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GA Process Server Certification Exam Study Guide

1. To be a certified process server in Georgia, one must be no less than _____ years of age.
 - a. 21
 - b. 16
 - c. 18

Source: O.C.G.A. §9-11-4(c); O.C.G.A. §9-11-4.1(a)

2. In addition to the age requirement, additional requirements to be certified are:
 - a. be a U.S. citizen and pass a fingerprint based criminal background check
 - b. completed the 12-hour pre-certification course and passed the state exam
 - c. have a bond or insurance of 25K and Sheriff approved application for Certification
 - d. All of the above

Source: O.C.G.A. §9-11-4(c); O.C.G.A. §9-11-4.1 (b)

3. Once certified to serve process, a process server's certification may be revoked only by whom and for what?
 - a. revoked by a GA Superior Court Judge for cause
 - b. revoked by a GA Sheriff for cause
 - c. revoked by the JC/AOC

Source: O.C.G.A. §9-11-4.1(c).

4. When is the only time a certified process server may withdraw his or her certification?
 - a. anytime
 - b. upon expiration of any three year term
 - c. prior to expiration of certification

Source: Rules and Regulations of Certified Process Server Program- Article 3F

5. A certified process server can be fined up to \$1000, and/or imprisoned for not less than 1 to no more than 5 years if they impersonate a:
 - a. Peace Officer (police, deputy, sheriff, bailiff, etc.)
 - b. Public Officer or Employee (judge, court clerk, etc.)
 - c. Any of the above

Source: Rules and Regs of Cert Process Server Program; Article 9 (A), § O.C.G.A. 16-10-23

6. The qualifications to receive an appointment as a certified process server in Georgia include a surety bond in the amount of:
- a. \$10,000
 - b. \$25,000
 - c. \$50,000

Source: Rules and Regs of the Cert. Process Server Program - Article 3 Rule B 2(f)

7. Certification of a process server is issued by:
- a. a Georgia Sheriff
 - b. a Judge
 - c. the JC/AOC

Source: O.C.G.A. §9-11-4.1(b)(2)

8. To be eligible for renewal of certification a certified process server must show evidence of having taken a total of ___hours of training during each of the preceding three (3) calendar years.
- a. 15
 - b. 5
 - c. 3

Source: Rules and Regs of Certified Process Server Program – Article 5 (E) Renewal training

9. Before serving in any county, a **certified** process server must first notify:
- a. county Judge
 - b. county Sheriff
 - c. JC/AOC

Source: O.C.G.A. §9-11-4.1(h)

10. A certified process server's credentials are issued by _____.
- a. a GA Sheriff
 - b. a Judge
 - c. JC/AOC

Source: O.C.G.A. §9-11-4.1(i)

11. A certified process server arrested for an alleged felony must immediately notify:
- a. the certifying Sheriff
 - b. a Judge
 - c. the JC/AOC

Source: Rules and Regs of Cert. Process Server Program - Article 5 Rule D 3 (c. viii)

12. A certified process server shall perform services in a manner consistent with legal and ethical standards. With that said, it is the duty of a certified process server to report to the client the FULL facts determined as a result of the work and effort expended, whether they are ADVANTAGEOUS or DETRIMENTAL to the client.

True or False

Source: Rules and Regs of Certified Process Server Program; Article 10 (A, 5) Ethics

13. A certified process server should never engage in discussions with a defendant regarding the action being served, however there is one exception, when?

- a. when necessary to serve process successfully and professionally
- b. when the Defendant asks specific questions
- c. when a Police Officer or Deputy asks
- d. when an attorney defendant asks

Source: Rules and Regs of Cert. Process Server Program Article 10 (C, 8) Professionalism

14. Process servers who may serve in counties in which the sheriffs prohibit service by certified process servers hold the title of _____ or _____ process server.

- a. Certified or Special Agent
- b. Appointed or Permanent
- c. Deputy or Special Agent

Source: O.C.G.A. §9-11-4(c)

15. The failure of a process server to file the proof of service within 5 business days results in:

- a. The time of the party to answer shall not begin to run until the proof of service is filed.
- b. The service is invalid.
- c. No penalty.

Source: O.C.G.A. 9-11-4(h)

16. How long and when may a process server enter gated or secured communities?

- a. For a reasonable period of time during normal business hours.
- b. After sunrise and before sunset.
- c. Only when the Board of Directors allow it.

Source: O.C.G.A. 9-11-4(f)(4)(B)

17. When a registered agent of a domestic corporation fails to make himself available for service of process, one may perfect service by serving whom?:

- a. President or Officer of the company/corporation
- b. Managing Agent of the company/corporation
- c. Secretary of State, Officer, or Managing Agent

Source: O.C.G.A. §9-11-4(e)(1)(A);

18. When a corporation incorporated in Georgia has no existing office, and no person authorized by law to accept service may be found, process may be served
- upon the Secretary of State
 - by mail
 - by statutory overnight delivery

Source: O.C.G.A. §9-11-4(e)(1)

19. Service of a summons and complaint by a private process server is governed by O.C.G.A. §
- 9-11-4
 - 9-11-4.1
 - Neither a or b
 - Both a and b

Source: O.C.G.A. §9-11-4(c) et seq

20. Service of process on a minor is perfected by handing the summons and complaint to:
- the minor defendant and either of his parents or court appointed guardian
 - both the mother and the father of the minor defendant
 - the minor defendant and any guardian

Source: O.C.G.A. §9-11-4(e)(3)

21. If you are to serve process on a 15 year old married minor and you are not able to serve personally, another method would be to serve it on the minor's :
- father or mother
 - guardian
 - spouse

Source: O.C.G.A. § 9-11-4 (e) (3)

22. Filing of the affidavit of service of a summons and complaint is the responsibility of:
- the process server
 - the plaintiff
 - the defendant
 - the court clerk

Source: O.C.G.A. §9-11-4 (h)

23. "Suitable age and discretion" is a term that applies to:
- the Defendant
 - the Plaintiff
 - the Witness
 - the process server

Source: O.C.G.A. §9-11-4

24. The only requirement to receive a special appointment by a court to serve a Georgia summons and complaint is:

- a. over 18 years of age
- b. be a United States citizen
- c. be a Certified Process Server

Source: O.C.G.A. §9-11-4(c)

25. Permanent appointments to serve process may be granted to anyone who:

- a. is over 18 years of age and is a United States citizen
- b. is over 18 years of age and not a party to the case
- c. is a United States citizen and not a party to the case

Source: O.C.G.A. §9-11-4(c)

26. When served, a summons must be accompanied by:

- a. cover letter
- b. subpoena
- c. complaint
- d. General Civil or Domestic Relations Case Filing Information Form

Source: O.C.G.A. §9-11-4(b)(e)

27. A complaint that is not accompanied by a summons is only valid if the service of summons is:

- a. mailed to the Defendant
- b. waived by the Defendant
- c. emailed to the Defendant
- d. signed by the Defendant

Source: O.C.G.A. §9-11-4(b); O.C.G.A. §9-11-4(e)

28. One not appointed to serve statements of claims issued by a Magistrate Court may serve such claims if appointed to serve process out of the _____ Court of the same county.

- a. State
- b. Supreme
- c. Superior
- d. Probate

Source: O.C.G.A. §15-10-43(b)

29. A “Statement of Claim” is issued by which court?

- a. Magistrate
- b. State
- c. Superior
- d. Probate

Source: O.C.G.A. §15-10-43(b)

30. Within _____ the defendant must receive a copy of the summons and garnishment, once service has been made on the garnishee.

- a. 5 days
- b. 3 days
- c. 7 days
- d. 24 hours

Source: O.C.G.A. § 18-4-64 (2) and (3)

31. Written notice of a garnishment must be mailed to the defendant within _____ business days following service of the garnishment on the garnishee.

- e. 5
- f. 3
- g. 7

Source: O.C.G.A. §18-4-64(a)(2)(3) and (5)(B)

32. When serving a dispossessory summons by posting on the door, how soon does a copy of the summons and affidavit need to be mailed?

- a. same day
- b. 3 days
- c. 5 days

Source: O.C.G.A. § 44-7-51 (a)

33. If you are unable to serve a dispossessory summons personally or by finding someone of suitable age residing on the premises, what is the service method to be used?

- a. certified mail
- b. posting
- c. notorious
- d. due diligence

Source: O.C.G.A. § 44-7-51 (a)

34. Service of a dispossessory summons may:

- a. be served by the sheriff, or his/her deputy, or a lawful constable in the county where the land is located;
- b. be served by mail
- c. be served by a private process server, but only if specially or permanently appointed by the court to do so;
- d. both a and b
- e. both a and c

Source: O.C.G.A. § 9-11-4 (j)(k)

35. A Summons and Complaint filed in a Georgia Court may be effected on Sundays and religious holidays.
- a. True
 - b. False

Source: Neither statute or case law prohibits Sunday service or restricts time of service

36. In addition to being served a deposition subpoena at a person's residence, the person may be required to attend a deposition in the county where they are:
- a. employed
 - b. served
 - c. a & b
 - d. none of the above

Source: O.C.G.A. § 9-11-45 (b) (1)

37. A deposition subpoena served at a place which is more than 30 miles from the county seat of where the witness resides, is employed or transacts business is _____?
- a. valid
 - b. not valid

Source: O.C.G.A. § 9-11-45 (C) (2) (b) (1) (2) (3)

38. May a Witness Subpoena be "issued in blank" by the court clerk, meaning without the name of the witness, the case, or the date and time of the hearing?
- a. yes
 - b. no

Source: O.C.G.A. § 24-13-21 (c)

39. A witness subpoena must be served not less than how many hours prior to the hearing?
- a. 48
 - b. 24
 - c. 72

Source: O.C.G.A. § 24-13-26 (a)

40. Where may a subpoena requiring the attendance of a witness at a hearing or trial be served?
- a. only within 30 miles of the witness's residence
 - b. only in the county where the witness resides or works
 - c. only in the county the case is filed in
 - d. any place within this State (Georgia)

Source: O.C.G.A. §24-13-22

41. Who may serve a subpoena?
- a. anyone not less than eighteen years of age
 - b. any sheriff or sheriff deputy
 - c. a & b

Source: O.C.G.A. §24-13-24

42. When may a subpoena be served by substituted service?
- a. when served to the party's counsel of record
 - b. never
 - c. only when the party is avoiding service

Source: O.C.G.A. §24-13-24

43. When are appropriate witness fees **not** required to accompany a subpoena?
- a. when the hearing is within the witness's county of residence
 - b. when the subpoena is issued on behalf of the State, or an accused in a criminal hearing
 - c. a & b
 - d. none of the above

Source: O.C.G.A. §24-13-25

44. The statutory witness fee in Georgia is \$_____.
- a. \$50.00 per day
 - b. \$25.00 per day
 - c. \$100.00 per day
 - d. Negotiable between the witness and the attorney

Source: O.C.G.A. §24-13-25

45. Mileage expenses that accompany a witness fee in Georgia are 45 cents per mile.
- a. True
 - b. False

Source: O.C.G.A. §24-13-25

46. When may a witness residing outside the state lawfully be served with civil process while in Georgia in obedience to a subpoena directing him/her to attend and testify in Georgia?
- a. anytime
 - b. never
 - c. after the hearing he is here to attend

Source: O.C.G.A. §24-13-96

47. May a person passing through Georgia while going to another state in obedience to process requiring him/her to testify in that state be served with civil process?
- a. no
 - b. yes

Source: O.C.G.A. §24-13-96

48. May a deposition subpoena issued by a court in another state, relating to a matter being litigated in that other state, and which is served on a person in Georgia, be enforced by a Georgia Court?
- a. Yes
 - b. No

Source: O.C.G.A. §24-13-112 (Uniform Interstate Depositions and Discovery Act)

49. Deposition subpoenas issued in other states may be served in Georgia if served pursuant to which law:
- a. UIDDA (Uniform Interstate Depositions and Discovery Act)
 - b. O.C.G.A. §9-11-4
 - c. None

Source: O.C.G.A. §24-13-112 (Uniform Interstate Depositions and Discovery Act)

50. May deposition subpoenas be served by first class mail?
- a. No
 - b. Yes

Source: O.C.G.A. §24-13-24

51. The complaint, to be effective, must be accompanied by a _____ that has been _____ by the court clerk.
- a. subpoena that has been completed
 - b. summons that has been issued
 - c. complaint that has been verified
 - d. affidavit that has been notarized

Source: O.C.G.A. § 9-11-4 (a) (b);

52. When is a process server required to engage in “due diligence”?

Source: O.C.G.A. §9-11-4(c)

53. Acting in a reasonable and diligent manner to insure service is perfected as quickly as possible is the definition of _____.
- a. due diligence
 - b. super due diligence

54. The efforts the process server must make when confronted with knowledge that there may be a problem with service is referred to as _____
- due diligence
 - super due diligence

55. A process server who is ordered to leave the property, who is lawfully engaged in serving process on a property owner, should _____ service, then _____ the property.
- complete service, then leave
 - not attempt service, then leave

Source: O.C.G.A. § 16-7-21 (a) (b); O.C.G.A. § 51-9-1; O.C.G.A. § 51-9-3;

56. A posted NO TRESPASSING sign means any appointed process server must immediately leave the property without attempting to serve process.
- True
 - False

Source: O.C.G.A. § 16-7-21 (a) (b); O.C.G.A. § 51-9-1; O.C.G.A. § 51-9-3;

57. To determine if you have a correct address while you are lawfully engaged in serving process, a neighbor observes you looking into the subject's mailbox and calls the police. Is this criminal trespass or lawful?
- criminal trespass
 - lawfull

Source: O.C.G.A. §16-7-21 (a) (b); 18 U.S.C. § 1702; 18 U.S.C. § 1705; 18 U.S.C. § 1708; 18 U.S.C. § 1725:

58. When attempting to serve process and the subject is not home, when is it lawful to leave a note **inside** the subject's mailbox?
- anytime
 - never

Source: 18 U.S.C. § 1725:

59. May a properly appointed process server enter a gated community or private property gate to attempt service of process?
- Yes
 - No

Source: O.C.G.A. § 9-11-4 (near the end of this statute)

60. Is there any restriction on the time of day or night that service may be attempted in Georgia?
- Only within reasonable hours
 - Not on holidays
 - Not on Sundays
 - no restrictions