

BJC

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|--|--|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Patrick A. Missud 219614 91 San Juan Ave., San Francisco, CA, 94112 | | FOR COURT USE ONLY | |
| TELEPHONE NO.: 415-584-7251 FAX NO. (Optional): 415-584-7251 E-MAIL ADDRESS (Optional): missudpat@yahoo.com ATTORNEY FOR (Name): in pro per and for plaintiff Julie Missud | | ENDORSED FILED San Francisco County Superior Court JAN 31 2007 GORDON PARK-LI, Clerk BY: MARY ANN MURPHY, Deputy Clerk | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister St. MAILING ADDRESS: 400 MCALLISTER ST. CITY AND ZIP CODE: SAN FRANCISCO, CA, 94102 BRANCH NAME: Superior Court | | 2007 JAN 22 AM 8:38 DEPT. TIME DATE 11:59:07 7 CONSTITUTIONAL CLERK TARRANT COUNTY, TX | |
| PLAINTIFF/PETITIONER: Patrice A. Missud, Julie D. Missud DEFENDANT/RESPONDENT: D. R. Horton Inc. et al | | CASE NUMBER: [Handwritten] Ref. No. or File No.: [Handwritten] | |
| PROOF OF SERVICE OF SUMMONS | | | |

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - summons
 - complaint
 - Alternative Dispute Resolution (ADR) package
 - Civil Case Cover Sheet (served in complex cases only)
 - cross-complaint
 - other (specify documents): Notice to Plaintiff
- a. Party served (specify name of party as shown on documents served):
Donald Horton

| | |
|----------------|---|
| TARRANT COUNTY | |
| CIVIL CASE NO. | |
| 20506513 | |
| PAPER | |
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| 2 | 0 |
| 0 | 4 |

Ted Harbour

- Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
TED HARBOUR ATTY FOR DONALD HORTON
- Address where the party was served:
301 Commerce St., Fort Worth, TX, 76102
- I served the party (check proper box)
 - by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 1/23/07 (2) at (time): 11:00 AM
 - by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):

- (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or a declaration of mailing is attached.
- I attach a declaration of diligence stating actions taken first to attempt personal service.

THESE CRIMINALS HAVE KNOWN SINCE

1-23-07

(F)

BJC

POS-010

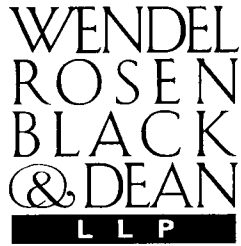
| | |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Patrick A. Missud 219614 91 San Juan Ave., San Francisco, CA, 94112 TELEPHONE NO: 415-584-7251 FAX NO. (Optional): 415-584-7251 E-MAIL ADDRESS (Optional): missudpat@yahoo.com ATTORNEY FOR (Name): in pro per and for plaintiff Julie Missud | ENDORSED FILED San Francisco County Superior Court JAN 31 2007 GORDON PARK LI, Clerk MARY ANN MORAN Deputy Clerk |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister St. MAILING ADDRESS: 400 MCALLISTER ST. CITY AND ZIP CODE: SAN FRANCISCO, CA, 94102 BRANCH NAME: Superior Court | RECEIVED JAN 22 AM 8:37 11/29/07 TARRANT COUNTY, TX PRECINCT 1 COUNTY CLERK |
| PLAINTIFF/PETITIONER: Patrice A. Missud, Julie D. Missud DEFENDANT/RESPONDENT: D. R. Horton Inc. et al | CASE NUMBER: CGC 06-457207 Ref. No. or File No. |
| PROOF OF SERVICE OF SUMMONS | |

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (served in complex cases only)
 - e. cross-complaint
 - f. other (specify documents): Notice to Plaintiff
3. a. Party served (specify name of party as shown on documents served):
Donald Tomnitz
- b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
TED HARBOUR, ATTY FOR DONALD TOMNITZ
4. Address where the party was served:
301 Commerce St., Fort Worth, TX, 76102
5. I served the party (check proper box)
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - b. by substituted service. On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or a declaration of mailing is attached.
 - (5) I attach a declaration of diligence stating actions taken first to attempt personal service.

| |
|----------------------------------|
| TARRANT COUNTY CIVIL CASE NO. |
| 21050653 |
| PAGE _____ PARTY # _____ |
| 0 0 1 0 0 3 |

(F)



ATTORNEYS AT LAW

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Oakland, CA 94604-2047

Telephone: (510) 834-6600
Fax: (510) 834-1928
lmarquez@wendel.com

June 14, 2007

VIA OVERNIGHT DELIVERY AND EMAIL [*missudpat@yahoo.com*]

Patrice Missud, Esq.
91 San Juan Avenue
San Francisco, CA 94112

**Re: *Missud, et al. v. D.R. Horton, Inc., et al.*
U.S. District Court (N.D.Cal.) Case No. C 07 2625 JL
Waiver of Service of Summons, Fed.R.Civ.P., Rule 4(d)**

Dear Mr. Missud:

In response to plaintiffs' request that defendants in the above entitled action agree to waive service of summons pursuant to Rule 4(d) of the Federal Rules of Civil Procedure, please find the enclosed waiver forms executed by the following defendants: D.R. Horton, Inc., DHI Mortgage Company, Ltd, L.P., Donald Tomnitz and Donald Horton. We are currently in the process of determining which, if any, of the other defendants our office will represent in this matter and whether those defendants will also agree to waive service of process.

Based upon the date of mailing of the summons, complaint, waiver form and other materials to the defendants, the responsive pleadings of D.R. Horton, Inc., DHI Mortgage Company, Ltd, L.P., Donald Tomnitz and Donald Horton are due to be filed and served on or before **July 30, 2007**. Fed.R.Civ.P. 4(d)(3), 6(a) [60 days after May 29, 2007 is Saturday, July 28, 2007, and the response deadline would be extended to Monday, July 30, 2007 pursuant to Fed.R.Civ.P. 6(a)].

If you disagree with our calculation of the deadline for these defendants' responsive pleading, please notify our office immediately. Please arrange for the filing of the waivers with the Court, as required by Rule 4(d)(4). Fed.R.Civ.P. 4(d)(4).

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN LLP

Leonard E. Marquez

LEM:ser

Enclosures

cc: Gillian M. Ross, Esq.

Clear Form

WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, DONALD HORTON, acknowledge receipt of your request (DEFENDANT NAME)

that I waive service of summons in the action of PATRICK A. MUSSUD vs DR HORTON, et al (CAPTION OF ACTION) which is case number C 07 2625 3L in the United States District Court (DOCKET NUMBER) for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

5-29-07 (DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

JUNE 12, 2007 (DATE) [Signature] (SIGNATURE)

Printed/Typed Name: Donald R. Horton

As of (TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and compliance. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service if a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

Clear Form

WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, DONALD TOMNITZ, acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of PATRICK A. MISSUD VS DR HORTON, et al
(CAPTION OF ACTION)
which is case number C 07 2625 JL in the United States District Court
(DOCKET NUMBER)
for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

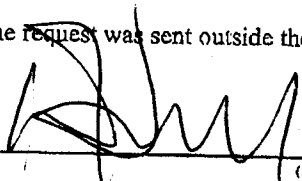
I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

5-29-07
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

6/8/07
(DATE)


(SIGNATURE)

Printed/Typed Name: Donald Tomnitz

As _____ of _____
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.



WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, DHI MORTGAGE COMPANY LTD. L.P., acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of PATRICE A MUSSUD VS DR HORTON, et al
(CAPTION OF ACTION)

which is case number C 07 2625 JL in the United States District Court
(DOCKET NUMBER)

for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

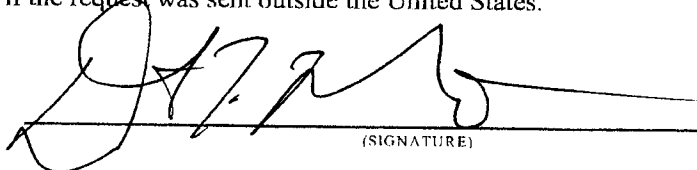
I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

5-29-07
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

6/8/07
(DATE)


(SIGNATURE)

Printed/Typed Name: DAVID T. MORICE

As ASST. SECRETARY of DHI MORTGAGE COMPANY, GP, LP
(TITLE) (CORPORATE DEFENDANT)
GENERAL PARTNER OF DHI MORTGAGE COMPANY, LTD. L.P.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.



WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, D.R. HORTON INC., acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of PATRICE A MUSSUD vs DR HORTON, et al
(CAPTION OF ACTION)

which is case number C 07 2625 JL in the United States District Court
(DOCKET NUMBER)

for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

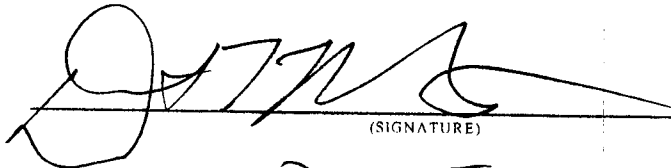
I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

5-29-07
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

6/8/07
(DATE)


(SIGNATURE)

Printed/Typed Name: DAVID J. MORICE

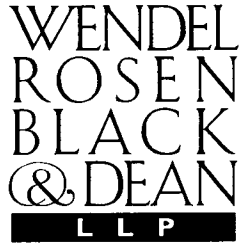
As VICE PRESIDENT of D.R. HORTON, INC.
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.



ATTORNEYS AT LAW

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Oakland, CA 94607-4036

Post Office Box 2047
Oakland, CA 94604-2047

Telephone: (510) 834-6600
Fax: (510) 834-1928
lmarquez@wendel.com

June 15, 2007

VIA OVERNIGHT DELIVERY AND EMAIL [missudpat@yahoo.com]

Patrice Missud, Esq.
91 San Juan Avenue
San Francisco, CA 94112

Re: Missud, et al. v. D.R. Horton, Inc., et al.
U.S. District Court (N.D.Cal.) Case No. C 07 2625 JL
Waiver of Service of Summons, Fed.R.Civ.P., Rule 4(d)

Dear Mr. Missud:

In response to plaintiffs' request that defendants in the above entitled action agree to waive service of summons pursuant to Rule 4(d) of the Federal Rules of Civil Procedure, please find the enclosed waiver forms executed by the following defendants: Daniel D. Callihan and Michael Mason. We are currently in the process of determining which, if any, of the other defendants our office will represent in this matter and whether those defendants will also agree to waive service of process.

Based upon the date of mailing of the summons, complaint, waiver form and other materials to the defendants, the responsive pleadings of Daniel D. Callihan and Michael Mason are due to be filed and served on or before **July 30, 2007**. Fed.R.Civ.P. 4(d)(3), 6(a) [60 days after May 29, 2007 is Saturday, July 28, 2007, and the response deadline would be extended to Monday, July 30, 2007 pursuant to Fed.R.Civ.P. 6(a)].

If you disagree with our calculation of the deadline for these defendants' responsive pleading, please notify our office immediately. Please arrange for the filing of the waivers with the Court, as required by Rule 4(d)(4). Fed.R.Civ.P. 4(d)(4).

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN LLP

Leonard E. Marquez

LEM:ser

Enclosures

cc: Gillian M. Ross, Esq.

Clear Form

WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Michael Mason, acknowledge receipt of your request

that I waive service of summons in the action of PATRICK A. MUSSUD vs. DR. HORTON, et al which is case number C 07 2675 JL in the United States District Court for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

5-29-07 (DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

06/15/2007 (DATE) [Signature] (SIGNATURE)

Printed/Typed Name:

As [Name] of [Name] (TITLE) (CORPORATE DEPENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must, within the time specified on the waiver form, serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

Clear Form

WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Daniel D. Pallihay, acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of PATRICK A. MUSSOD vs DR HORTON, et al
(CAPTION OF ACTION)
which is case number C 07 2625 JL in the United States District Court
(DOCKET NUMBER)
for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

5-29-07
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

6/15/2007 [Signature]
(DATE) (SIGNATURE)

Printed/Typed Name: Daniel D. Pallihay

As _____ of _____
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.