)
  - a. Original - to Secretary of the Commonwealth, then to party to be served.
  - b. First copy - to Secretary of the Commonwealth, then to clerk of court.
  - c. Additional copies as dictated by local practice.
2. Prepared by party seeking service of process through the Secretary of the Commonwealth.
3. Attachments
  - a. CC-1400, SUMMONS
  - b. Complaint
  - c. Notice
  - d. Other attachment
4. Preparation details –
  - a. Data element numbers 1 through 12 and 17 on page one of the form completed by person requesting service of process on the Secretary of the Commonwealth.
  - b. Data element numbers 13 through 16 of page one of the form completed by person taking acknowledgment.
  - c. Data element numbers 18 through 20 on page one of the form completed by designated person in the Office of the Secretary of the Commonwealth.
  - d. Page two of the form is informational and does not require completion. Refer to page two of the form in completing data element numbers 8 and 9 on page one of the form.

AFFIDAVIT FOR SERVICE OF PROCESS ON THE SECRETARY OF THE COMMONWEALTH Commonwealth of Virginia

Case No. 1

2 Circuit Court

3 v. 4

TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirements listed on the back of this form.

5 Attachments: [ ] Summons and Complaint [ ] Notice [ ]

I, the undersigned Affiant, state under oath that

- 6 [ ] the above-named defendant [ ] whose last known address is 7 [ ] same as above [ ]
8 1. [ ] is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A) applies (see NON-RESIDENCE GROUNDS REQUIREMENT on reverse).
9 2. [ ] is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE REQUIREMENT ON BACK)

10 is the hearing date and time on the attached process or notice.

11 DATE 12 [ ] PARTY [ ] PARTY'S ATTORNEY [ ] PARTY'S AGENT [ ] PARTY'S REGULAR AND BONA FIDE EMPLOYEE

State of 13 [ ] City [ ] County of 14

Acknowledged, subscribed and sworn to before me this day by PRINT NAME OF SIGNATORY

15 DATE 16 [ ] CLERK [ ] MAGISTRATE [ ] NOTARY PUBLIC

17 [ ] Verification of the date of filing of the certificate of compliance is requested and a self-addressed stamped envelope is provided. Notary Registration No. My commission expires:

NOTICE TO THE RECIPIENT from the Office of the Secretary of the Commonwealth of Virginia: You are being served with this notice and attached pleadings under Section 8.01-329 of the Code of Virginia which designates the Secretary of the Commonwealth as statutory agent for Service of Process. The Secretary of the Commonwealth's ONLY responsibility is to mail, by certified mail, return receipt requested, the enclosed papers to you. If you have any questions concerning these documents, you may wish to seek advice from a lawyer. SERVICE OF PROCESS IS EFFECTIVE ON THE DATE THAT THE CERTIFICATE OF COMPLIANCE IS FILED WITH THE ABOVE-NAMED COURT.

CERTIFICATE OF COMPLIANCE

I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

- 1. On 18, legal service in the above-styled case was made upon the Secretary of the Commonwealth, as statutory agent for persons to be served in accordance with Section 8.01-329 of the Code of Virginia, as amended.
2. On 19, papers described in the Affidavit were forwarded by certified mail, return receipt requested, to the party designated to be served with process in the Affidavit.

20

SERVICE OF PROCESS CLERK, DESIGNATED BY THE AUTHORITY OF THE SECRETARY OF THE COMMONWEALTH

**Data Elements**

- |  |  |
|--|--|
| <p>1. Court case number.</p> <p>2. Court name.</p> <p>3. Name and address of plaintiff.</p> <p>4. Name and address of defendant.</p> <p>5. Description of attached document being served through the Secretary of the Commonwealth. Check the appropriate box.</p> <p>6. Check the appropriate box and, if applicable, insert name of person to be served.</p> <p>7. Address of person to be served. Check the appropriate box and, if applicable, insert address.</p> <p>8. If service is through the Secretary of the Commonwealth because the person is a non-resident, check this box and insert the appropriate number from the list on the back of the form in the blank space beside “§ 8.01-328.1(A).”</p> <p>9. If service is through the Secretary of the Commonwealth because of an inability to locate the person to be served, check this box.</p> <p>10. Return date, if applicable, on the attached document.</p> <p>11. Date of signing.</p> | <p>12. Signature of requesting party. Check the appropriate box below the signature line.</p>  |
|  | <p>To be completed by person acknowledging signature of requesting party:</p> <p>13. State in which acknowledgment is taken.</p> <p>14. Locality in which acknowledgment is taken. Check the applicable box.</p> <p>15. Date of acknowledgment.</p> <p>16. Signature of person taking acknowledgment. Check the appropriate title box; if acknowledged by a notary public, include expiration date of commission and insert registration number.</p> |
|  | <p>17. Person filing affidavit should check this box if he or she would like to receive verification of the date of filing of the certificate of compliance. A self-addressed, stamped envelope must be provided.</p>  |
|  | <p>To be completed by service of process clerk:</p> <p>18. Date affidavit and document received by Secretary of the Commonwealth.</p> <p>19. Date affidavit and document mailed by Secretary of the Commonwealth.</p> <p>20. Signature of person executing Certificate of Compliance in Office of the Secretary of the Commonwealth.</p>   |

**NON-RESIDENCE GROUNDS REQUIREMENT:**

If box number 1 is checked, insert the appropriate subsection number:

A court may exercise personal jurisdiction over a person, who acts directly or by an agent, as to a cause of action arising from the person's:

1. Transacting any business in this Commonwealth;
2. Contracting to supply services or things in this Commonwealth;
3. Causing tortious injury by an act or omission in this Commonwealth;
4. Causing tortious injury in this Commonwealth by an act or omission outside this Commonwealth if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;
5. Causing injury in this Commonwealth to any person by breach of warranty expressly or impliedly made in the sale of goods outside this Commonwealth when he might reasonably have expected such person to use, consume, or be affected by the goods in this Commonwealth, provided that he also regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;
6. Having an interest in, using, or possessing real property in this Commonwealth;
7. Contracting to insure any person, property, or risk located within this Commonwealth at the time of contracting;
- 8(ii). Having been ordered to pay spousal support or child support pursuant to an order entered by any court of competent jurisdiction in this Commonwealth having *in personam* jurisdiction over such person; or
10. Having incurred a liability for taxes, fines, penalties, interest, or other charges to any political subdivision of the Commonwealth.

**DUE DILIGENCE REQUIREMENT:**

If box number 2 is checked, the following provision applies:

When the person to be served is a resident, the signature of an attorney, party or agent of the person seeking service on such affidavit shall constitute a certificate by him that process has been delivered to the sheriff or to a disinterested person as permitted by § 8.01-293 for execution and, if the sheriff or disinterested person was unable to execute such service, that the person seeking service has been unable, after exercising due diligence, to locate the person to be served.