

CAUSE NO. 2022-12475

JOHNS, ELDON	§	IN THE DISTRICT COURT OF
	§	
vs.	§	HARRIS COUNTY, T E X A S
	§	
BERLETH, ROBERT W	§	157th JUDICIAL DISTRICT

ORDER GRANTING MOTION FOR SUBSTITUTE SERVICE OF PROCESS

ON THIS DAY came on for consideration the Plaintiff's Motion for Substitute Service Under Rule 106(b), Texas Rules of Civil Procedure. It appears to the Court that Plaintiff has attempted but failed to personally serve defendant Robert Berleth at the last known usual place of abode or business. It further appears to the Court that the manner of service ordered herein will be reasonably effective to give said defendant notice of the lawsuit. It is therefore,

ORDERED, ADJUDGED, and DECREED that the Motion for Substitute Service is **GRANTED**. It is further,

ORDERED, ADJUDGED, and DECREED that service of process may be made upon the defendant, either: (1) by leaving a true copy of the citation, with a copy of the Petition and this Order authorizing substituted service attached, with anyone over sixteen (16) years of age at 6722 Mossridge Dr., Houston, Texas 77069; or (2) by firmly affixing a true copy of the citation, with a copy of the Petition and this Order authorizing substitute service attached, to the front door of Defendant's last known usual place of abode or business at the above address.

It is further **ORDERED, ADJUDGED, and DECREED** that the service made by the above method shall not be deemed perfected unless it also complies with the following provisions:

(a) a copy of the citation, Petition, and this Order shall be mailed by BOTH certified mail, return receipt requested, AND by regular mail to the defendant at the same address at which service is authorized above;

(b) the return of service shall not be made until 30 days after mailing or until the process server receives back the green card from the post office, whichever date is earlier;

(c) the return of service shall include a statement setting out the date of mailing and the result of the mailing by certified mail, and the date of mailing and result of same by regular mail (*i.e.*, whether the envelope was returned by the post office, the green card came back signed, etc.); and

(d) a copy of any envelope or green card returned by the post office shall be attached to the return of service.

It is further **ORDERED, ADJUDGED, and DECREED** that the return of service of the person executing service pursuant to this Order shall otherwise be made in accordance with Rule 107, Texas Rules of Civil Procedure. It is further

ORDERED, ADJUDGED, and DECREED that service of process will be deemed complete upon compliance with this Order, regardless of whether defendant signs the certified mail receipt.

Signed this June 28, 2022.


JUDGE TANYA GARRISON