5 COURT PACKET 5: PROOF OF SERVICE IS MISSING

Toney is NOT there. The clerk cannot find the **proof** he got the papers. Or it looks wrong.

Case	Rasha Jaafar & Nedhal Thwaini v. Antonio Spencer **Case number: CI 26-13193**
Day and time	**Wednesday, November 18, 2026, 8:30 AM** · Arrive by **8:00 AM**
Place	Lancaster County Court, 575 S 10th St · **2nd floor, Courtroom 21**
Process server	**Greiner Process Service: 402-580-5225** 350 SW 25th St, Suite 2

Do not panic. This is usually a paperwork problem, and it can be fixed.

Find your page

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1 READ THIS FIRST

Use together with Packet 1

MAIN IDEA No proof = the judge cannot rule against Toney. This is usually **fixable**. Do not blame anyone.

Switch packets if:

IF THIS HAPPENS	DO THIS
Toney **walks in**	Use **Packet 2** or **3**. He is here, so the paper usually does not matter.
The proof paper **is there and looks right**	Go back to **Packet 1**.
The judge says the case will be **closed or served again**	Go to **Section 6**.

Most important rule

SAY ONLY WHAT YOU KNOW Rasha did not see it. Say: **"I was told he was served."** Never say: "He was served."

2 WHAT "RETURN OF SERVICE" MEANS

Also called "proof of service"

1. The **summons** tells Toney about the case and the court date.
2. The process server (Greiner) **gives it to Toney**, or leaves it at the house and mails a copy.
3. Then the server files a short **signed report** with the court. That report is the **return of service**.
4. The judge checks this report **first**.

What Nebraska law says (simple)

Rule	What it means for us
Papers must be served within **3 days** after the court issues them.	Greiner should have served him early in November.
If Toney cannot be found, the server may **leave a copy at the house and mail one**.	This is allowed. The report must say why.
The server must file the report within **20 days**.	That is about Nov 24 to 28, so it may not be late yet.
A **late or missing report does not cancel** the service.	Good for us, but the judge may still want to see the paper.

3 TUESDAY: CALLS TO MAKE

Rasha calls (Hajer has no phone). Write the answers here.

8:00 AM Rasha calls **Greiner: 402-580-5225.** Name of the person you talked to: _____

Ask Greiner	Answer
Did you serve Toney? What **day, time and address**?	
How? Handed to him, left with someone, or left at the house and mailed?	
Did you **file the report** with the court?	
If not, can you **file it today** and **email Rasha a copy**?	

AFTER 8:00 AM Go to the **clerk's window:** 2nd floor, across from Courtroom 20. Open 8:00 to 4:30.
Say: "CI 26-13193. Is the **return of service** in the file?"
Yes? Get a copy ($0.25 a page).
Answer: _____

HAJER Check haleid24 for Keri Pritschau's reply. Our email asked about this.

IF GREINER SAYS	DO THIS
Served, and the report **is filed**	Go back to **Packet 1**.
Served, but the report is **not filed yet**	Ask: "Please **file it today**." Bring their emailed copy Wednesday.
Never served him, or could not find him	**Do not tell the judge he was served.** See Section 6.

4 WHAT THE JUDGE MAY DO

And what Rasha says. Do not blame Greiner or the clerk.

IF THE JUDGE: **Finds the paper, and goes ahead**
YOU SAY: **"Thank you, Your Honor." Use Packet 1.**

IF THE JUDGE: **Goes ahead without the paper**
YOU SAY: **"The server told us he was served on _____ by _____. I have their phone number."**

IF THE JUDGE: **Moves the hearing a few days so the paper can be filed**
YOU SAY: **"Thank you. What date do we come back? What do we bring?"**

IF THE JUDGE: **Closes the case "without prejudice"**
YOU SAY: **"Without prejudice means we can file again. Is that right?"**

IF THE JUDGE: **Orders the papers served again**
YOU SAY: **"Do we need a new summons? What is the new hearing date?"**

IF THE JUDGE ASKS WHAT YOU WANT "Whatever the court wants. A **short delay** is fine. We can file again if needed."

DO NOT SAY "Toney is hiding." "The server messed up." "I'm sure he got it."

5 QUESTIONS THE JUDGE MAY ASK

Fill the blanks after Tuesday's call. Do not know? Say "I don't know, Your Honor."

JUDGE ASKS: **Do you have proof he was served?**
YOU SAY: **"The server told us he was served on _____ by _____. I do not see the paper. May I ask the clerk? Or call the server: 402-580-5225."**

JUDGE ASKS: **How was he served?**
YOU SAY: **"I was told _____ (handed to him / left at the house and mailed). I was not there."**

JUDGE ASKS: **When did you last talk to Mr. Spencer?**
YOU SAY: **The date, and how (text or in person):**
_____

JUDGE ASKS: **Do you know where he lives now?**
YOU SAY: **"No." Or give his address, if you know it. (New papers go there.)**

JUDGE ASKS: **Is he still in the house?**
YOU SAY: **"No. The gas company called us on _____. We found it empty on _____."**

JUDGE ASKS: **Who owns the house?**
YOU SAY: **"Nedhal Thwaini and I."**
SHOW: Exhibit 5 (county property record)

JUDGE ASKS: **Do you want to wait a few days, or file again?**
YOU SAY: **"A short delay, please. We can file again if needed."**

6 WHAT TO ASK FOR

And what it costs to start over

Ask in this order

1. **Go ahead today.**
2. If not: the **shortest delay**. Write the new date: _____
3. Case will be closed? Ask: **"without prejudice"** (= we can file again).

Cost to file again

What	Amount
Filing fee (claim $1,500 to $7,500)	**$72**
Restitution fee	**$5**
Greiner to serve papers (Sheriff is $25 in Lincoln)	**about $30**
Total	**about $107**

Good things about filing again

- **Everything in one case**: rent, late fees, extra days, junk removal ($950), windows, washer, dryer, fridge. (Add real amounts first.)
- New papers. Proof filed **before** the hearing.
- New hearing about **10 to 14 days** later. Cost: about 2 weeks, about $107, one more trip.

REMEMBER **A short delay costs nothing. Ask for that first.**

7 IF SOMETHING GOES WRONG

Find the problem. Do what it says.

IF THIS HAPPENS	DO OR SAY THIS
Greiner says served, but the paper cannot be filed by Wednesday	Tell the judge. Give their number. Ask for a **short delay**.
Greiner left a copy at the house and mailed one	Say so. Ask: "Is that report **enough**?"
Greiner never served him	**Do not** say he was served. Ask for a delay, or "without prejudice." Then file again.
Toney or a lawyer walks in and objects	Do not argue. "We will follow the court's direction." Use **Packet 2**.
Toney walks in and does not object	Use **Packet 2** or **3**.
The clerk cannot find the case	Show the summons copy with CI 26-13193.
The judge wants the server's number	402-580-5225 (on the front page).
Someone asks Hajer to speak	Hajer says: "I'm helping with the paperwork. Rasha is the owner."
You do not know the answer	"I don't know, Your Honor."

Bring Wednesday

- ☐ Your copy of the **summons and complaint**, and any **Greiner receipt**
- ☐ The **filed report**, or Greiner's **emailed copy**, or Rasha's **notes** from the call

NOTE NOTES FOR HAJER (NOT FOR COURT)

Do not read these laws to the judge unless asked

Not checked yet (ask Legal Aid: 877-250-2016)

1. Whether Lancaster judges go ahead with a default when no return is filed.
2. Whether a return filed after the 5-day "returnable" date but before the hearing is accepted.
3. Whether the owners can get a delay to file the return, and for how long (25-21,225 limits delays to 7 days).
4. Whether leaving a copy at an empty house and mailing it is enough for the money claims, not just possession.
5. Greiner's hours, and whether they can file Tuesday.
6. Whether court costs from a closed case can be recovered in a new case.

Timing

A Nov 18 trial means the summons was issued about Nov 4 to 8 (check the date on your copy). 20 days after that is about Nov 24 to 28.

Laws behind this packet

25-21,223	Eviction summons: served within 3 days, returnable within 5. Leave-and-mail allowed if he cannot be found. Server's sworn report must describe the method. Trial 10 to 14 days after issue.
25-507.01	Proof of service within 20 days. A missing or late proof does not cancel valid service.
25-21,225	Delays in eviction cases limited to 7 days unless extraordinary causes.
Fees	Court fee schedule effective July 1, 2026.

This packet helps you prepare. It is not legal advice. Nobody who made it is a lawyer.