

## **OTS 6.1**

### **6.1 PROCESS – SERVICE BY PUBLICATION WHEN NAME AND ADDRESS OF DEFENDANT ARE UNKNOWN**

#### **Problem A:**

Where both the name and residence of a defendant are unknown to the plaintiff, must the plaintiff seek a court order respecting the publication of notice in addition to the affidavit required in Ohio Rule of Civil Procedure 4.4?

#### **Standard A:**

Yes. Rule 4.4(A) of the Ohio Rules of Civil Procedure (adopted July 1, 1970) did not overrule Ohio Revised Code Section 2703.24 (amended effective October 4, 1955), which requires that, when it appears by affidavit that the name and residence of a necessary party are unknown to the plaintiff, the court shall make an order respecting the publication of notice.

*(Amended May 15, 1991; originally effective November 17, 1956. Original standard has been incorporated in Civil Rule 4.4(A))*