

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 40207. Service.

(a) The summons and complaint shall be served as provided by the rules of the court.

(b) If the defendant cannot be found in the senatorial district in which the action is pending and either he has no usual place of abode or there is no person of suitable age or discretion then residing therein, or there is no agent authorized by appointment or by law to receive service of process service may be made in any part of the CNMI.

(c) After at least two attempts to obtain service as provided by the rules of the court, if the defendant cannot be found in the CNMI; the officer serving process shall serve the same by attaching a copy of the summons and complaint to some part of the premises involved in the proceeding (such as a wall of any store, shop, dwelling, or other building, and if none then to some permanent object thereon such as a tree or fence). The minimum time between the two attempts to obtain service shall be six hours.

(d) If the landlord causes, or anticipates causing, a defendant to be served with a summons and complaint solely by attaching them to some conspicuous part of the premises involved in the proceeding, the landlord shall provide the clerk of the court with two additional copies of the complaint and two prestamped envelopes addressed to the defendant. One envelope shall be addressed to such address or location as has been designated by the tenant for receipt of notice in a written lease or other agreement or, if none has been designated, to the residential mailing address of the tenant, if known. The second envelope shall be addressed to the last known business address of the tenant. The clerk of the court shall immediately mail the copies of the summons and complaint by first class mail, note the fact of mailing in the docket, and file a certificate in the court file of the fact and date of mailing. Service shall be effective on the date of posting or mailing, whichever occurs later; and at least five working days from the date of service must have elapsed before a judgment for final removal of the defendant may be entered.

Source: PL 10-67, § 9.

Commission Comment: In the first sentence of subsection (c) the Commission added the word “of” after the words “attaching a copy” to correct a manifest typographical error.