

CHAPTER 566

FORCIBLE ENTRY AND UNLAWFUL DETAINER

566.06 Summons; how served.

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The summons shall be served at least seven days before the return day in the manner provided for service of a summons in a civil action in the district court. If the person cannot be found in the county, the summons may be served on him at least seven days before its return day by leaving a copy at his last usual place of abode with a member of his family, or a person of suitable age and discretion residing there, or if he had no place of abode, by leaving a copy upon the premises described in the complaint with a person of suitable age and discretion occupying the same or any part thereof. The summons may be served by any person not named a party to the action. If the defendant cannot be found in the county, of which the return of the sheriff or constable shall be prima facie proof, and, in the case of a nonresidential premises, no person actually occupies the premises described in the complaint, or, in case the premises described in the complaint is residential, service has been attempted at least twice on different days, with at least one of the attempts having been made between the hours of 6:00 and 10:00 p.m., upon the filing of an affidavit of the plaintiff or his attorney stating that (1) the defendant cannot be found or on belief that the defendant is not in this state, and (2) a copy of the summons has been mailed to the defendant at his last known address if any is known to the plaintiff, service of the summons may be made upon the defendant by posting the summons in a conspicuous place on the premises for not less than one week. If the defendant or his attorney does not appear in court upon the return day in the action, the trial thereof shall proceed.

History: 1985 c 214 s 1