

Joseph A. de LA CUETARA , JD.
Tl. 00 34 687-704-940
delacuetaraj@yahoo.es



Welcome to the group of Servefast Europe and Eurasia *Honest and reliable International Service of Process!*

Ref. Your service request

Europe, 2016

To whom may concern,

Thank you for contacting us with reference to your International Service of Process in Europe or Eurasia, we will like to explain you a little bit about us.

We are a group of Process Servers promoted in different websites, serving Civil and Commercial documents within the European Economical Community, Eastern Europe and Eurasia, including the Ex-U.S.S.R. We serve by the Hague Convention of 1965 (Article 5 and 10) and also in non signatory countries accordingly to their internal law for service of process.

We offer other services as well, such as: "Expert Witness", "Statutory Agent", "Brief Case Courier", "Document Retrieval", "Legal Research" and "Skip-Trace". Nevertheless, "Mediation" and/or "Out of Court agreements" have been a complement to our International Service of Process.

Our legal services started in 1970 as we are Registered and Insured legal professionals, offering the guarantees of members of the different Legal Societies, Bar Associations or State Court Registration; indeed, we are not shy of our knowledge of International Law and of many years of experience.

International Process Serving requires professionals with knowledge of the law of the country of service; language and Cultural aspects, each country has its own character and each case its own legal requirements, we comply with these aspects and guarantee legal International Service.

Attached you will find basic information, but please, let us do all the work, sit down and relax, we only ask you to send the documents to serve in PDF format by email and advance payment.

With us on your side, there is No Red-Tape, Translations nor "Non Acceptance by Addressee"!

If you have any questions please do not hesitate to contact us for a free video legal consultation, our Skype name is: delacuetaraj look under the city of Barcelona, Spain.

Annex: FAQs, Instructions, Price list and Banking information.

PD: If you need a digital copy of the Hague Convention, its outline and/or a chart of applicability of Article 10, let us know we will send it ASAP. Our legal information library is also available to you, indeed, we can also send you a copy of laws of service within some Jurisdictions in English language.

F.A.Q.: Canada, UK & USA

1. Do you serve Criminal Court cases documents? No, we only serve Civil or Commercial documents.
2. Which countries and locations do you serve? We serve all of Europe and Eurasia, anywhere!
3. How long it takes to serve in Europe? In Eurasia?, Service in Europe can be completed within 72 hrs, even faster in E.E.C. Countries. Eurasia is more complicated and service in a remote location can take up to two weeks, nevertheless large Cities like Moscow, Saint Petersburg Can be serve within a week.
4. Do you serve by the Hague Convention of 1965? Yes, by article 5, but only when the country of service is a signatory of the Hague Convention and has not opposed to article 10.
5. Do you subcontract the Central Authorities of each country? No, we do a direct service and issue the Hague Certificate or International Affidavit of Service to avoid "Red Tape" and delays.
6. Can you serve documents in a country that is not signatory of the Hague Convention? Yes, by giving special emphasis to their local laws of Civil Procedure and voluntary acceptance to avoid "reject".
7. Would service in a non Hague signatory country be valid in a Common law Jurisdiction? Yes, as well as if service was completed under the Hague Convention; Validity of service depends on guarantees given to addressee and respect for "Lex Celebrationis" (Local Law), but finally all relies on Court criteria.
8. How do you guarantee "Non existence of defenseless" , "Case dismiss" or "Quash". There are many elements to consider, these are a result of the "General Legal Principles" that guided "Napoleonic Civil law theories" and other "International Jurisprudence"; such as;
 - a. **Acknowledgement:** Addressee is informed properly of Court Case documents and contents.
 - b. **Understanding:** Addressee understands contents and consequences of not responding.
 - c. **Legality:** Addressee is informed of the laws applied to service (Hague or Non Hague).
 - d. **Defense:** Addressee is informed of where to obtain Legal Aid within your Jurisdictions.
 - e. **ADR:** Addressee is given an option to use a "Mediator", "Arbitrator" or "Waiver".
 - f. **Passive legitimation:** Addressee is capable and has legal capacity to accept service.
 - g. **Time:** Service is completed on time and Addressee has enough time to respond to service.
 - h. **Qualifications:** Process server is "Legally Competent to serve"
9. Do documents need to be translated? No necessarily, but it is "Recommended", but the following conditions on addressee are "Legal Presumptions of knowledge of the language".
 - a. For National or Ex-resident of the Judging country or "language of documents".
 - b. Service language is the second language of addressee (Parents, Education or Business).
 - c. Addressee is given legal advise and explanations by an Attorney at law for free in his language.
 - d. Addressee **accepts voluntarily** service or signs a waiver of voluntary foreign court submission.
10. Can you Notarize the Affidavit of Service? For UK and Canada our signature as Barristers Solicitors is more than enough, but for the USA and other Countries we can authenticate without any extra cost.
11. What do you include in your service cost? Everything! One flat fee! Anywhere!
12. Why is it so expensive? You get what you pay for! Our prices are all included and are back-up by professionals members of professionals associations, registered and insured. Never a dismissal!
14. What advantage there is using you instead of mail? Addressee is not expecting a letter or service from an unknown person (ideal for divorce cases!), also ur service statement is more credible in delivery and in contents. Indeed, We are Judicial officers and Barristers-Solicitors, we guarantee "neutrality" in service.
15. How do you handle a "Private Personal Service"? Our experience as International Process Servers has taught us that two parallel services are a better way to make sure that all items of element 8 (above) are respected; first by courier and then a "Private Personal visit to serve again and confirm voluntary acceptance"
16. For what purpose is the "brief case services"? In general used to "Pick-up and bring back" documents or objects; such as art, signed contracts, Non Contested divorce documents... to an addressee by verifying their identity and witness reception (Must be voluntary), and naturally sending the documents back to you.
17. Do you Skip-trace? For Corporations we verify their exact "Registered Headquarters" of "Officials" by querying the local official "Corporate house registries". For individuals only verify the address you give us.
18. Can you serve as expert witness for International Service of Process? Yes, in person or in writing.
19. Do you exam documents before serving? No, we serve what you send, No questions asked!
20. Is "Substitute service legal abroad"? Yes, it is and it is a legal obligation of the "Substitute" person who received service to deliver service to the appropriate person under penalty of "Obstruction of Justice".

To the best of my knowledge!



Joseph A. de LA CUETARA HERGER, JD.
Tel. +34 687 70 49 40 delacuetara@yahoo.fr

"Ius gentium est quod naturalis ratio inter omnes homines constituit"

**International Service of Process price list for Europe or Eurasia
For documents from Canada, U.S.A., U.K. and Australia**

Type of Service	Description of Service	Cost	Approx. Time
Private Personal Service	Private delivery to an specific addressee, "hand to hand", at a specified address. If service is to a corporation; to an official or to an adult who seems in charge of the premises and for individuals to himself or a to a substitute if addressee is absent and after various attempts of service ("Substitute service"), otherwise a pick-up note is posted at the front door. This is a confidential delivery which can be video taped at your request without extra cost, due diligence in completed prior to service and "special orders to server" are accepted.	2,500.00 EUR	4 days
Service by Judicial Officer	Service by Local Judicial Officer or Courier as per Art. 10 (b) of the 1965 Hague Convention. Price Includes everything , Affidavit of Service signed by an Attorney at Law or Barrister Solicitor.	1,000.00 EUR	3 days
Legal Courier "Low Cost"	Service is by a Professional Courier such as DHL, FEDEX... Name and signature of recipient are obtained. If addressee is absent, and after various attempts of service, a note is posted at the front door. No due diligence is completed and our Skip-trace has an extra cost. Please note that this service can result to be a "Personal" or a "Substitute" (delivery to an adult at the premises). Require's a contact telephone number of addressee.	500.00 EUR	3 days
Diplomatic Brief Case	Private delivery of a briefcase to an addressee, "hand to hand", at a "specified name, address and telephone number", contents will be verified, identities and signatures. Videotaping delivery is available without extra cost.	5,000.00 EUR	1 week
Sales conditions			
<ol style="list-style-type: none"> 1. Addressee of service must be exact and a telephone number of addressee must be specified. 2. No refunds is the address is wrong or no telephone number is specified. 3. Payment is in advance either by Bank transfer, Pay pal or Credit Card 4. Price includes: Service of Process, Affidavit of Service in English, Legalization, DHL return ... ALL !!! 5. In absence of addressee service is attempted more than once or a pick-up notice is posted at the door. 6. In general Service of process takes 72 hrs from receiving documents and payment. 7. We will only serve or deliver what you send plus a Hague Convention Warning Notice and a Cover letter. 8. We can use your model or "Suggested Affidavit of Service of Process" and by default a Hague Service Certificate. 9. All services are secret and confidential and court case is not read nor exam for legality. 			
Thank you, do not hesitate to ask any question! By telephone or Videoconference: Skype; delacuetaraj			
			
<p>Joseph A. de LA CUETARA HERGER, JD. Legal director of Servefast Europe and Eurasia legal@servefast.eu</p>			

Instructions for Foreign Service from US, Canada, UK, Ireland and Australia

A. Verify you have the following;

- Documents to be served¹ (*It is recommended to number and count your pages*)
- Verify if service must be of an “Original” or by “True Copy”²
- Check if there is a form of preference to use as “Proof of service” or “Affidavit of Service”³.
- Verify if your Court requires a “Witness of Service” other than the Process Server⁴.
- Double check the address for service and if possible please give us the telephone number of addressee⁵.

B. Then, scan your documents to **PDF format only** and send them by email⁶ to delacuetaraj@yahoo.es or delacuetara@yahoo.fr or delacuetaraj@icab.cat or delacuetaraj@gmail.com (*It is recommend to send documents twice to any of our different emails do not use “send copy to”*).

Suggestions to include;

1. A Cover letter with your special instructions to the Process Server.
2. A photo of addressee, if a Person or a “Corporate Registry” if a Corporation.
3. Any document you want the Process Server to ask the addressee to sign or see.
4. Return forms to be use by addressee⁷

C. For “Diplomatic briefcase service”, **please do not forget;**

- a. To have everything ready for our pick up as scheduled.
- b. Have the confidentiality delivery agreement or receipt ready.
- c. A written Authorization to open the briefcase or box.
- d. Custom documents, forms or declarations, if you are not sending documents.

Service Conditions

- a. Advance payment of service fee by Bank Transfer or by Credit Card using “Paypal” (delacuetaraj@yahoo.es), if you need an invoice please ask us by indicating to whom should we invoice (attached is a file with our Banking information).
- b. If you do not include an “Affidavit of Service” for International Service of Process we will use the standard Hague Service Convention Certificate and for non Hague Countries we will draft a Custom Affidavit.
- c. Service is completed by private means, informal service, by Art. 10 of the 1965 Hague Convention, under Art. 5.
- d. Address and name must be correct and exact: We will do a simple “Due diligence” of address before accepting orders.
- e. Translation of documents is not necessary, but it is recommended, since automatically an Attorney cover letter with contact information and free legal advise plus legal aid information will be included in what is delivered.
- f. Delivery of documents is to an addressee as a first approach, but can result in a Substitute service of process⁸
- g. Affidavits of service are in English only, their cost is always included in our price and always a draft is sent to you by e-mail for your verification and approval before is authenticated. Services include a Notarized original Affidavit or a Barrister-Solicitor signed copy and a simple copy, both will be sent to you by DHL, this can take up to 7 days.
- H. Services are completed in general within **72 hrs** from receiving documents and advance payment confirmation, except for Ex-USSR and countries not part or accessing the European Union which can take 7/10 days.
- h. On failure of service, we will issue and “attempted and failed Affidavit of service” .
- i. Prices are all included, Flat fee, except if you have a “Very special non standard request for server”
- j. Our “Due diligence” prior to service is completed by using “Google” maps, we reject any service with a non verifiable address and if we do a Skip-Trace and serve again ro the correct address you will have an extra charge..

¹ We serve what you send without verification of contents nor legality.

² Some Courts ask to serve a “Court Sealed Copy”, this is rare.

³ In general any form of “Proof of Service” is good, except for California and some other Courts which have their own.

⁴ Some Courts ask a witness of Service to sign the Affidavit of Service also, this is rare.

⁵ For service in Eastern Countries or Ex-USSR, please send the address in the original language **“Do not translate it”**

⁶ Please send documents in pdf format only, do not us JPEG, JIFF or Bitmap.

⁷ Forms that are sometimes required to be served, for example “Ontario Courts in Canada” (we include the Hague one).

⁸ To an adult over 18 years old at the premises, who seems in change and confirms to know the addressee.

Theory of International Service

There are different methods accepted to serve documents in Civil and Commercial matters issue by a Local Court in a Foreign Jurisdiction, these are; by the International Treaty of the Hague Convention of 1965, by treaty between Countries and Outside the Hague Convention.

1. The Hague Convention proposes two channels for service: Formal and Informal, both having the same legal value or hierarchy.
 - a. Formal service refers to service using the local governmental institutions called “Central Authorities”. The use of it is complex, does not Skip traces, requires translation of documents and is often slow or it fails.
 - b. The second channel propose by the convention is composed of 3 different ways to serve documents, Postal, Private hiring of Judicial officers and Legal Courier. These “bypasses” are regulated in Article 10 of the Convention and must be validated by the “Applicability table”, in constant evolution and updated periodically. This table reflect what “bypass” is accepted or opposed by the Country receiving service. Often, these oppositions are declarations indicating some internal rules to apply. Once a country has adhere without any reserve or opposition to article 10 it applies overlapping local laws of Civil Procedure.
2. Methods and Channels are a result of old concepts of sovereignty that have no space in a Global economy, reason why International Service of Process, must follow “Global legal guarantees”, which can be reduced to “Non existence of defenseless”. There are many aspects to consider, but basically are;
 - a. **Acknowledgement:** Addressee is properly Inform of a Court Case against him.
 - b. **Understanding:** Addressee understands the object of the case.
 - c. **Warning:** Addressee if informed of consequences of not responding.
 - d. **Legality:** Addressee is informed of the laws applied to service.
 - e. **Approach:** Addressee could “deny or oppose” during service.
 - f. **ADR:** Addressee is given an option to use a “Mediator”, “Arbitrator” or “Waiver”.
 - g. **Passive legitimation:** Addressee must accept service.
 - h. **Time:** Addressee has enough time to respond to service.
 - i. **Qualifications:** Process server is “Legally Competent to serve”
 - j. **Defense:** Addressee is informed of where to obtain Legal Aid.
 - k. **Evidence:** Sender must received confirmation “Affidavit”
 - l. **Language:** International Service of Process must be in English language.
3. The different study commissions of the Hague Convention recommend the use of their proposed “form”, for formal or informal service. This is a rudimentary documents that must be perfection and which will become a valid document or “Affidavit of Service” including to non Hague signatories, if its contents is the following;
 - a. Signing Process Server: Must have “International Personal Responsibility”, either by attachment to the local or to the foreign jurisdiction. Indeed, the following servers must not be accepted by Courts:
 - a.1. Illegal Aliens or Non legal residents
 - a.2. Limited Liability Corporations
 - a.3. Felons or persons with a Criminal record or Convicted.
 - a.4. Couriers that are not “Binded or Control by Associations”
 - b. Service by Mail must not be a simple “Existence of an Address”, reception by addressee must be confirmed either by its signature on the reception receipt or by telephone or electronic confirmation to server, who will detailed description of content sent to addressee in numbered pages.
 - c. Service by Judicial Officer: Must be limited and strictly submitted or according to local laws of Civil Procedure and no option should be given to addressee to refuse service but must include legal Advise.

To the best of my knowledge!



Joseph A. de LA CUETARA HERGER, JD.
Tel. +34 687 70 49 40 delacuetara@yahoo.fr

"Ius gentium est quod naturalis ratio inter omnes homines constituit"

Bank accounts Information

Banking is in Europe ; Euros

Bank: BBVA (Banco de Bilbao Vizcaya Argentaria)

Address: (Oficina) Alameda de Colon 2, Málaga 29001 España

Account number: 0182 3370 62 0201548726

IBAN: ES46 0182 3370 6202 0154 8726

BIC: BBVAESMM

Account holder: Joseph A. de LA CUETARA, Abogado, NIF 50510640H

Concept: *Specify reason of deposit or transfer* (i.e. SOP Martinez)

Paypal Convertible Euros: delacuetaraj@yahoo.es

Trust Account: Euros

Bank: BBVA (Banco de Bilbao Vizcaya Argentaria)

Address: (Oficina) Alameda de Colon 2, Málaga 29001 España

Account number: 0182 3370 66 0201 570725

IBAN: ES47 0182 3370 66 0201 570725

BIC: BBVAESMM

Account holder: Joseph A. de LA CUETARA, Abogado, NIF 50510640H

Concept: *Specify the reason of deposit or Transfer* (i.e. SOP Martinez)