

IN THE MAGISTRATE COURT OF _____ COUNTY, WEST VIRGINIA

Plaintiff (First/Middle/Last)

v.

Magistrate Court Case No.: _____

Defendant (First/Middle/Last)

AFFIDAVIT

WVRCP for Mag. Ct., Rule 3, WVRCP, Rule 4

I, _____, after being duly sworn, do depose and say that I am the Plaintiff described in the Complaint filed in this action and that the allegations contained in said Complaint are true to the best of my knowledge, information and belief. I am informed, believe, or aver that:

_____ the defendant is a foreign corporation or business trust for which no officer, director, trustee, agent, or appointed or statutory agent or attorney-in-fact upon whom service may be had is found in the State.

_____ the defendant is a non-resident of the State of West Virginia for whom no agent, or appointed or statutory agent or attorney-in-fact upon whom service may be had is found in the State.

_____ even after using due diligence, the plaintiff was unable to discover the residence or whereabouts of the defendant.

_____ the defendant was not served, either personally or by way of service upon an appropriate family member, after service was twice attempted by the Sheriff of the county in which the defendant resides or is located.

_____ there are or may be persons, other than those named in the complaint as plaintiff and defendant, interested in the subject matter of the action, whose names are unknown to the plaintiff and who are made defendants by the general description of unknown defendants.

Plaintiff's Signature

Date

STATE OF WEST VIRGINIA,
COUNTY OF _____, to-wit:

Taken, subscribed and sworn to before me this _____ day of _____, 20_____.

Magistrate/Magistrate Assistant/Clerk/Notary

My Term Expires: _____.