

INDEX

- Absence of return of service, 12-2.
- Abuse of process, counterclaim for, mistake in designation of defendant, 2-4.
- Accountants, service on, 15-6.
- Acknowledgment of service, 5-1.
 - Minor, 8-5.
- Action, commenced without process, 1-2.
- Actual knowledge of lawsuit, 10-2.
- Actual service, 7-1.
- Administrator of corporation, service of, 13-2.
- Affidavits—
 - Forms, see Forms, *infra*.
 - Service of, 16-1.
- Agent—
 - Corporation, for, service of, 13-2.
 - Double agent, 13-2.
 - Registered, 13-4.
 - Service of process by agent, 6-1.
 - Substituted service, 9-1.
- Alias summons, 2-2.
- Alimony, process in action for, 1-2.
 - Long-arm statute, personal service under, 8-3.
- Amendments—
 - Mistakes in process, 2-3, 2-6.
 - Return of service, 12-1, 12-2.
- Animal dealers and operators of kennels, stables, and animal shelters, service on, 15-6.
- Answer, raising insufficiency of service in, 11-2, 11-3.
- Appeal, defense of insufficient service preserved for, 11-3.
- Arson investigators, witness fees, 17-4.
- Attachment, writ of, 1-2.
 - Due process considerations, 1-2.
 - Nonresident, service of, 15-6.
 - Notice, actual or constructive, 1-2.
- Attorneys—
 - Agent for service of process, as, 6-1.
 - Notice to, 16-3.
- Attorneys—Cont'd.
 - Service of, 8-4, 16-3, 17-2.
 - Waiver of service, 5-2.
- Auctioneers, service on, 15-6.
- Books, writings, and other documents, notice to produce, 17-5.
- Brother-in-law, substituted service, 9-1.
- Burden of proof, challenges to waiver of service, 5-1.
- Campus police, witness fees, 17-4.
- Cashier of corporation, service of, 13-1, 13-2.
- Challenges to service, 11-2.
- Charitable organizations, service on, 15-6.
- Charitable trusts, 15-6.
- Child custody, process in action for, 1-2.
- Child support, service under long-arm statute, in action for, 8-3.
- Cities, service of, 15-2.
- Citizens, jurisdiction over, 8-1.
- City manager, service on, 15-2.
- Civil Practice Act, 1-1, 1-2, 1-3, 2-3, 8-2, 11-1.
- Clerk of superior court—
 - Alias summons, issuance, 2-2.
 - Complaint, attaching summons to, 2-1.
 - Duties of, 2-1.
 - Pluries summons, issuance, 2-2.
 - Second original summons, issuance, 2-2.
 - Summons, signing, 2-1.
- Co-defendant, wrong name, 2-3.
- Condemnation proceedings, service in, 15-6.
- Constructive service, 7-1, 10-1, 10-2.
 - Nonresident, 10-1.
 - Procedures for, 10-2.
 - Publication, by, 10-1, 10-2.
- Corporations, service of—
 - Agent for, 13-2.

- Corporations, service of—Cont'd.
 - Cashier for, 13-1.
 - Employee, service on not binding, 13-2.
 - Express companies, 13-5.
 - Fiduciaries, foreign, 15-6.
 - Foreign corporations, of, 13-4.
 - Garnishment, service of summons of, 14-1.
 - Generally, 13-1.
 - Limited partnership, as agent for process for, 15-5.
 - Managing agent for, 13-1.
 - Methods for, 13-1.
 - Personal service, 13-1.
 - Agent for, 13-2.
 - Registered agent, service of, 13-3.
 - Secretary of State, service of, 13-3.
 - Substituted, 13-1, 13-3.
- Correctional officers, witness fees, 17-4.
- Cost, service by publication, 10-2.
- Costs, service of summons, notice of duty to avoid, form, 18-24.
- Counsel, see Attorneys, *supra*.
- Counties, service of, 15-2.
 - County commissioners, service of county by service upon, 15-2.
- Criminal defendants, privilege from service, 4-2.
- Cross-actions, summons not required, 1-2.
- Daughter-in-law, substituted service, 9-1.
- Decedents' estate, service on, 15-6.
- Declaratory judgment cases, service in, 15-6.
- Decoyed into state, service on person, 8-1.
- Default judgment—
 - Garnishment, in, 14-1.
 - Waiver of service, 5-3.
- Defective service, 11-1.
 - Special answer, raising issue in, 11-2.
 - Waiver, 11-2, 11-3.
- Defects in process, waiver, 3-2.
- Defendant—
 - Nonresident, service of, 2-2.
 - Notice of summons of garnishment, 14-1.
- Defense of insufficiency of process, waiver, 3-2.
- Defense of insufficiency of service, 11-1.
- Definitions—
 - Actual service, 7-1.
 - Garnishment summons, 14-1.
 - Partners, 1-1.
 - Service, 4-1.
 - Summons, 1-1.
- Delivery, subsequent service, 16-4.
- Denizens, jurisdiction over, 8-1.
- Designated agent for service, 9-1.
- Diligence, reasonable, before service by publication, 10-2.
- Divorce, process in action for, 1-2.
 - Long-arm statute, personal service under, 8-3.
- Discovery, participation in, as waiver of defective service, 11-3.
- Dismissal, notice of, 16-1.
- Dispossessory proceedings, service in, 15-6.
- Distress warrants, service of petition for, 15-6.
- Domestic support, enforcement, form, 18-19.
- Domicile, matrimonial, personal service under long-arm statute, 8-3.
- Double agent, service of, 13-2.
- Due diligence, in perfecting service, 6-2.
- Due process, 1-2, 4-3, 9-1, 10-1, 14-1.
- Dwelling house, leaving copies at, 9-1.
- Easement, service of petition to grant, 15-6.
- Employee—
 - Corporation, of, service of, 13-2.
 - Substitute service at home of defendant, 9-1.
- Enticed within state, service on person, 8-1.
- Equal protection, 14-1.
- Evasion of service, 10-1, 10-2.
- Ex parte motions, 16-1, 16-2.
- Express companies, service of, 13-5.
- Father of minor, service on, 8-5.
- Foreclosure on personalty, service of petition to, 15-6.

- Foreign corporations, service of, 13-4.
- Limited partnership, as agent for service of, 15-5.
- Forms—
 - Acknowledgment of service, 18-4, 18-19.
 - Affidavits, 18-7, 18-11, 18-15, 18-16.
 - Alternative form, summons, 18-1.
 - Amendment of summons, 18-2, 18-3.
 - Appointment of permanent process server, petition for, 18-20.
 - Appointment to serve process, motion and order, 18-5.
 - Certificate of clerk as to publication and mailing of notice, 18-17.
 - Costs, service of summons, notice of duty to avoid, 18-24.
 - Domestic support, rule nisi and acknowledgment of receipt of summons and complaint for enforcement, 18-19.
 - Garnishment, summons of, 18-18.
 - Insufficiency of service, motion to dismiss, 18-14.
 - Mailing of notice, certificate of clerk, 18-16.
 - Motions, 18-2, 18-5, 18-6, 18-10, 18-14.
 - Notice of clerk, service by publication, 18-13.
 - Notice of duty to avoid unnecessary costs, service of summons, 18-24.
 - Orders, 18-3, 18-5, 18-8, 18-12.
 - Permanent process server, petition for appointment of, 18-20.
 - Personal service, affidavit of, 18-15.
 - Personal service outside state, 18-6 thru 18-8.
 - Publication, certificate of clerk, 18-17.
 - Request for waiver of service of summons, 18-22.
 - Return showing defendant cannot be found, 18-9.
- Forms—Cont'd.
 - Rule nisi notice and acknowledgment of receipt of summons and complaint for enforcement of domestic support, 18-19.
 - Service, acknowledgment, 18-4.
 - Service by publication, 18-10 thru 18-13.
 - Service of process, motion for appointment and order, 18-5.
 - Service of summons, waiver of, 18-23.
 - Special answer, 18-21.
 - Substituted service, affidavit of, 18-16.
 - Summons, 1-3.
 - Alternative form, 18-1.
 - Waiver of service of summons, 18-23.
 - Notice of duty to avoid unnecessary costs, 18-24.
 - Request for, 18-22.
- Fraternal benefits society, service on, 15-6.
- Fund raisers, service on, 15-6.
- Garnishment, service in, 14-1.
 - Summons of garnishment, form, 18-18.
- General appearance, 5-3.
 - Waiver of defective service, 11-3.
 - Waiver of process, 3-2.
- Georgia Bureau of Investigation, members, witness fees, 17-4.
- Georgia State Patrol, members, witness fees, 17-4.
- Governmental bodies, service of, 15-2.
- Guardian ad litem, service on, 8-5.
- Guardian of minor, service on, 8-5.
- Habeas corpus, process, 1-2.
- Hearings, notice of, 16-1.
- Impleader, no process, 1-2.
- In personam judgment, service required, 10-1.
- In personam jurisdiction, nonresident motorist, 15-1.
- In rem proceedings, service in, 8-2.
- Incomplete return of service, 12-2.
- Induced within state, service on person, 8-1.
- Infant, service on, 8-5.

- Insufficiency of process, waiver of defense, 3-2.
- Insufficiency of service, defense of, 11-1, 11-2, 11-3.
- Insurance—
 - Agents and brokers, service on nonresidents, 15-6.
 - Carrier, 15-3.
 - Commissioner, substitute service, 9-1.
 - Companies, service on, 15-6.
- Interested persons, service by, 6-1.
- Irregular return of service, 12-2.
- Issuance of process, 2-1, 2-2.
- Itinerant entertainers, service of, 15-6.
- Joinder of new parties, no process required, 1-2.
- Joint defendants, service, 4-3.
 - Long-arm, 8-3.
- Judge of probate court, service on county by service on, 15-2.
- Jurisdiction—
 - Nonresident motorist, over, 15-1.
 - Service essential to, 4-3.
- Jury, resolution of service issues by, 11-1.
- Laches, 6-2.
- Land registration, service of petition for, 15-6.
- Levy, acts as service, 1-2.
- Liens, creation, process, 1-2.
- Limited partnership, service upon, 15-5.
- Long-arm statute, service under, 8-3.
 - Alimony, actions for, 8-3.
 - Child support, actions for, 8-3.
 - Divorce, actions for, 8-3.
 - Nonresidents, 8-3.
 - Partnerships, 15-4.
- Maid, substituted service, 9-1.
- Mailing service to defendant, 9-1, 10-2.
 - Subsequent service, 16-4.
- Malicious abuse of process, counterclaim for, mistake in designation of defendant, 2-4.
- Managing agent of corporation, service upon, 13-1.
- Mandamus, process, 1-2.
- Mayor, service on, 15-2.
- Mental incompetent, service on person, 8-5.
- Methods of service, 4-1.
- Minors, service of, 8-5.
 - Nonresident motorists, 15-1.
 - Waiver of requirements, not permitted, 8-5.
- Misnomer, correction of, 2-3.
- Mistakes in process—
 - Abuse of process, counterclaim for, mistake in designation of defendant, 2-4.
 - Amendment of pleadings, 6-2.
 - Amendment of summons, 2-3, 2-4, 2-6.
 - Clerical, 2-3.
 - Codefendant, wrong name, 2-4.
 - Defect, invalidating summons, 2-3.
 - Defendant, in designation of, 2-4.
 - Forms, 18-2, 18-3.
 - Generally, 2-3.
 - Malicious abuse of process, counterclaim for, mistake in designation of defendant, 2-4.
 - Misnomer, correction, 2-4.
 - Procedures for, 2-6.
 - Relation back, upon amendment of pleadings, 6-2.
 - Remedies, 2-6.
 - Technical objections, 2-2, 2-3.
 - Time for appearance, in, 2-5.
- Modes of service, 7-1.
- Mortgage foreclosure, process, 1-2.
- Mother of minor, service on, 8-5.
- Motions—
 - Dismiss, to, 2-6.
 - Service subsequent to original complaint, 16-1 thru 16-5.
 - Summary judgment, for, 11-1.
- Multilevel distribution companies, service on, 15-6.
- Municipalities, service of, 15-2.
- Nail and mail, service by, 9-1.
- Nature of service, 7-1.
- Necessity for service, 4-3, 16-1.
- Nonparties, service of subpoena upon, 17-2.
- Nonprofit corporations, service upon, 15-6.
- Nonresident Motorist Act, 15-1.
- Nonresidents—
 - Attachment proceedings, 15-6.

- Nonresidents—Cont'd.
 - Constructive service, 10-1.
 - Criminal defendant, privilege from service, 4-2.
 - Insurance agents and brokers, 15-6.
 - Issuance of process, 2-2.
 - Long-arm statute, 8-3.
 - Motor carriers, 15-6.
 - Motorists, 15-1.
 - Minors, 15-1.
 - Partners, 15-4.
- Notice of motions, service of, 16-1 thru 16-5.
- Notice of pleadings, service of, 16-1 thru 16-5.
- Notorious service, 9-1.
- Office manager of physician, substitute service, 9-1.
- Officer of corporation, service of, 13-1, 13-2.
- Parental rights termination, service in actions for, 15-6.
- Parents of minors, service on, 8-5.
- Parties, service by, 6-1.
- Partnership—
 - Service upon, 15-4.
 - Summons directed to, 2-3.
- Paternity suits, service in, 15-6.
- Peace officers, witness fees, 17-4.
- Perfecting service, plaintiff's responsibility, 6-2.
- Permanent alimony, process in action for, 1-2.
- Permanent process server, 6-1.
 - Form, petition for appointment of, 18-20.
- Personal service, 7-1.
 - Beyond state, 8-2.
 - Due process considerations, by service of counsel, 8-4.
 - Garnishment, summons of, 14-1.
 - Long-arm statute, under, 8-3.
 - Mailing, use of, 8-4.
 - Minors, on, 8-5.
 - Outside state, forms, 18-6 thru 18-8.
 - Persons non sui juris, on, 8-5.
 - Service of counsel, by, 8-4.
 - Subsequent service, 16-4.
 - Within state, 8-1.
- Persons non sui juris, service of, 8-5.
- Persons who may serve process, 6-1.
 - Long-arm statute, 8-3.
- Petition containing prayer for process, abolished, 1-3.
- Pleadings—
 - Filing, waiver of service, 5-3.
 - Service of, 16-1 thru 16-5.
 - Statements of fact within, waiver of service, 5-1.
- Pluries summons, 2-2.
- Police officers, witness fees, 17-4.
- Pre-trial conference, challenges to service, 11-2.
- Pre-trial order, waiver of process if not raised prior to, 3-2.
- President of corporation, service of, 13-1, 13-2.
- Privilege from service, 4-2.
- Pro se litigant, 16-5.
- Probate, service in, 15-7.
- Process—
 - Actions, commenced without, 1-2.
 - Defined, 1-1.
 - Execution of, see Service, *infra*.
 - Garnishment, in, 14-1.
 - Issuance, 2-1, 2-2.
 - Mistakes in, see Mistakes in process, *supra*.
 - Necessity for, 1-2.
 - Process must issue, 1-1.
 - Process server, permanent, 6-1.
 - Summons, same as, 1-1.
 - Third party defendants, 4-3.
 - Waiver of, see Waiver of process, *infra*.
- Process server, permanent, 6-1.
- Professional associations, service on, 15-6.
- Proof of service, 12-1, 16-5.
- Public bodies, service of, 15-2.
- Publication, service by, 10-1, 10-2, 16-4.
 - Reasonable diligence before seeking, 10-2.
- Quo warranto, service of writ of, 15-6.
- Railroad lessees, service on, 15-6.
- Real estate broker or sales person, nonresident, service on, 15-6.

- Real property, owning, using or possessing, long-arm jurisdiction, 8-3.
- Registered agent of corporation—
 - Foreign corporation authorized to do business, 13-4.
 - Service of, 13-3.
- Remedies for defective service, 11-1, 11-2.
 - Time limitations, 11-2.
- Renewal action, waiver of defective service, 11-3.
- Residence, service left at, 9-1.
- Responsive pleadings, effect of failure to file, 5-3.
- Return of service—
 - Absence of, 12-2.
 - Amendment, 12-1, 12-2.
 - Forms, 18-15 thru 18-17.
 - Garnishment, in, 14-1.
 - Irregular or incomplete, 12-2.
 - Required, 12-1.
 - Void, 12-2.
- Rule nisi—
 - Acknowledgment of, 1-2.
 - Defined, 1-2.
 - Form, 18-19.
 - Use of, 1-2.
 - When used, 1-2.
- Sales representatives of corporation, service of, 13-2.
- Second original summons, 2-1, 2-2.
- Secretary of corporation, service of, 13-1, 13-2.
- Secretary of physician, substitute service, 9-1.
- Secretary of State—
 - Domestic corporation, service of, 13-1, 13-3.
 - Foreign corporation, authorized to do business, service of, 13-4.
 - Limited partnership, service upon, 15-5.
 - Nonresident motorist, service of, 15-1.
- Securities, service on person offering sale of, 15-6.
- Separate maintenance, process in action for, 1-2.
- Service—
 - Acknowledgment, 3-1, 5-1.
 - Actual, 7-1.
- Service—Cont'd.
 - Amendment changing party, service of, 6-2.
 - Form, 18-4.
 - By whom made, 6-1.
 - Challenges to, 11-2.
 - Constructive, 7-1.
 - Corporations, of, 13-1 thru 13-4.
 - Counties, of, 15-2.
 - Defective, 11-1, 11-2.
 - Definition, 4-1.
 - Domestic corporations, of, 13-1 thru 13-3.
 - Due diligence, 6-2.
 - Exemptions from, 4-2.
 - Express companies, of, 13-5.
 - Foreign corporations, of, 13-4.
 - Garnishment, in, 14-1.
 - General procedure, 6-1, 6-2.
 - Generally, 4-1 thru 4-3.
 - Governmental bodies, 15-2.
 - Joinder of new parties, 1-2.
 - Limited partnerships, 15-5.
 - Mailing, completion of by, 8-4.
 - Methods of, 4-1.
 - Modes of, 7-1.
 - Nature of, 7-1.
 - Necessity for, 4-3, 16-1.
 - Nonresident motorists, 15-1.
 - Notorious, 9-1.
 - Partnerships, 15-4.
 - Personal, see Personal service, *supra*.
 - Privilege from, 4-2.
 - Process server, permanent, 6-1.
 - Proof of, 12-1.
 - Relation back, service of amendment to pleadings, 6-2.
 - Return of, 1-2, 12-1.
 - Special categories, 15-1, 15-2.
 - Substituted, 7-1, 9-1, 13-1.
 - Corporations, of, 13-3.
 - Tacking, by, 9-1.
 - Time of, 6-2.
 - Transients, 6-2.
 - Types of, 7-1.
 - Uninsured motorist carrier, 15-3.
 - Unknown party, 6-2.
 - Waiver of, see Waiver of service, *infra*.
- Serviceman, substitute service, 9-1.

- Sheriff—
 - Damages, action for, against, 11-1.
 - Deputy, witness fees, 17-4.
 - Interested in action, 6-1.
 - Second original summons, service, 2-1.
 - Service upon, 15-6.
 - Summons of garnishment, service, 14-1.
- Special answer, insufficient service, allegation in, 11-2.
- Form, 18-21.
- Statute of limitations, service after statute accrues, 6-2.
- Statutory proceeding, process, 1-2.
- Subpoena ad testificandum, 17-1.
- Subpoena duces tecum, 17-1.
- Subpoenas—
 - Attorney, service upon, 17-2.
 - Continuance, grant of, 17-3.
 - Enforcement of, 17-3.
 - Modes of, 17-2.
 - Nature and use, 17-1.
 - Non-parties, service on, 17-2.
 - Notice to produce, 17-5.
 - Proof of service of, 17-2.
 - Substituted service of, 17-2.
 - Time limitations, 17-3.
 - Types of subpoenas, 17-1.
 - Witness fees, 17-4.
- Subsequent service—
 - Delivery, how accomplished, 16-4.
 - Exceptions, 16-2.
 - How made, 16-4.
 - Mail, service by, 16-4.
 - Necessity of, 16-1.
 - On whom made, 16-3.
 - Proof of, 16-5.
 - Publication, by, 16-4.
 - Validity of, 16-5.
 - Waiver of, 16-2.
- Substitute service, 7-1, 9-1, 13-1.
- Actual notice of pending suit, 9-1.
- Due process violations, old tacking procedure, 9-1.
- Subpoenas, 17-2.
- Summary judgment, motion for, 11-1.
- Notice of, 16-1.
- Summons—
 - Additional, 2-1.
 - Alias, 2-2.
- Summons—Cont'd.
 - Amendment of, 2-2, 2-3.
 - Contents, 1-3.
 - Date of, 1-3.
 - Defect invalidating, 2-3.
 - Defendant, directed to, 1-3.
 - Defined, 1-1.
 - Form of, 1-3.
 - Garnishment, of, 14-1.
 - Mistakes in, see Mistakes in process, supra.
 - Motion to dismiss, 2-6.
 - Pluries, 2-2.
 - Process, same as, 1-1.
 - Purpose of, 1-1, 2-3.
 - Requirements, 1-3.
 - Rule nisi, use in lieu of, 1-2.
 - Second original, 2-1, 2-2.
 - Separate, 2-1.
 - Technical defects, amendability of, 2-2.
- Tacking, service by, 9-1.
- Due process violations, old tacking procedure, 9-1.
- Telegraph companies, service on, 15-6.
- Temporary alimony, process in action for, 1-2.
- Temporary restraining order, process, 1-2.
- Temporary sojourners, jurisdiction over, 8-1.
- Third-party defendant—
 - Incorporating original summons, 1-3.
 - Service upon, 4-3.
 - Summons required, 1-2.
- Time for appearance, mistakes in, 2-3.
- Time of service, 6-2.
- Time to answer—
 - Condemnation, 2-5.
 - Generally, 2-5.
 - Libel, 2-5.
 - Mandamus, 2-5.
 - Quo warranto, 2-5.
- Tortious act or omission, committing, long-arm jurisdiction, 8-3.
- Tortious injury, committing, long-arm jurisdiction, 8-3.
- Towns, service of, 15-2.

- Transacting business, long-arm jurisdiction, 8-3.
- Transient merchants, service on, 15-6.
- Transients, time of service, 6-2.
- Trustees—
 - Service by, 15-6.
 - Service upon, 15-6.
- Types of service, 7-1.
- Uniform Limited Partnership Act, 15-5.
- Uniform Partnership Act, 15-4.
- Uninsured motorist carrier, service upon, 6-2, 15-3.
- Universities and colleges, service upon, 15-6.
- Unknown party, service upon, 6-2.
- Unqualified foreign corporation doing business, 13-4.
- Unsound mind, person of, service on, 8-5.
- Usual place of abode, leaving copies at, 9-1.
- Venue, not required for service, 8-1.
- Void return of service, 12-2.
- Waiver of defense of defective service, 11-2, 11-3.
- Waiver of process—
 - Co-defendant, not binding on, 3-1.
 - Corporate defendant, binding on, 3-1.
 - Defects in process, 3-2.
 - Express, 3-1.
 - General appearance, 3-2.
 - Implied, 3-2.
 - Intervenor, bound by, 3-1.
 - Partnership, binding on, 3-1.
 - Pre-trial order, if not raised prior to, 3-2.
- Waiver of service—
 - Acknowledgment of service, 5-1.
 - Burden of proof, challenges to, 5-1.
 - Challenges to, 5-1.
 - Costs, duty to avoid, notice of, form, 18-24.
 - Default judgment, 5-3.
 - Defendant, affidavits traversing attorney's acknowledgment, 5-2.
 - Express, 5-1.
 - Form, statutory, 18-23.
 - Waiver of service—Cont'd.
 - General appearance, 5-3.
 - Implied waiver, 5-3.
 - Minors, 8-5.
 - Notice of duty to avoid unnecessary costs, form, 18-24.
 - Pleadings—
 - Filing, as, 5-3.
 - Statements of fact within, as, 5-1.
 - Request for, form, 18-22.
 - Responsive pleadings, failure to file, 5-3.
 - Subsequent service, 16-2.
 - Summons, necessity for, 1-2.
 - Waiver by attorney, 5-2.
- Wills, probate in solemn form, service, 15-7.
- Witnesses—
 - Fees, 17-4.
 - Privilege from service, 4-2.
- Year's support, service in cases involving, 15-6.