

## **CERTIFIED PROCESS SERVER LAW** **CREATES CONFUSION**

Some attorneys believe that Georgia Certified Process Servers may not serve process unless they also have permanent or special appointments issued by the court. **THIS IS NOT TRUE!**

The confusion centers around the notice by the Georgia Sheriffs and the Georgia Sheriffs' Association (GSA), that none of the 159 Georgia Sheriffs will allow certified process servers to serve process in their respective county.

However, the law specifically provides a “**certified process server shall be entitled to serve in such capacity for any court of the state, anywhere within the state . . .**” (O.C.G.A. §9-11-4.1(a); Emphasis added). The sheriffs apparently believe the proviso gives them the authority to preclude all certified process servers from serving any process in any of the 159 counties. **THIS IS NOT TRUE!** The proviso in O.C.G.A. §9-11-4.1(a) adds to the above quote, “**provided that the sheriff of the county for which process is to be served allows such servers to serve process in such county.**”

In other words, **The sheriff of the county in which the papers are filed may preclude a certified process server who is not otherwise appointed by the court from serving those papers in that sheriff's county.**

**This proviso does not allow the sheriff of the county in which the papers are filed to preclude a certified process server from serving the papers on defendants located outside that sheriff's county. Nor does it allow a sheriff in a county other than the the county in which the papers are filed to preclude a certified process server from serving the papers on a subject in that sheriff's county.**

**AS CERTIFIED PROCESS SERVERS WE ARE AUTHORIZED TO SERVE PROCESS IN EVERY COUNTY EXCEPT THE COUNTY IN WHICH THE PAPERS ARE FILED!**

**Insert your name and/or company here**