

Rule 4. Process

Service of process shall be made in compliance with D.C. Code § 16-1502 (1981) by any competent person not less than 18 years of age who is not a party to the suit.

If service of process is made by posting pursuant to D.C. Code § 16-1502 (1981), the plaintiff or the plaintiff's agent shall send to the defendant, by first class mail, a copy of the summons and complaint at the address named in the complaint within 3 calendar days of the date of the posting. Proof of the mailing of such notice shall be on a form prescribed by the Court and certified by an attorney or sworn to by a special process server.

The return of service of the complaint shall be made under oath and shall be in the format set forth in SCR-LT Form 3 which is incorporated herein by reference. Proof of compliance with the mailing of the summons to the defendant within 3 calendar days of posting under D.C. Code § 16-1502 (1981) may be made on SCR-LT Form 3. Costs in excess of \$ 8.50 for service by a special process server, costs in excess of \$ 2.00 for notarization of the complaint and costs in excess of the actual costs for first-class postage shall be allowed only upon the Court's finding of good cause therefor.

COMMENT

This rule requires that the plaintiff mail to the defendant a copy of the summons and complaint when service is made by posting pursuant to D.C. Code 2001, § 16-1502. See *Greene v. Lindsey*, 456 U.S. 444, 102 S. Ct. 1874, 72 L. Ed. 2d 249 (1982). This requirement is not intended to excuse the plaintiff's obligation to make a "diligent and conscientious effort" to secure personal or substitute service before resorting to service by posting. See, e.g., *Parker v. Frank Emmet Real Estate*, 451 A.2d 62 (D.C. App. 1982).