

## FENCE DISPUTE COMPLAINT CERTIFIED MAIL INSTRUCTION AND RETURN

### NOTICE TO PLAINTIFF:

**Notice shall be served on each defendant not less than five days before the time set for hearing. Proper service on the defendant is essential, without it your lawsuit will be dismissed. Since you have chosen to have your fence dispute complaint served upon the defendant by certified mail, you should follow these instructions.**

1. Place a copy of your complaint and A Guide to Fence Dispute Mediation, in an envelope of sufficient size, addressed to the defendant and take it to a United States Post Office.
2. Inform the postal clerk that you want the letter mailed by Certified Mail - Restricted Delivery - Return Receipt Requested. (Although Restricted Delivery is not required by statute, most judges will require proof of service upon the actual defendant, as opposed to just any person at the defendant's address, prior to entering a default judgment against a defendant who does not appear at the scheduled hearing.)
3. You will be charged postage (\$0.78), certified mail (\$5.30), restricted delivery (\$8.40), and return receipt requested (\$4.40) for a total of \$18.88.
4. They will give you Form 3800, Receipt for Certified Mail. Enter the defendant's address on the top portion of the receipt, then detach the label with the certified number and place it on the letter above the address and to the right of the return address.
5. Write "Restricted Delivery" and "Return Receipt Requested" on the envelope.
6. Give it to the postal clerk who will check it over, collect your fees and return a copy of Form 3800 to you which will be your proof of certified mailing.
7. Once the certified mail is delivered to the defendant, the postal clerk will send you a returned receipt showing the defendant's signature. This is your proof of personal service on the defendant.
8. If the mail is not delivered, the postal clerk will leave a notice of certified mail at the defendant's address. If, after five days, the mail is not called for, a final notice is issued. If the letter is not picked up within 15 days of the first notice, your letter will be returned to you and you will have to begin the service process all over again.

**RETURN INSTRUCTIONS:**

**Complete the following, then attach the certified mail green card and green/white receipt on opposite sides of the top of this document and return it to the clerk of the court at least five days prior to the trial date.**

I acknowledge that a copy of the small claims complaint was mailed to each defendant by certified mail, return receipt requested.

Defendant: \_\_\_\_\_

Case Number: \_\_\_\_\_

Trial Date: \_\_\_\_\_

1. Certified mail was mailed on \_\_\_\_\_

2. Return receipt was signed on \_\_\_\_\_

3. Certified mail was returned unsigned on \_\_\_\_\_

4. Postage \$ \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

(of plaintiff)

Street Address/P.O. Box: \_\_\_\_\_

City/State/ZIP Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email address: \_\_\_\_\_

If completed by an attorney: Bar Number: _____
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These written instructions are prepared by the State Court Administrator in accordance with the provisions of [Neb. Rev. Stat. § 34-112.02\(3\)](#).