

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 36, Page 2, Section 442.135, Line 6, by inserting  
2 after all of said section and line the following:  
3

4 "535.030. 1. Such summons shall be served as in other civil cases at least four days before the court  
5 date in the summons. The summons shall include a court date which shall not be more than twenty-one  
6 business days from the date the summons is issued unless at the time of filing the affidavit the plaintiff or  
7 plaintiff's attorney consents in writing to a later date.

8 2. In addition to attempted personal service, the plaintiff may request, and thereupon the clerk of the  
9 court shall make an order directing that the officer, or other person empowered to execute the summons, shall  
10 also serve the same by securely affixing a copy of such summons and the complaint in a conspicuous place  
11 on the dwelling of the premises in question at least ten days before the court date in such summons, and by  
12 also mailing a copy of the summons and complaint to the defendant at the defendant's last known address by  
13 ordinary mail at least ten days before the court date. If the officer, or other person empowered to execute the  
14 summons, shall return that the defendant is not found, or that the defendant has absconded or vacated his or  
15 her usual place of abode in this state, and if proof be made by affidavit of the posting and of the mailing of a  
16 copy of the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as  
17 if there had been personal service, and judgment shall be rendered and proceedings had as in other cases,  
18 except that no money judgment shall be granted the plaintiff where the defendant is in default and service is  
19 by the posting and mailing procedure set forth in this section.

20 3. If the plaintiff does not request service of the original summons by posting and mailing as  
21 provided in subsection 2 of this section, and if the officer, or other person empowered to execute the  
22 summons, makes return that the defendant is not found, or that the defendant has absconded or vacated the  
23 defendant's usual place of abode in this state, the plaintiff may request the issuance of an alias summons and  
24 service of the same by posting and mailing in the time and manner provided in subsection 2 of this section.  
25 In addition, the plaintiff or an agent of the plaintiff who is at least eighteen years of age may serve the  
26 summons by posting and mailing a copy of the summons in the time and manner provided in subsection 2 of  
27 this section. Upon proof by affidavit of the posting and of the mailing of a copy of the summons or alias  
28 summons and the complaint, the judge shall proceed to hear the case as if there had been personal service,  
29 and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall  
30 be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure  
31 provided in subsection 2 of this section.

32 4. The defendant has ~~ten~~ five days from the date of the judgment to file a motion to set aside the  
33 judgment or to file an application for a trial de novo and unless the judgment is set aside or an application for  
34 a trial de novo is filed within ~~ten~~ five days, the judgment for possession will become final and the defendant  
35 will be subject to eviction from the premises without further notice. On the date judgment is rendered if the  
36 defendant is in default, the clerk of the court shall mail to the defendant at the defendant's last known address  
37 by ordinary mail a notice informing the defendant of the foregoing."; and  
38

39 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_