

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

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 297, Page 2, Section 494.430, Line 48, by  
2 inserting after 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  
5 the court date in the summons. The summons shall include a court date which shall not be more  
6 than twenty-one business days from the date the summons is issued unless at the time of filing the  
7 affidavit the plaintiff or 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  
9 clerk of the court shall make an order directing that the officer, or other person empowered to  
10 execute the summons, shall also serve the same by securely affixing a copy of such summons and  
11 the complaint in a conspicuous place on the dwelling of the premises in question at least ten days  
12 before the court date in such summons, and by also mailing a copy of the summons and complaint to  
13 the defendant at the defendant's last known address by ordinary mail at least ten days before the  
14 court date. If the officer, or other person empowered to execute the summons, shall return that the  
15 defendant is not found, or that the defendant has absconded or vacated his or her usual place of  
16 abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of  
17 the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as  
18 if there had been personal service, and judgment shall be rendered and proceedings had as in other  
19 cases, except that no money judgment shall be granted the plaintiff where the defendant is in default  
20 and service is by the posting and mailing procedure set forth in this section.

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

34 4. The defendant has ~~ten~~ five days from the date of the judgment to file a motion to set  
35 aside the judgment or to file an application for a trial de novo and unless the judgment is set aside or  
36 an application for a trial de novo is filed within ~~ten~~ five days, the judgment for possession will

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

1 become final and the defendant will be subject to eviction from the premises without further notice.  
2 On the date judgment is rendered if the defendant is in default, the clerk of the court shall mail to the  
3 defendant at the defendant's last known address by ordinary mail a notice informing the defendant of  
4 the foregoing."; and  
5  
6 Further amend said bill by amending the title, enacting clause, and intersectional references  
7 accordingly.