

STATE OF NORTH CAROLINA

In The General Court Of Justice

MECKLENBURG County

**CERTIFICATE OF
TRUE COPY**

Office of the Clerk of the Superior Court

As Clerk of the Superior Court of this County, State of North Carolina, I certify that the attached copies of the documents described below are true and accurate copies of the originals now on file in this office.

Number And Description Of Attached Documents:

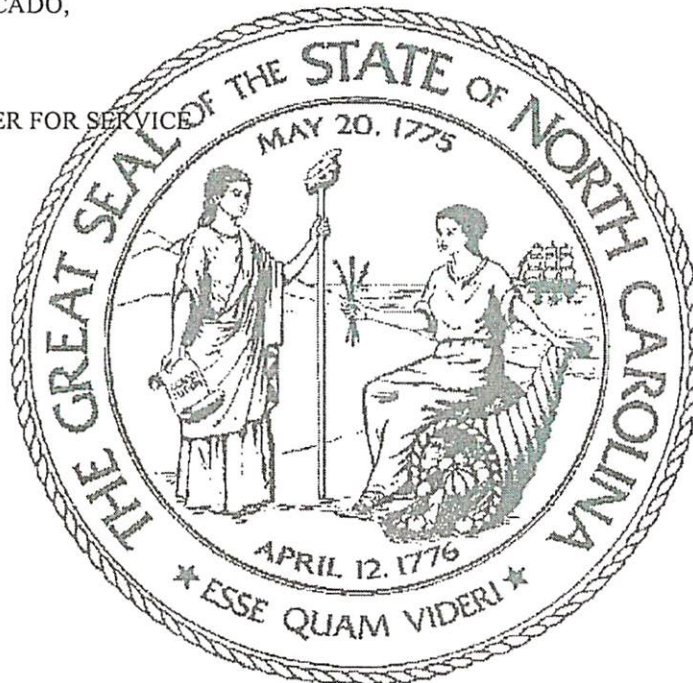
LESLEY CHAMBLESS,

VS.

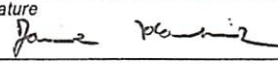
EMILETH VALVERDE PICADO,

20-CVD-12151

APPLICATION FOR ORDER FOR SERVICE
BY PUBLICATION



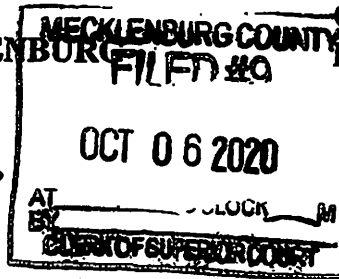
Witness my hand and the seal of the Superior Court

Date	10-06-2020	
Clerk Of Superior Court	ELISA CHINN-GARY	
Signature		
<input checked="" type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT
OF JUSTICE
DISTRICT COURT DIVISION

LESLEY CHAMBLESS,
Plaintiff/Wife,



File No. 20-CVD-12151

vs.

EMILETH VALVERDE PICADO,
Defendant/Husband.

APPLICATION FOR ORDER FOR SERVICE BY PUBLICATION

COMES NOW THE PLAINTIFF, LESLEY CHAMBLESS, who submits the Application for Order for Service by Publication.

FACTS OF THE CASE

This case is related to a divorce as described in the Complaint for Absolute Divorce filed on September 11, 2020.

REQUEST

Plaintiff has been unable to locate a valid address for service on the Defendant, Emileth Valverde Picado a.k.a. Emileth Picado Valverde ("Defendant"). Plaintiff hereby requests that the Court issue an Order for Service by Publication for a minimum period of once a week for four (4) consecutive weeks in the online legal notice publication, *Global Legal Notices®*, a website of general circulation in Costa Rica which specializes in service by publication and which provides numerous benefits over traditional print newspapers (See Comparison Chart attached herein as Exhibit "A"). Their publication policy is to publish the Order, any notices, and all court-issued

documents continuously for a period of four (4) consecutive months, which exceeds statutory requirements, or until such time that it is removed pursuant to court order or request.

ARGUMENT

Plaintiff has attempted unsuccessfully to serve the Defendant utilizing traditional service of process methods. However, Defendant have made himself unavailable for service. There is no known physical address where Defendant can be served. He was last known to have resided in San Jose, Costa Rica.

A thorough and careful search for the home address for the Defendant was conducted and Plaintiff submits to this court the Declaration of Due Diligence Search by Ronald Hastings, an experienced private investigator in the U.S. and Latin America, attached as Exhibit "B", showing the steps taken to locate the Defendant.

The only available alternative method of service is service by publication. However, newspapers in Costa Rica do not allow for publication of legal notices due to the lack of a law providing such method. The only known method for service by publication in Costa Rica is through *Global Legal Notices®* which provides a more thorough method to give actual notice to the Defendant, as described on their legal notice website at www.GlobalLegalNotices.com.

This method allows for a greater opportunity to give actual notice to the Defendant than service by publication in a traditional newspaper. It provides publication of the Court Order, plus the entire set of Court-issued documents. Further, the publication period exceeds the customary once a week for four (4) consecutive weeks by continually publishing the documents for an indefinite period, or as directed by the Court. In addition, a Google search by the Defendant's name and country will typically appear on page one of the Google search after approximately 5 days, thus, providing a greater opportunity to give actual notice to the Defendant.

POINTS AND AUTHORITIES

The U.S. Supreme Court in *Mullane v. Central Hanover Trust & Bank Co.*, 22 ILL.339, U.S. 306, 70 S. Ct. 652, 94 L. Ed. 865 (1950), found that, *"It is a logical step forward in the evolution of civil procedure that the use of new technologies in common communication be utilized."*

U.S. courts have reasoned that service by publication on foreign defendants is permitted under Federal Rules of Civil Procedure 4(F)(3). Rule 4 allows service of process on a foreign individual:

- (1) by internationally agreed upon means of service reasonably calculated to give notice;
- (2) by a reasonably calculated method as prescribed by the country's law for service for general actions or as the foreign authority directs to a letter rogatory; or (3) by other means not prohibited by international agreement. Because the 1993 amendments to FRCP 4(F) urge that FRCP (4)(3) be construed liberally, the courts have interpreted FRCP 4(F)(3) as authorizing them to utilize technological advancements for serving foreign defendants.

Federal Rules of Civil Procedure, Rule 4((3)(1) provides that *"Service of an individual . . . may be effected in any judicial district of the United States pursuant to the law of the state in which the district court is located . . ."*

Further, North Carolina Rules of Civil Procedure provides for service by publication upon order of the Court.

The challenge facing Plaintiff in this case is there are no traditional newspapers in Costa Rica that will allow for publication of legal notices which originate in courts in the United States.

CONCLUSION

Global Legal Notices® offers an improved method of providing actual notice to a defendant of a pending lawsuit while satisfying the Court's requirements for service by publication.

It is widely held that service by publication has a limited success rate in providing actual notice to a defendant that a legal case is pending. Yet, courts routinely issue an order allowing for service by publication in a newspaper, either print or online, as a last resort method to complete service of process.

Wherefore, Plaintiff respectfully requests that the Court issue an Order for Service by Publication in the instant case.

Respectfully submitted,



Seth A. Glazer
Attorney for Plaintiff, Lesley Chambless

ORDER FOR SERVICE BY PUBLICATION

IT IS SO ORDERED THAT the Civil Summons, Complaint, and the Order for Service by Publication, and all Court-issued documents be published in *Global Legal Notices, LLC*, for a period of four (4) consecutive weeks, and that Proof of Publication be filed with this Court within thirty (30) days of completion of the publication.

Signed this  day of Oct, 2020.


Honorable Christy T. Mann, Judge
General Court of Justice, District Court Division

Comparison Chart

International Service by Publication

Features	Global Legal Notices	Traditional Newspapers
Publish court Notice of Publication	Yes	Yes
Open access to public	Yes	Yes
Publish actual court documents	Yes	No
Search engine friendly	Yes	No
Extended publication period	Yes	No
Available in all countries	Yes	No
Translation in multiple languages	Yes	No
Email notification	Yes	No
Unlimited size of notice	Yes	No
Exceeds minimum requirements	Yes	No
Search by name or case number	Yes	No
Available on computer and cell	Yes	No
Cost efficient	Yes	No
Includes certified proof of publication	Yes	No
Includes Affidavit of Service	Yes	No
Easy access to publisher	Yes	No

Exhibit "A"

DECLARATION OF DUE DILIGENCE SEARCH

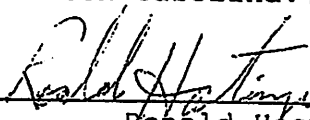
I declare, under penalty of perjury of the laws of the State of North Carolina, that the following is true and correct to the best of my knowledge and that I could competently testify, if called, to the following:

1. I am an experienced private investigator who performs investigative services for Process Service Network, LLC, and Global Legal Notices, LLC, with extensive experience in international locates. I am over the age of 18 years, and not a party to the within-named action. I can competently testify to the facts stated and declared within.
2. In November 2019, I received an assignment from the law firm Godley, Glazer & Funk, PLLC, along with written instructions to locate and serve the named Defendant, **Emileth Valverde Picado** ("Defendant"), in the case **Lesley Chambless v. Emileth Valverde Picado** at an unknown address to be located in Costa Rica.
3. I conducted a search to locate the whereabouts of the Defendant. The following is a result of that search:
4. Search using Facebook, Twitter, Instagram, MySpace, YouTube, Google+, WhatsApp, WeChat, Line and Foursquare. Result: Numerous similar names were located but none were a match to the Defendant.

5. All online telephone directories for Costa Rica. Result:
No valid listings were found.
6. Criminal index for Costa Rica. Result: Nothing found.
7. Search of the limited Costa Rica national registry.
Result: Nothing found.
8. Additional database searches revealed 2 possible matches.
Each available data was investigated and determined to be
invalid.
9. Other steps, not required for publication, were taken to
locate the Defendant. Result: All were unsuccessful.
10. The addresses searched were provided from the
following sources: Plaintiff, and obtained in course of
our investigation.
11. Further, on September 30, 2020, at the request of
Plaintiff's attorney, I conducted an investigation to
locate the Defendant based on my previous searches.
Result: No new results.
12. SUMMARY: Based upon all available information, I am
unable to locate and serve the Defendant.
13. CONCLUSION: In my expert opinion, Defendant cannot
be located.
14. RECOMMENDATION: Service by publication. However,
newspapers in Costa Rica will not publish legal notices
which originate in the United States. The only known
method of service by publication is through Global Legal

Notice, LLC (www.GlobalLegalNotices.com). Service by publication using that source is more likely to give actual notice to the Defendant than traditional newspaper publication, as described on the website on the page "Comparison Chart."

Executed on this 2nd day of October 2020, at Chatsworth, CA, attesting the foregoing to be true and correct, under penalty of perjury of the laws of the State of North Carolina..



Ronald Hastings

California All-Purpose Acknowledgment


A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

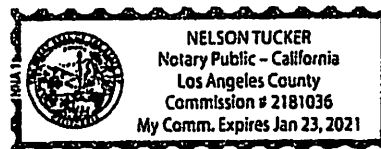
State of California |
County of Los Angeles | ss.

On October 2, 2020, before me, Nelson Tucker, Notary Public, personally appeared Ronald Hastings, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and Official Seal.


Nelson Tucker, Notary Public
My Commission Expires January 23, 2021



STATE OF NORTH CAROLINAFile No.
20-CVD12/5/1MECKLENBURG County

In The General Court of Justice

☒ District ☐ Superior Court Division

Name of Plaintiff

LESLEY CHAMBLESS c/o Godley, Glazer & Funk, PLLC

Address

514 Williamson Road, Suite 421

City, State, Zip

Mooresville, NC 28117

VERSUS

Name of Defendant(s)

EMILETH VALVERDE PICADO

CIVIL SUMMONS☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3, 4

Date Original Summons Issued

Date(s) Subsequent Summon(es) Issued

To Each of The Defendant(s) Named Below:

Name And Address of Defendant 1

EMILETH VALVERDE PICADO

10005 Janeiro Drive
Huntersville, NC 28078

Name And Address of Defendant 2

Upon information and belief, Defendant is currently living in
San Jose, Costa Rica, but his exact address is unknown at
this moment

Last known address of Defendant in United States

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address of Plaintiff's Attorney (If None, Address of Plaintiff)

Seth A. Glazer
Godley, Glazer & Funk, PLLC
514 Williamson Road, Suite 421
Mooresville, NC 28117

Date Issued

Time

Signature

☐

Deputy CSC

☐

Assistant CSC

☐

Clerk of Superior Court

☐ **ENDORSEMENT (ASSESS FEE)**

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date of Endorsement

Time

Signature

☐

Deputy CSC

☐

Assistant CSC

☐

Clerk of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

LESLEY CHAMBLESS,

Plaintiff,

vs.

EMILETH VALVERDE PICADO,

Defendant.

FILED
IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

2020 SEP 11 P 3:18
20-CVD-12157

MECKLENBURG CO., C.S.C.

BY

COMPLAINT FOR ABSOLUTE DIVORCE

NOW COMES Plaintiff, Lesley Chambless, complaining of Defendant, Emileth Valverde Picado, and alleges and says the following:

PARTIES, CAPACITY, JURISDICTION, AND VENUE

1. Plaintiff is an adult resident of Mecklenburg County, North Carolina, and has been a resident of the state of North Carolina for more than six (6) months preceding the filing of this action.
2. Defendant was an adult resident of Mecklenburg County, North Carolina until September 9, 2019 when Defendant boarded a plane and fled the United States to Costa Rica. Defendant is a dual citizen of the United States and of Costa Rica.
3. Plaintiff and Defendant are natural persons, are under no legal disability and are over the age of eighteen (18) years.
4. Plaintiff's Complaint seeks:
 - a. Absolute Divorce pursuant to N.C.G.S. §50-6, *et seq.*
5. Venue of this action is proper in Mecklenburg County, North Carolina.
6. The Court has subject matter jurisdiction over the claim raised in this matter.
7. The Court has personal jurisdiction over Plaintiff and Defendant.
8. The District Court is the proper division of the General Court of Justice for the trial of this issue

FACTUAL ALLEGATIONS

9. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 8 of Plaintiff's Complaint as set forth above.

10. Plaintiff and Defendant were married to each other on June 13, 2012 in Mecklenburg County, North Carolina. The parties physically separated from each other on September 6, 2019 and have lived physically separate and apart since that date.
11. There were no children born to the marriage.
12. As of the filing of this Complaint, the parties' equitable distribution issues are pending under Mecklenburg County Case number 19-CVD-20507 (CTM). An Equitable Distribution trial was held on July 31, 2020 and entry of an Equitable Distribution Order is pending.

FIRST CLAIM FOR RELIEF
Absolute Divorce

13. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 12 of Plaintiff's Complaint as set forth above.
14. Plaintiff and Defendant ceased cohabitation on or about September 6, 2019 and have resided separate and apart from each other continuously since that date, without resuming the marital relationship, nor intending to resume the marital relationship. September 6, 2019 is the parties "date of separation" within the meaning of Chapter 50 of the North Carolina General Statutes.
15. Plaintiff is entitled to an absolute divorce based upon the statutory provision of one (1) year's continuous separation from Defendant.

WHEREFORE, Plaintiff prays the Court as follows:

1. That this Verified Complaint be received by this Court as an affidavit for all purposes;
2. That the bonds of matrimony heretofore existing between Plaintiff and Defendant be dissolved, and Plaintiff be granted an absolute divorce from Defendant;
3. That Plaintiff have such other relief as the Court may deem just and proper.

This the 11th day of September, 2020.

GODLEY, GLAZER & FUNK, PLLC



Seth A. Glazer

Attorney for Plaintiff

514 Williamson Road, Suite 421

Mooresville, North Carolina 28117

Telephone: (704) 235-4811

seth@ggflawyers.com

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

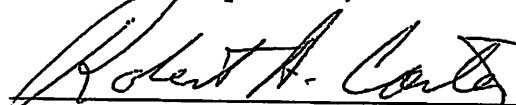
VERIFICATION

LESLEY CHAMBLESS, being first duly sworn, deposes and says that she is the Plaintiff in the above-captioned action, and she has read the foregoing **COMPLAINT** and knows the contents thereof to be true except for those matters alleged upon information and belief, and as to those, she believes them to be true.


LESLEY CHAMBLESS

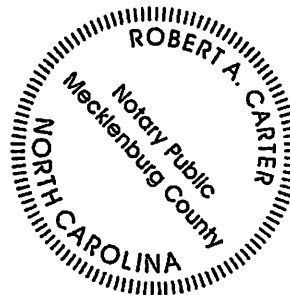
Sworn to and subscribed before me this

11th day of September, 2020.


Notary Public

Robert A. Carter
Printed Name of Notary Public

My commission expires: 9-9-24



STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

FILED

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

20-CVD-12151

2020 SEP 11 P 3:18

LESLEY CHAMBLESS,

Plaintiff,

MECKLENBURG CO., C.S.C.

BY _____

vs.

COMPLAINT FOR ABSOLUTE DIVORCE

EMILETH VALVERDE PICADO,

Defendant.

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3. Plaintiff and Defendant are natural persons, are under no legal disability and are over the age of eighteen (18) years.
4. Plaintiff's Complaint seeks:
 - a. Absolute Divorce pursuant to N.C.G.S. §50-6, *et seq.*
5. Venue of this action is proper in Mecklenburg County, North Carolina.
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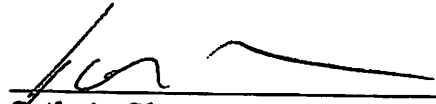
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This the 11th day of September, 2020.

GODLEY, GLAZER & FUNK, PLLC



Seth A. Glazer

Attorney for Plaintiff

514 Williamson Road, Suite 421

Mooresville, North Carolina 28117

Telephone: (704) 235-4811

seth@ggflawyers.com

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

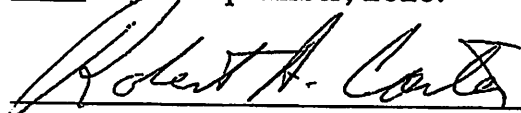
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LESLEY CHAMBLESS

Sworn to and subscribed before me this

11th day of September, 2020.


Notary Public

Robert A. Carter
Printed Name of Notary Public

My commission expires: 9-9-24

