

# Memorandum

**Date:** May 20, 2008  
**To:** Civil Bureau Staff  
**From:** Lt. Santana  
**Subject:** Substitute Service Clarification



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**Question:** Is it a legal substitute service to leave a copy with someone at a person's *usual mailing address*?

**Answer:** Yes, per the section listed below. Obviously the party must be over the age of 18, and in charge of the mailing area. Lastly, this section does not apply to the USPS.

CCP 415.20 A summons may be served by leaving a copy of the summons and complaint during usual office hours in his or her office or, if no physical address is known, at his or her office or, if no physical address is known, at his or her usual mailing address, OTHER THAN A UNITED STATES POSTAL SERVICE POST OFFICE BOX, with the person who is apparently in charge thereof, and thereafter mailing a copy of the summons and complaint by first-class mail postage prepaid to the person to be served at the place where a copy of the summons and complaint were left.

When service is affected by leaving a copy of the summons and complaint at a "usual mailing address," it shall be left with a person at least 18 years of age who shall be informed of the contents thereof. Service on a summons in this manner is deemed complete on the 10<sup>th</sup> day after mailing.

Therefore, substitute service of a summons and complaint and/or plaintiff's claim and order to defendant may be sub-served at any "usual mailing address" other than the US Postal Service post office box, when a competent person over age of 18 in charge of the "usual mailing address," has been served and copy of same mailed.

Additional reference: for additional information refer to Chapter 2.31 (2) (a), of the California State Sheriff's Association Civil Procedures Manual.