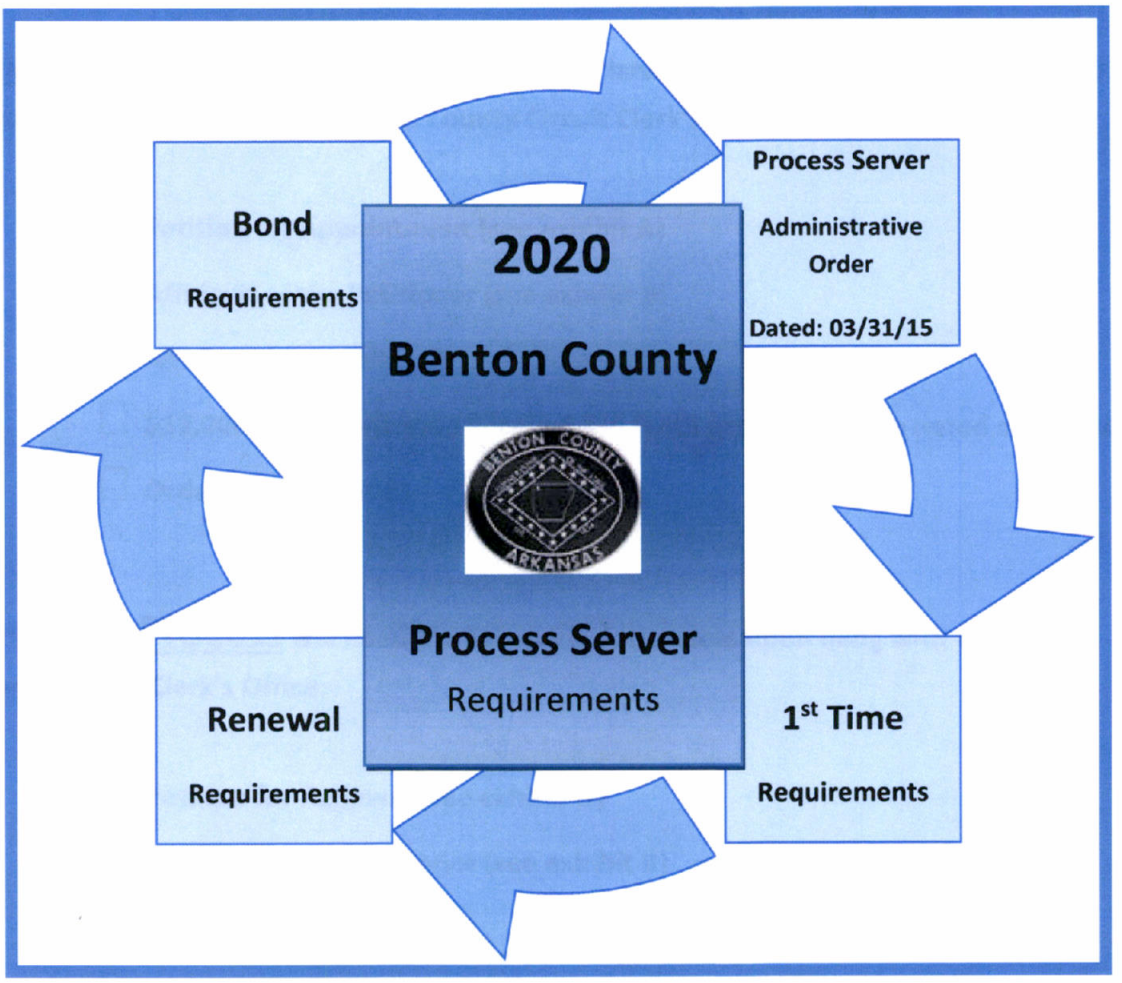

We would like to thank you for your interest in serving as a Process Server and taking part in the Benton County Judicial process. The following information is being provided in order to assist you with a quick overview of what is required to serve as a Process Server in Benton County. Please make sure that you read the Process Server-Administrative Order (Dated: July 15, 2020) very carefully as it will be your responsibility to ensure that all documents have been completed accurately and all requirements have been met.

Fees:

New petition to serve as a Process Server	**$140.00**
Renewal to serve as a Process Server	**$ 50.00**
Process Server Identification Card	**$ 5.00**

New Process Servers please make sure you have the following documents upon filing of your application with the Benton County Circuit Clerk's Office:

- ☐ Petition for Appointment (see exhibit A)
- ☐ Affidavit of the Petitioner (see exhibit B)
- ☐ Affidavit (see exhibit C)
- ☐ $10,000 Cash/Corporate Surety Bond (with expiration date noted on the bond)
- ☐ Order (see exhibit E)

Renewal Process will need the following documents upon filing with the Benton County Circuit Clerk's Office:

- ☐ Petition for Renewal (see exhibit D)
- ☐ Affidavit of the Petitioner (see exhibit B)
- ☐ Affidavit (see exhibit C)
- ☐ $10,000 Cash/Corporate Surety Bond (with expiration date noted on the bond)
- ☐ Order (see exhibit E)

Caution: Only the forms provided by Benton County will be accepted. Examples of these forms have been provided as attachments.

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
DIVISIONS I, II, III, IV, V & VI

FILED
2020 JUL 15 AM 11 12
BRENDA DESHIELDS
CLERK AND RECORDER
BENTON COUNTY, AR

IN THE MATTER OF APPOINTMENT OF PERSONS AUTHORIZED TO SERVE LEGAL PROCESS IN BENTON COUNTY, ARKANSAS

ORDER

Pursuant to Rule 4 (c), Arkansas Rules of Civil Procedure, and Administrative Order No. 20, the Circuit Courts are authorized to appoint persons to serve legal process. The Court finds that there is a need for the establishment of a procedure for approval of persons who will be authorized pursuant to Rule 4(c) and Administrative Order No. 20 to serve process, as well as, a need for a registry of persons so authorized in Benton County.

To effectuate the procedure desired by the Courts and to provide for an accurate current registry, the Court orders as follows:

1. All authorizations effective on January 1, 2020, shall continue to be effective until the expiration of the process server's current order.
2. Any person desiring appointment to serve legal process under Rule 4(c) and Administrative Order No. 20 shall file an application captioned in the Circuit Court of Benton County, Arkansas, just as this Order is captioned, save and except it shall state "in the Matter to Serve Legal Process and Appointment of _____(place for the name of the applicant, address, telephone number, and e-mail)." The applicant shall request permission to serve process under Rule 4(c) and Administrative Order No. 20 and shall be substantially in the same form as the Application for Appointment and Authorization to Serve Legal Process attached hereto (Exhibit "A"). A Process Server must meet the following minimum qualifications:
    a. Be at least eighteen years of age or older and a citizen of the United States;

b. Have a high school diploma or equivalent;
c. Have never been convicted of a crime punishable by imprisonment for more than one year or a crime involving dishonesty or false statement, regardless of the punishment;
d. Hold a valid driver's license from one of the States within the U.S.;
e. Obtained a $10,000 Cash/Corporate Surety Bond as to the performance of the duties of a process server for the benefit of the Benton County Circuit Court. The application will not be approved if the expiration date is not on the face of the bond;
f. Pay a filing fee of $140.00 for filing an original application and a filing fee of $50.00 for filing a renewal application pursuant to Act 328 of 2009.

3. Applicant shall attach to the application an affidavit of the applicant substantially in the form that is attached to this Order (Exhibit "B") acknowledging knowledge of and familiarity with Rule 4(c) and Administrative Order No. 20 of the Arkansas Rules of Civil Procedure. Also attached to the application shall be an affidavit from an attorney of record practicing before the Courts in Benton County, said affidavit being substantially in the form that is attached to this Order (Exhibit "C") stating that the attorney has in fact, informed the applicant of the laws concerning service of process in the State of Arkansas, including Rule 4(c) and Administrative Order No. 20.

4. The Application, when filed, will be filed in the office of the Benton County Circuit Clerk and shall be assigned a number with a "BPS" designation so that the first application filed in 2020 will be "BPS 2020-1" and the next one filed will be "BPS 2020-2" et cetera. These applications shall be kept in a separate file in the Circuit Clerk's Office, and when an Order is entered (Exhibit "E") in connection with said application granting permission to serve, then the applicant's name will be entered onto a registry maintained by the Circuit Clerk. The process server will sign [his/her] return of service with [his/her] name and immediately after [his/her] process server number on each return of service.

5. After the initial approval is granted by the Administrative Judge of the Circuit Court of Benton County, each Process Server shall contact the Circuit Clerk's Office to make arrangements and pay any necessary cost to obtain a picture identification card from Benton

County. Each Process Server is required to carry this identification card along with their Certified Order of Approval and a valid driver's license when serving process. [He/She] shall, upon request or inquiry, present this identification at the time the service is made.

6. Approval of original applications will expire one year after approval. The Applicant shall then, prior to the expiration date, file an Application for Renewal (Exhibit "D") and an Affidavit stating that [he/she] is familiar with all changes in the law concerning service of process and especially Rule 4(c) and that [he/she] is still active in the business of serving process along with a current bond. If the application, affidavit, and current bond are not filed prior to the expiration date, then the approval granted by the original order shall be deemed terminated, and the applicant's name shall be stricken from the registry of approved process servers. If same applicant wishes to be reinstated, [he/she] must file a new Application, Affidavits, and Bond with the Court. Approval of renewal applications (Exhibit "E") will be for a period of one year pursuant to Administrative Order No. 20 (e) of the Administrative Orders of the Arkansas Supreme Court.
7. The Circuit Clerk shall maintain a separate registry of all persons for whom a petition has been filed and an Order signed by the Administrative Judge of the Court granting approval to serve process. The Circuit Clerk shall also maintain a separate file containing the applications and orders for process servers, and said file and registry shall be available for inspection by the public in the Circuit Clerk's Office.
8. Any Circuit Judge may revoke an appointment to serve process for any of the following reasons: (1) making a false return of service; (2) willful and purposeful improper service; (3) failing to meet the minimum qualifications for serving process; (4) misrepresentation of authority, position or duty or other good cause.

IT IS SO ORDERED and entered this 15th day of July, 2020.

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
DIVISIONS I, II, III, IV, V & VI

ROBIN GREEN, Circuit Judge Div. I

BRAD KARREN, Circuit Judge Div. II

THOMAS E. SMITH, Circuit Judge Div. III

JOHN R. SCOTT, Circuit Judge Div. IV

XOLLIE DUNCAN, Circuit Judge Div. V

DOUG SCHRANTZ, Circuit Judge Div. VI

Witnessed by:

CHRISTINE HORWART, Circuit Judge Elect
2021 for Div. VII

Adopted July 15, 2020

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
DIVISIONS I, II, III, IV, V, VI & VII

IN THE MATTER OF
THE APPOINTMENT OF
TO SERVE LEGAL PROCESS: _____

PROCESS SERVER NUMBER: BPS_____-_____

APPLICATION FOR APPOINTMENT
AND AUTHORIZATION TO SERVE LEGAL PROCESS

COMES NOW,_____, and petitions the Court for an order of appointment as civil process server in accordance with Administrative Order Number 20, Rule 4 (c) (2), Arkansas Rules of Civil Procedure, and all Orders of this Court. and states:

1. Applicant seeks appointment to serve legal process in Benton County, Arkansas files this application and supporting affidavits establishing that Applicant meets the minimum qualifications to serve process:
   (a) is eighteen years of age or older and a citizen of the United States:
   (b) has a high school diploma or equivalent;
   (c) has not been convicted of a crime punishable by imprisonment for more than one year or a crime involving dishonesty or false statement, regardless of the punishment;
   (d) holds a valid driver's license from one of the States within the U.S.;
   (e) has obtained a $10,000 Cash/Corporate Surety Bond;
   (f) has paid a filing fee of $140.00 for filing an original application or a filing fee of $50.00 for filing a renewal application.
2. Applicant is a resident of _____, _____County, Arkansas with a mailing address of:_____.
3. Applicant is familiar with the provisions of Rules 4, 5 and 45 of the Arkansas Rules of Civil Procedure and represents to the Court that [he/she] is familiar with the requirements of the service of civil process in the State of Arkansas and with the various documents to be served. Applicant agrees to comply with the requirements set forth in those rules and the orders of the Court. Applicant further states that [he/she] will endeavor to stay current with any changes to the law concerning the service of process as well as the Rules of Civil Procedure pertaining thereto.

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
DIVISIONS I, II, III, IV, V, VI & VII

4. Applicant will carry a certified copy of [his/her] order of appointment, along with the Benton County photo I.D. card, and a valid driver's license, when serving process, and will upon request or inquiry, present this identification at the time service is made.

WHEREFORE, Applicant prays that this Application be granted and that the Court enter an Order authorizing service of civil process in Benton County, Arkansas.

_____
Applicant

STATE OF ARKANSAS)
COUNTY OF _____)

I state on oath that I have read the foregoing Application and that the statements contained therein are true and correct to the best of my present knowledge and belief.

_____
Applicant

Subscribed and sworn to before me this_____day of_____, 20_____.

_____
Notary Public

My Commission Expires: _____

Adopted July 15 2020

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
DIVISIONS I, II, III, IV, V, VI & VII

IN THE MATTER OF
THE APPOINTMENT OF
TO SERVE LEGAL PROCESS: _____

PROCESS SERVER NUMBER: BPS-_____ - _____

AFFIDAVIT OF APPLICANT

COMES NOW, _____, the Applicant herein, and being first duly sworn, upon his/her oath deposes and states:

1. I am a resident of _____, _____ County, Arkansas, and my mailing address is: _____.
2. My occupation is_____, and I am employed by: _____, whose address is_____.
3. (Check one of the following paragraphs):

   ___(a) I have filed an application requesting approval from the Circuit Court of Benton County to serve process in accordance with the Rules of Civil Procedure and the laws of the State of Arkansas.

   ___(b) I have filed an application requesting renewal of my appointment as civil process server. I was appointed to serve legal process in Benton County, Arkansas by Order of the Circuit Court dated: _____, a copy of which is attached hereto as Exhibit "A".
4. In support of the Application, I state that I meet the minimum qualifications to serve process:

   (a.) I am eighteen years of age or older and a citizen of the United States;

   (b.) I have a high school diploma or equivalent;

   (c.) I have not been convicted of a crime punishable by imprisonment for more than one year or a crime involving dishonesty or false statement, regardless of the punishment;

   (d.) I hold a valid driver's license from one of the States within the U.S.;

   (e.) I have obtained a $10,000 Cash/Corporate Surety Bond;

   (f.) I have paid a filing fee of $140.00 for filing an original application or a filing fee of $50.00 for filing a renewal application.
5. I am familiar with and have read and understand, Rules 4, 5, and 45 of the Rules of Civil Procedure and represent to the Court that I am familiar with the requirements of the

service of civil process in the State of Arkansas and with the various documents to be served. I will comply with the requirements set forth in the rules and the orders of the Court. I further state that I will endeavor to stay current with any changes to the law concerning the service of process as well as the Rules of Civil Procedure pertaining thereto.

6. I will carry a certified copy of my Order of Appointment, along with the Benton County photo I.D. card and a valid driver's license, when serving process and will, upon request or inquiry, present this identification at the time service is made.

FURTHER AFFIANT SAYETH NOT.

_____	_____
Applicant's Signature	Typed or Printed Name
	_____
	Address
	_____
	City, State, and Zip Code
_____	_____
Email Address	Telephone Number

STATE OF ARKANSAS)
COUNTY OF _____)

Subscribed and sworn to before me this_____day of_____, 20_____.

_____
Notary Public

My Commission Expires: _____

Adopted July 15, 2020

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
DIVISIONS I, II, III, IV, V, VI & VII

IN THE MATTER
TO SERVE LEGAL PROCESS
AND APPOINTMENT OF: _____

PROCESS SERVER NUMBER: BPS-_____ - _____

AFFIDAVIT OF ATTORNEY

COMES NOW, _____, being first duly sworn, and upon oath deposes and states:

1. That I am a licensed, practicing attorney in good standing before the Supreme Court of Arkansas and practicing in the above stated Courts of Benton County, Arkansas.
2. I am familiar with, and have read and understand, Rules 4, 5, and 45 of the Rules of Civil Procedure of Arkansas, regarding service of process in the State of Arkansas.
3. I further state that I have as a client,_____, and have been engaged by said client to review with him the rules pertaining to the Service of Process and the requirements for the service of process in the State of Arkansas. Said client has demonstrated to me a full understanding of said rules and requirements for the service of process.

FURTHER AFFIANT SAYETH NOT.

_____
Attorney

_____
Bar Number

_____
Typed or Printed Name

_____

_____
Address

STATE OF ARKANSAS)
COUNTY OF _____)

I state on oath that I am a licensed attorney in and for Benton County, Arkansas and that the statements contained therein are true and correct to the best of my present knowledge and belief.

_____
Attorney

Subscribed and sworn to before me this_____day of_____, 20_____.

_____
Notary Public

My Commission Expires: _____

"Exhibit C"

Adopted July 15, 2020

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
DIVISIONS I, II, III, IV, V, VI & VII

IN THE MATTER OF
THE APPOINTMENT OF
TO SERVE LEGAL PROCESS: _____

PROCESS SERVER NUMBER: BPS_____-_____

APPLICATION FOR RENEWAL OF APPOINTMENT
AND AUTHORIZATION TO SERVE LEGAL PROCESS

COMES NOW,_____, and petitions the Court for an order of renewal of appointment as civil process server in accordance with Administrative Order Number 20, Rule 4 (c) (2), Arkansas Rules of Civil Procedure, and all Orders of this Court. and states:

1. Applicant was appointed to serve legal process in Benton County, Arkansas by Order of the Court dated_____, a copy of which is attached hereto as Exhibit A.
2. Applicant seeks a renewal of this appointment and files this application and all supporting affidavits establishing that Applicant meets the minimum qualifications to serve process:
   (a) is eighteen years of age or older and a citizen of the United States;
   (b) has a high school diploma or equivalent;
   (c) has not been convicted of a crime punishable by imprisonment for more than one year or a crime involving dishonesty or false statement, regardless of the punishment;
   (d) holds a valid driver's license from one of the States within the U.S.;
   (e) has obtained a $10,000 Cash/Corporate Surety Bond;
   (f) has paid a filing fee of $140.00 for filing an original application or a filing fee of $50.00 for filing a renewal application.
3. Applicant is a resident of _____, _____County, Arkansas with a mailing address of:_____.
4. Applicant is familiar with the provisions of Rules 4, 5 and 45 of the Arkansas Rules of Civil Procedure and represents to the Court that [he/she] is familiar with the requirements of the service of civil process in the State of Arkansas and with the various documents to be served. Applicant agrees to comply with the requirements set forth in those rules and the orders of the Court. Applicant further states that [he/she] will endeavor to stay current

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
DIVISIONS I, II, III, IV, V, VI & VII

with any changes to the law concerning the service of process as well as the Rules of Civil Procedure pertaining thereto.

5. Applicant will carry a certified copy of [his/her] order of appointment, along with the Benton County photo I.D. card, and a valid driver's license, when serving process, and will upon request or inquiry, present this identification at the time service is made.

WHEREFORE, Applicant prays that this Application be granted and that the Court enter an Order renewing authorization of Applicant to serve civil process in Benton County, Arkansas.

_____
Applicant

STATE OF ARKANSAS)
COUNTY OF _____)

I state on oath that I have read the foregoing Application and that the statements contained therein are true and correct to the best of my present knowledge and belief.

_____
Applicant

Subscribed and sworn to before me this_____day of_____, 20_____.

_____
Notary Public

My Commission Expires: _____

Adopted July 15, 2020

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
DIVISIONS I, II, III, IV, V, VI & VII

IN THE MATTER
TO SERVE LEGAL PROCESS
AND APPOINTMENT OF: _____

PROCESS SERVER NUMBER: BPS-_____-_____

ORDER OF APPOINTMENT AS PROCESS SERVER

PURSUANT TO Rule 4 (C) (2), Arkansas Rules of Civil Procedure, Administrative Order Number 20, and this Court's Order of Civil Process, after reviewing the application, affidavits, and other information submitted by Applicant for appointment to serve legal process in Benton County, Arkansas, the Court finds as follows:

That the application should be, and hereby is, approved. This appointment is effective until 12:00 Midnight, _____, 20____, unless terminated earlier by court order.

Name of Process Server: _____

Address: _____

_____

_____

This appointment is effective for every division of Circuit Court and for every District Court in Benton County, Arkansas.

The Circuit Clerk shall file this Order and provide a certified copy of it to the process server, District Clerks and Sheriff within the judicial circuit of this County wherein approval has been granted. The Circuit Clerk shall add the Applicant to the list of qualified process servers that he/she maintains and posts.

The process server shall carry a certified copy of this Order of Appointment, a Benton County photo I.D. card and a valid driver's license, when serving process and shall, upon request or inquiry, present this identification at the time service is made.

The process server is required to update this Court with his/her address and telephone number within thirty (30) days of any change from the one listed herein.

Entered this_____day of_____, 20_____.

_____
Doug Schrantz, Administrative Judge

"Exhibit E"