

STATE OF VERMONT

SUPERIOR COURT

FAMILY DIVISION

Unit

Docket No.

Plaintiff		Defendant
Name	v.	Name

**NOTICE OF ACTION AND REQUEST FOR WAIVER OF SERVICE OF SUMMONS**

The above referenced action has been commenced against you. Enclosed are copies of the Summons and Complaint, the Interim Domestic Order, a Scheduling Order and other important court documents. These documents have been sent to you because you are the Defendant in this case.

I am requesting that you sign and return the enclosed waiver of service to save the cost of serving you by law enforcement personnel or certified mail.

**IF YOU WANT TO WAIVE SERVICE:** The cost of service will be avoided if I receive a signed copy of the attached waiver 30 days from the mailing date indicated below. This means that I must receive the documents by: \_\_\_\_\_, 20\_\_\_\_. I am enclosing a stamped, self addressed envelope and an extra copy of the waiver for your records.

If you sign and return the enclosed WAIVER OF SERVICE on time, I will file the waiver with the court and will not serve the summons on you. The case will go forward as if you had been served on the date the Waiver is filed. Your answer to the complaint will be due 60 days from the mailing date indicated below. This means that the court must receive your answer by \_\_\_\_\_, 20\_\_\_\_.

**IF YOU DO NOT RETURN THE SIGNED WAIVER ON TIME:** If you do not return the waiver of service on time, I will have formal service made on you by a law enforcement officer, by certified mail, or by some other method authorized by law. **I will ask the court to require that you PAY the expenses incurred in serving you with the documents.** Please read the statement on the waiver form regarding the duty of parties to avoid unnecessary costs of service.

I declare that this NOTICE AND REQUEST were mailed to the Defendant by first class mail on the date shown below.

Mailing Date

Plaintiff's Signature
Please Print Name

STATE OF VERMONT

SUPERIOR COURT

FAMILY DIVISION

Unit

Docket No.

Plaintiff		Defendant	
Name	v.	Name	

**Your Duty to Avoid Unnecessary Costs of Service of Summons**

You are required to cooperate in saving unnecessary costs of service under Vermont law. If you and the Plaintiff are both located in the United States and you do not sign and return this form, you will be required to pay the cost of serving you unless you can show good cause for your failure to waive service.

Your belief that the complaint is unfounded or that the action has been filed in the wrong court is not good cause for failure to waive service. If you do waive service, you retain all defenses and objections (except those relating to the summons or its service), and you may later object to the jurisdiction of the court or to the place where the action has been brought.

You will not receive copies of hearing notices in this case unless you also file a notice of appearance and answer with the court. A form for this purpose is included in the materials sent to you in this packet. You can also obtain these forms by going to the judiciary website, [www.judiciary.org](http://www.judiciary.org), or by contacting the Family Division of the Superior Court at the address on the first page.

**WAIVER OF SERVICE**

I, \_\_\_\_\_, have received a copy of the summons and complaint for divorce and the court's request that I waive service.

Defendant's Name

I agree to save the cost of service of these documents upon me by signing this waiver and returning it to the plaintiff. I understand that I still retain all the defenses and objections I may have to this action, except for any objections based on a defect in the summons or the service of these documents on me.

Date

Signature
Please Print Name

**PLEASE SIGN AND RETURN THIS PAGE TO THE COURT IN THE ENCLOSED ENVELOPE.**

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Plaintiff

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**WAIVER OF SERVICE**

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Defendant's Name  
and complaint for divorce and the court's request that I waive service.

I agree to save the cost of service of these documents upon me by signing this waiver and returning it to the plaintiff. I understand that I still retain all the defenses and objections I may have to this action, except for any objections based on a defect in the summons or the service of these documents on me.

Date

Signature
Please Print Name

**PLEASE KEEP THIS COPY FOR YOUR RECORDS.**