

Process Service Rules Change – For better or worse?

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HUNTINGTON BEACH, CA, UNITED STATES, January 24, 2018 /EINPresswire.com/ -- [Private investigator](#) John A. DeMarr, P.I., has announced a new internal study showing how service of legal papers on individuals with commercial mail boxes got easier in California on January 1, 2018. The California Legislature amended Code of Civil Procedure §415.20(c), to allow service of lawsuit papers on an individual defendant, on the first and only attempt at a commercial mail receiving agency. (“CMRA”).



Service of legal papers on individuals with commercial mail boxes got easier in California.

“This means a holder of a box at Mail Boxes, Etc., or a UPS Store, can be [served legal papers](#) by simple delivery to the counter agent inside the mailbox store,” says DeMarr.

“This is a big change. Before, under “substituted service” rules, three (3) attempts needed to be made to serve the box holder, at different times of day, and copies mailed. Service became effective only ten (10) days after the mailing. One step is easier than four steps.”

But DeMarr’s new study asks – despite the change in law, is it better to rely on the old four-step method of serving papers?

“New §415.20(c) provides that service shall be made “in the manner described in subdivision (d) of Section 17538.5 of the Business and Professions Code.” Section 17538.5 requires box holders now sign an agreement with the mail box store, appointing the mail box store as agent for receiving all service of process – service of legal papers – on behalf of the box holder, for a period of two years AFTER the box holder’s contract ends,” observes DeMarr.

“Section 17538.5 requires the mail box store to put a notice in the box holder’s box within 48 hours, and also to mail the papers to the box holder’s last known home or personal address.”

Why will this change in the law lead to confusion? Two problem areas, says DeMarr.

1. If the CMRA/mail box owner fails to mail the papers to the box holder:

DeMarr points out that there is no enforcement mechanism in this new law. If a mail box shop owner fails to notify or forward the papers, a plaintiff or plaintiff's counsel has no remedy against the shop owner other than to file a separate lawsuit. And how would the plaintiff or plaintiff's counsel know the shop owner failed to forward the papers?

"Plaintiffs and attorneys relying on these new rules can expect multiple motions to set aside defaults, and multiple attacks on default judgments. Relying on the new law carries risk. Maybe it's better just to rely on the old four-step substituted-service process under Code of Civil Procedure §415.20(b)."

2. If the box holder does not have a separate mailing address:

"People live off the grid nowadays. People "couch-surf" in other people's homes. People live in RVs and pick up their mail when they want. And, unfortunately, some people are homeless. None of those people will have a "mailing address" for the CMRA/mail box shop to forward to. And so any court order, default or judgment obtained, relying on this new rule, will be vulnerable to attack on grounds the papers were never actually received," De

DeMarr's study concludes – maybe it's better just to rely on the old four-step substituted-service process under Code of Civil Procedure §415.20(b).

John A. Demarr, Private Investigator's new statewide [process service](#) program provides important new tools for creditors owed money; for financial institutions and insurance companies; and, perhaps most importantly, to injured plaintiffs across California.

Questions? To learn more: www.demarr.com.

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