

STATE OF VERMONT

SUPERIOR COURT

Unit

CIVIL DIVISION

Docket No. -

vs.

NOTICE OF LAWSUIT & REQUEST FOR WAIVER OF SERVICE OF SUMMONS

TO: _____

A lawsuit has been commenced against you. A copy of the complaint is attached to this notice. It has been filed in the Vermont Superior Court in _____ County and has been assigned Docket Number _____.

This is not a formal summons or notification from the court. To save the cost of serving you with a formal judicial summons and another copy of the complaint, I am requesting that you sign and return the enclosed waiver of service. That cost will be avoided if I receive a signed copy of the waiver by _____. I enclose a stamped and addressed envelope for your use. An extra copy of the waiver is also enclosed for your records.

If you comply with this request and return the signed waiver by _____, it will be filed by the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before _____. If you fail to answer before that time, judgment by default will be taken against you for the relief demanded in the complaint. Your answer must also be filed with the court. Unless otherwise provided in Rule 13(a), your answer must state as a counterclaim any related claim which you may have against the plaintiff, or you will be barred from making such a claim in any other action. YOUR ANSWER MUST STATE SUCH A COUNTERCLAIM WHETHER OR NOT THE RELIEF DEMANDED IN THE COMPLAINT IS FOR DAMAGE COVERED BY A LIABILITY INSURANCE POICY UNDER WHICH THE INSURER HAS THE RIGHT OR OBLIGATION TO CONDUCT THE DEFENSE. If you believe that the plaintiff is not entitled to all or part of the claim set forth in the complaint, or if you believe that you have a counterclaim against the plaintiff, you may wish to consult an attorney. If you feel that you cannot afford to pay an attorney's fee, you may ask the clerk of the court for information about places where you may seek legal assistance.

If you do not return the signed waiver by _____, I will have formal service made in a manner authorized by the Vermont Rules of Civil Procedure. I will then ask the court to require _____ to pay the full costs of that service, to the extent authorized by those rules. In that connection, please read the statement concerning the duty of the parties to waive the service of summons, which is set forth on the enclosed waiver form.

THE COURT NEEDS TO KNOW HOW TO REACH YOU SO THAT YOU WILL BE INFORMED OF ALL MATTERS RELATING TO YOUR CASE. If you have not hired an attorney and are representing yourself, in addition to filing the required answer it is important that you file the Notice of Appearance form attached to this notice and request, to give the court your name, mailing address and phone number (and email address, if you have one). You must also mail or deliver a copy of the form to the lawyer or party who sent you this paperwork, so that you will receive copies of anything else they file with the court.

I affirm that this request is being sent to you on _____.

Signature Plaintiff or Plaintiff's Attorney