

PROCEDURES FOR COMPLETING A STANDARD SUMMONS WRIT

The standard summons is the most commonly issued writ. The following instructions apply to completing a summons:

1. Enter the caption as it appears on the complaint in the upper left corner of the form. If there are multiple defendants enter each defendant on a new line. List the defendants down the left side of the document, using additional pages if necessary (such as with an asbestos case) until the last defendant is named. (Example of multi-defendant case is included as document ASBSUM.SAM)
2. Leave the Case Number blank. The Prothonotary's Office will assign a new civil action number (C.A. No.) and fill in this line.
3. Below the caption, on the line that reads "To the Sheriff of _____" enter New Castle, Kent or Sussex, depending upon where the defendant resides. If there are multiple defendants residing in more than one County, prepare an original writ for each County, along with the copies for the defendants.
4. In the paragraph body enter the name of the plaintiff's attorney on the space just preceding the words "plaintiff's attorney." In the space following "whose address is" enter the address of the plaintiff's attorney.
5. Leave the date space blank. The Prothonotary's staff will date the document the day it is issued and sent to the Sheriff's Office.
6. Leave the "Per Deputy" space blank. It is for a Prothonotary Deputy's signature.
7. **NOTE:** If you are filing in another County, the Prothonotary's name should be changed to reflect the County and Prothonotary where the case is being filed.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

) C.A. No.
)
)
Plaintiff,)
v.)
) SUMMONS
)
)
)
Defendant.)

THE STATE OF DELAWARE,
 TO THE SHERIFF OF COUNTY:
 YOU ARE COMMANDED:

To summon the above named defendant so that, within 20 days after service hereof upon defendant, exclusive of the day of service, defendant shall serve upon , plaintiff's attorney, whose address is , an answer to the complaint (and, if the complaint contains a specific notation requiring the defendant to answer any or all allegations of the complaint by affidavit, an affidavit of defense).

To serve upon defendant a copy hereof and of the complaint.

Dated:

 Prothonotary

 Per Deputy

TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on plaintiff's attorney named above an answer to the complaint (and, if the complaint contains a specific notation requiring the defendant to answer any or all allegations of the complaint by affidavit, an affidavit of defense), judgment by default will be rendered against you for the relief demanded in the complaint.

 Prothonotary

 Per Deputy