

**IN THE CHANCERY COURT OF THE                    JUDICIAL DISTRICT  
OF                    COUNTY, MISSISSIPPI**

**PLAINTIFF**

**VS.**

**NO.**

**DEFENDANTS**

**MOTION TO DISMISS FOR  
INSUFFICIENCY OF SERVICE OF PROCESS**

COMES NOW                    , appearing especially for the purpose of contesting the alleged service of process on it, and, without waiving any other objections and defenses which it has, moves the Court to dismiss this action, pursuant to Mississippi Rules of Civil Procedure 12(b) (5), on the ground that                    has not been properly served so as to be made a party to this action. In support thereof,                    would show unto the Court the following:

1.

Plaintiff filed the Complaint in this action on or about                    ,                    and listed as one of the Defendants.

2.

As alleged in the Complaint, the registered agent of                    is                    (“                    ”),                    , Mississippi

3.

On or about                    ,                    , a process server, believed to be employed by Plaintiff, delivered a copy of the Summons and Complaint filed in this action to                    (“                    ”), the secretary of                    .                    was not on the premises at the time service was attempted and the Complaint and Summons were never personally served on                    by said process server.                    is not an officer, managing or general agent of                    and is not otherwise authorized to accept

service of process on behalf of . A copy of an Affidavit of is incorporated herein by reference.

4.

Delivery of the Complaint and Summons to does not comport with the requirements of Rule 4 of the Mississippi Rules and Civil Procedure and does not constitute service of process on .

WHEREFORE, PREMISES CONSIDERED, moves the Court to dismiss the present action as to and that Plaintiff be liable for all costs of court incurred herein.

DATED, this the day of , .

Respectfully submitted,

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Attorney for

Of Counsel:

Telephone:  
MSB #  
Attorney for

CERTIFICATE OF SERVICE

I, \_\_\_\_\_, do hereby certify that I have this day mailed via United States Mail, postage fully prepaid, and transmitted via facsimile no. \_\_\_\_\_, a true and correct copy of the above and foregoing document to \_\_\_\_\_, \_\_\_\_\_, MS, attorney for Plaintiff.

DATED, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_