

### **Rule 284. Service by Certified or Registered Mail**

Unless otherwise provided by circuit court rule, at the request of the plaintiff and in lieu of personal service, service in small claims may be made within the state as follows:

(a) For each defendant to be served the plaintiff shall pay to the clerk of the court a fee of \$2, plus the cost of mailing, and file a summons containing an affidavit setting forth the defendant's last known mailing address.

(b) The clerk forthwith shall mail to the defendant, at the address appearing in the affidavit, the copy of the summons and complaint, certified or registered mail, return receipt requested, showing to whom delivered and the date and address of delivery. United States Postal Service electronic return receipt may be utilized in lieu of paper receipts. The summons and complaint shall be mailed on a "restricted delivery" basis when service is directed to a natural person. The envelope and return receipt shall bear the return address of the clerk, and the return receipt shall include the docket number of the case. The receipt for certified or registered mail shall state the name and address of the addressee, and the date of mailing, and shall be filed by the clerk.

(c) The return receipt, when returned to the clerk, shall be filed by the clerk. If the receipt shows delivery at least 21 days before the day for appearance, the receipt shall constitute proof of service.

(d) The clerk shall note the fact of service in a permanent record.

Amended October 1, 1976, effective November 15, 1976; amended September 29, 1978, effective November 1, 1978; amended February 15, 1979, effective March 1, 1979; amended July 1, 1985, effective August 1, 1985; amended November 21, 1988, effective January 1, 1989; amended April 11, 2001, effective immediately; [amended Dec. 29, 2017, eff. Jan. 1, 2018](#); [amended Apr. 20, 2023, eff. immediately](#).

#### Committee Comments

(Revised July 1, 1985)

This is paragraphs D(1), (2), (3), and (4) of former Rule 9-1, effective January 1, 1964. Paragraph (b) was amended in 1978 to require mailing by certified or registered mail, "restricted delivery, return receipt requested, showing to whom, date and address of delivery." Prior to 1978, this subparagraph required that process be mailed "certified mail, return receipt requested." In this respect it differed from Rules 105, 204, and 237, which required mailing "addressee only." In 1978, this class of delivery having been discontinued by the Postal Service, Rules 105, 204, and 237 were amended to require mailing "restricted delivery, return receipt requested, showing to whom, date and address of delivery," the most restricted delivery provided for in current postal regulations. At the same time Rule 284(b) was amended to require the same class delivery, thus making the requirement uniform. See Committee Comment to Rule 105.

The amendment effective August 1, 1985, changed the fee for mailing from \$3 to \$2 plus the cost of mailing. This amendment insulates the rule from further change by making the "cost of mailing" an element of the fee charged by the clerk.