

Instructions for Completing Proof of Service ([PC 564](#))

A person filing a paper or document with the court must serve a copy on all interested persons. The person who obtains an order from the court must serve a copy of the order on all interested persons. MCR 5.107(A). It is the responsibility of the petitioner, fiduciary, or other moving party to prepare, serve and file notice of hearing for all matters requiring notification of interested persons. MCR 5.102. Accounts and reports required to be served on interested persons **will not be accepted for filing without proof of service**. MCR 5.104(A)(1).

“Serving” a document on a person means having the document delivered to that person. There are two main ways to serve documents: (1) by mail and (2) by personal delivery. If a person's address is unknown, they must be given notice by publication in a newspaper. A “proof of service” shows the court that a document was served as required by law.

WHO TO SERVE - Michigan Court Rule (MCR) 5.125 identifies Interested Persons – those required to be served – for many different types of probate proceedings, including guardianships, conservatorships, estates and trusts. Additionally, MCR 5.113(B)(1)(3) requires that a petition list the current name and address of interested persons, so you can find the information on the petition or a recent proof of service filed in the same matter. You can also get some of the other information for the Proof of Service from the document(s) you are serving.

When you complete the Proof of Service you should print neatly or use a typewriter. If you have Internet access, you can fill out the form online at <http://courts.michigan.gov/scao/courtforms/probate/pc564.pdf> and print it out. The numbered items below correspond to the numbers on the SAMPLE Proof of Service attached.

- 1 & 2 File no. - Fill in the trial court case name and number. You can copy this information from the first page of the document that you are serving.
3. Papers served - Fill in the name of each document you are serving. This is commonly found on the top of the first page of each document.

SERVICE BY MAIL

4. Check boxes – service by (regular) mail is generally required at least **14 days** before the date set for hearing, or an adjourned date. MCR 5.108(B).
5. Name of each person served by mail.
6. Address of each person served by mail.

7. Date of mailing - "... in a sealed envelope with first-class postage fully prepaid, addressed to the person to be served, and depositing the envelope and its contents in the United States mail. Service by mail is complete at the time of mailing." MCR 5.105(B)(2).

PERSONAL SERVICE

8. Check box – personal service is generally required at least **7 days** before the date set for hearing, or an adjourned date. MCR 5.108(A).
9. Name of person personally served.
10. Address where person personally served.
11. Date and time of personal service - may be made on an individual by handing the paper to the individual personally; leaving it at the person's usual residence with some person of suitable age and discretion residing there; or sending the paper by register or certified mail, return receipt requested, and delivery restricted to the addressee; but service is not complete until the individual receives the paper. MCR 5.105(B)(1).
12. Check box – If you are unable to serve an Interested Person because their whereabouts remain unknown *after diligent inquiry*, service must be made by publication. Generally, a notice required to be made by publication must be published in a newspaper in the county where the court is located one time at least **14 days** before the date of the hearing. Use PC 563-Publication of Notice of Hearing or PC 563a-Publication of Notice. A copy of the notice must be mailed to the person's last known address, if any is known. MCR 5.106.
13. Name of person(s) served by publication - PC 617-Declaration of Intent to Give Notice by Publication **MUST** be completed for EACH person receiving notice by publication and attached to the Proof of Service when filed. After notice by publication is given once, that person need not be served again unless their address becomes known during the proceedings. MCR 5.105(A)(3)
14. Your signature and date of signing - **By signing form PC 564, you are declaring, under penalty of perjury, that the information you put in the form is true and correct.**

Make enough copies of each document served and the Proof of Service for each person served, plus one copy for your own records. File the originals of all documents and the Proof of Service with the court.