

## **SERVICE BY PUBLICATION**

Use this form **ONLY** if:

- (1) you can **prove** that you have made a **diligent** effort to locate Respondent and you do not know where Respondent is;  
OR
- (2) you can **prove** Respondent is in this jurisdiction, has knowledge of this lawsuit AND is concealing himself/herself to avoid service.

This is a method of last resort. If you can find the Respondent, you must use another method of service. If you do not know where the Respondent lives or works, and you cannot find that information out, this is your only method of service. You must **prove** to the Court that you have tried to locate the Respondent and cannot find him/her. Using service by publication places special limitations on your case because the Court will not have “personal jurisdiction” over the Respondent unless you are able to prove Respondent is present within the jurisdiction of the court, has actual knowledge of the suit, and is willfully concealing himself/herself to avoid service of process. See Ragan v. Mallow, 319 Ga. App. 443 (2012). If you are unable to prove these things, you will not be able to obtain certain kinds of relief, such as child support and alimony, as part of the divorce. However, if the Respondent later acknowledges service, gets served by the sheriff, or files an Answer to the divorce without contesting service, then your case will no longer be limited by the restrictions that apply to publication cases.

**STEP ONE:** To serve by publication, **you will need to** prepare **and file** the following forms:

- (1) Motion for Service by Publication (**enclosed form**) AND
- (2) Affidavit of Diligent Search (**enclosed form**). In the Affidavit of Diligent Search, you will explain to the Court the steps you took to try to find the Respondent. **You must make reasonable effort to find the Respondent before you fill out this form. You must COMPLETELY fill out the Affidavit.**

**STEP TWO:** After you **file** the forms and **email a copy** to the litigation manager assigned to your case, and **if the Court grants permission**, the judge will sign and file an Order of Publication. If such an Order is filed by the Judge, then **you will need to file** a Notice of Publication (**enclosed form**) with the Clerk’s Office ensuring Respondent’s last known address is clearly visible.

**STEP THREE:** The Clerk will then review the Notice of Publication, sign it, file it, and mail a copy of the Complaint/Petition, Notice of Publication, Order for Publication and Summons to the address listed on the Notice of Publication.

**STEP FOUR:** Once you receive a copy of the signed Notice of Publication through eFileGA, **you will need to** submit the Notice of Publication to the legal organ (currently the Neighbor Newspapers Publication) for publication **and pay** the publication fee that is charged by that legal organ. Respondent will then have 60 days to file an Answer if he/she wants to contest the case. **You must** publish notice within 30 days of the entry of the Order for Service by Publication and file the Publisher's Affidavit within 60 days of the entry of the Order for Service by Publication. O.C.G.A. §9-11-4(f)(1)(C).

**STEP FIVE:** After the Notice of Publication has been published four times, you should receive an Affidavit of Publication from the Neighbor Newspapers stating that publication is complete. **You must** obtain and file this Affidavit of Publication to prove that service by publication is complete.

\*If you later find out where the Respondent lives or works (before the case is over), you should arrange for the Sheriff's Department to serve the Respondent or for the Respondent to acknowledge service.

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

\_\_\_\_\_,  
Petitioner,  
v.  
\_\_\_\_\_,  
Respondent.

CIVIL ACTION FILE NO.:

\_\_\_\_\_

**MOTION FOR SERVICE BY PUBLICATION**

I, \_\_\_\_\_, am the Petitioner in this case. I am filing this Motion for Service by Publication pursuant to O.C.G.A. § 9-11-4(f)(1). The Respondent, whose name is \_\_\_\_\_, could not be located for service after a diligent search OR is in this jurisdiction, has knowledge of this law suit and is actively avoiding service. I have explained my efforts to locate the party in an Affidavit of Diligent Search and have filed the affidavit with the Court. The Respondent's last known address is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Therefore, I ask that that the Court Order service by publication in this case.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Petitioner, self represented

Name (print or type): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

_____,  Petitioner,  v.  _____,  Respondent.	CIVIL ACTION FILE NO.:  _____
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**AFFIDAVIT OF DILIGENT SEARCH**

I am the Petitioner in this case. I am filing this Affidavit of Diligent Search under O.C.G.A. § 9-11-4(f)(1)(A). I hereby swear or affirm, before a notary public, that the following information is true:

1.

A diligent search has been made, and the Respondent cannot be found within the State of Georgia. I do not know where the Respondent lives, works, or where Respondent can be found.

2.

The last known address and telephone number I have for the Respondent is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

The Respondent no longer lives at this address. To the best of my knowledge, he/she last lived at this address on \_\_\_\_\_.

3.

I have made the following efforts to find the Respondent:

Checking with the Respondent's friends, relatives, employers, landlords or others I have listed below.

Name of Person Contacted: \_\_\_\_\_

Contact's Relationship with Respondent: \_\_\_\_\_

Contact's Address: \_\_\_\_\_

Contact's Phone Number: \_\_\_\_\_

Date I contacted this person: \_\_\_\_\_

Results of Contact/What they told me: \_\_\_\_\_

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Name of Person Contacted: \_\_\_\_\_

Contact's Relationship with Respondent: \_\_\_\_\_

Contact's Address: \_\_\_\_\_

Contact's Phone Number: \_\_\_\_\_

Date I contacted this person: \_\_\_\_\_

Results of Contact/What they told me: \_\_\_\_\_

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Name of Person Contacted: \_\_\_\_\_

Contact's Relationship with Respondent: \_\_\_\_\_

Contact's Address: \_\_\_\_\_

Contact's Phone Number: \_\_\_\_\_

Date I contacted this person: \_\_\_\_\_

Results of Contact/What they told me: \_\_\_\_\_

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Name of Person Contacted: \_\_\_\_\_

Contact's Relationship with Respondent: \_\_\_\_\_

Contact's Address: \_\_\_\_\_

Contact's Phone Number: \_\_\_\_\_

Date I contacted this person: \_\_\_\_\_

Results of Contact/What they told me: \_\_\_\_\_

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Checking telephone information and directories, with the following results:

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Attempted sheriff, marshal or private process service at the Respondent's  last known residence OR the Respondent's  last known place of employment, which was the at the following address:

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The following Internet web searches with the following results:

<b><u>WEBSITE</u></b>	<b><u>RESULT</u></b>
<input type="checkbox"/> <a href="https://sos.ga.gov/">https://sos.ga.gov/</a>	
<input type="checkbox"/> <a href="https://services.gdc.ga.gov/GDC/OffenderQuery/jsp/OffQryForm.jsp">https://services.gdc.ga.gov/GDC/OffenderQuery/jsp/OffQryForm.jsp</a>	
<input type="checkbox"/> <a href="http://www.superpages.com">www.superpages.com</a>	
<input type="checkbox"/> <a href="http://www.whitepages.com">www.whitepages.com</a>	
<input type="checkbox"/> <a href="http://www.facebook.com">www.facebook.com</a>	
<input type="checkbox"/> <a href="http://www.instagram.com">www.instagram.com</a>	
<input type="checkbox"/> <a href="http://www.x.com">www.x.com</a>	
<input type="checkbox"/> Other website: _____	

I made the following other efforts, with the described results: \_\_\_\_\_

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My last contact with Respondent was \_\_\_\_\_ (date)

- in person;
- by phone;
- by email; or
- internet (select one)

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(Sign your name here before Notary) Petitioner, Pro Se

Name (print or type): \_\_\_\_\_

Address: \_\_\_\_\_

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Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Sworn to and affirmed before me, this

\_\_\_\_\_ day of \_\_\_\_\_

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**NOTARY PUBLIC**

My commission expires: \_\_\_\_\_

(Notary Seal)

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

<p>_____,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>_____,</p> <p style="text-align: center;">Respondent.</p>	<p>CIVIL ACTION FILE NO.:</p> <p>_____</p>
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**NOTICE OF PUBLICATION**

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By Order for Service of Publication dated the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ you are hereby notified that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above named Petitioner filed suit against you for \_\_\_\_\_ (relief sought).

You are required to file with the Clerk of the Superior Court of Fulton County, and to serve upon Petitioner's attorney or Petitioner at the following address and email address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_, a

written answer within sixty (60) days of the date of the publication order.

Witness the Honorable \_\_\_\_\_, Judge of this Court.

This, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Deputy Clerk, Superior Court of Fulton County