

**IMPORTANT NOTICE ABOUT  
SERVICE BY CERTIFIED MAIL AND THE USPS' COVID PROCEDURES**

Rule 4(i)(2) of the Alabama Rules of Civil Procedure addresses service by Certified Mail. Subpart (B)(i) states in part as follows:

“The clerk shall affix adequate postage and place the sealed envelope in the United States mail as certified mail with instructions to forward, return receipt requested, with instructions to the delivering postal employee to show to whom delivered, date of delivery and address where delivered.”

Subpart (B)(ii) [applicable where parties or their attorney are effectuating service by Certified Mail] contains the same language as that noted above and highlighted.

Courts across the State are recognizing that the United States Postal Service is not complying with the aforesaid provisions in many instances, in that they are writing in the blocks where the recipient is supposed to affix their signature to confirm receipt - various short hand notes – including “COVID 19” or “C19”. This matter was discussed at the Alabama Probate Judges Conference on January 13, 2021.

The advice we received at the APJA conference is that there is no COVID-19 exception to Rule 4 or suspension or modification of the Alabama Rules of Civil Procedure in effect. Consequently, the provisions of the Rules must be complied with in terms of service. It was noted that Alabama probate courts are courts with limited jurisdiction. Thus, service is fundamental for probate courts to have subject matter jurisdiction, as well as personal jurisdiction as to parties – depending on the nature of the matter before the probate court. If a court issues an order and it is later determined that the Court lacked jurisdiction (such as due to failure of service), the court’s orders are null and void.

Accordingly, all lawyers and parties are advised that the Court will be following Rule 4(i)(2) in regards to service by Certified Mail as the Rule exists. If the United States Postal Service “green,” confirming delivery card is not properly completed in accordance with the Rule, service will be deemed to be ineffective.