

AFFIDAVIT FOR SERVICE OF PROCESS ON THE SECRETARY OF THE COMMONWEALTH

Case No: 2:07CV582

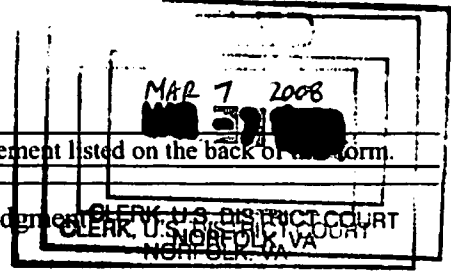
Commonwealth of Virginia

VA. CODE §§ 8.01-301,-310,-329, 55-218.1, 57-51

United States District Court for the Eastern District of Virginia, Norfolk Division

BID FOR POSITION, LLC

v. MIVA, INC., et al.



TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirement listed on the back of this form.

Attachments:

- Notice of Motion for Judgment and Motion for Judgment
- Subpoena in Chancery and Bill of Complaint
- Garnishment Summons
- Summons and Complaint

FILED
2008 MAR -6 A 10:49
CLERK U.S. DISTRICT COURT
RICHMOND, VIRGINIA

I, the undersigned Affiant, state under oath that:

the above-named defendant (as shown on first page of the Complaint)

whose last known address is: same as above 4220 Summerlin Commons Blvd, Ste 500, Fort Myers, Florida, 33907

1. is a non-resident of the Commonwealth of Virginia or a foreign corporation and § 8.01-328.1(A) (see NON-RESIDENCE GROUNDS REQUIREMENT on back). (3) or (4) apply(-ies)
2. is a Defendant upon whom the Plaintiff, after due diligence, has been unable to obtain service of process (see DUE DILIGENCE REQUIREMENT on back) and that

4/24/08
DATE

Nichole Buck Vandervliet
 PLAINTIFF PLAINTIFF'S ATTORNEY PLAINTIFF'S AGENT

Acknowledged, subscribed and sworn to before me this day:

DATE 1-24-08

Sarah Beth Buck
 CLERK MAGISTRATE NOTARY PUBLIC 355960
My commission expires 11-30-09

NOTICE TO THE RECIPIENT from the Office of the Secretary of the Commonwealth of Virginia:

You are being served with this notice and attached pleadings under Section 8.01-329 of the Code of Virginia which designates the Secretary Commonwealth as statutory agent for Service of Process. The Secretary of the Commonwealth's ONLY responsibility is to mail the enclosed to you. If you have any questions concerning these documents, you may wish to seek advice from a lawyer.

SERVICE OF PROCESS IS EFFECTIVE ON THE DATE THAT THE CERTIFICATE OF COMPLIANCE IS FILED WITH ABOVE-NAMED COURT.

CERTIFICATE OF COMPLIANCE

I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

1. On **FEB 06 2008**, legal service in the above-styled case was made upon the Secretary of the Commonwealth, as statutory agent for person to be served in accordance with Section 8.01-329 of the Code of Virginia, as amended
2. On **MAR 04 2008**, papers described in the Affidavit were forwarded by first class mail, party designated to be served with process in the Affidavit.

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SERVICE OF PROCESS CLERK, DESIGNATED BY THE AUTHORITY OF THE SECRETARY OF THE COMMONWEALTH

NON-RESIDENCE GROUNDS REQUIREMENT:

If box number 1 is checked, insert the appropriate subsection number:

A court may exercise personal jurisdiction over a person, who acts directly or by an agent, as to a cause of action arising from the person's:

1. Transacting any business in this Commonwealth;
2. Contracting to supply services or things in this Commonwealth;
3. Causing tortious injury by an act or omission in this Commonwealth;
4. Causing tortious injury in this Commonwealth by an act or omission outside this Commonwealth if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;
5. Causing injury in this Commonwealth to any person by breach of warranty expressly or impliedly made in the sale of goods outside this Commonwealth when he might reasonably have expected such person to use, consume, or be affected by the goods in this State, provided that he also regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;
6. Having an interest in, using, or possessing real property in this Commonwealth;
7. Contracting to insure any person, property, or risk located within the Commonwealth at the time of contracting; or
- 8(ii). Having been ordered to pay spousal support or child support pursuant to an order entered by any court of competent jurisdiction in this Commonwealth having *in personam* jurisdiction over such person.

DUE DILIGENCE REQUIREMENT:

If box number 2 is checked, the following provision applies:

When the person to be served is a resident, the signature of an attorney, party or agent of the person seeking service on such affidavit shall constitute a certificate by him that process has been delivered to the sheriff or to a disinterested person as permitted by § 8.01-293 for execution and, if the sheriff or disinterested person was unable to execute such service, that the person seeking service has made a bona fide attempt to determine the actual place of abode or location of the person to be served.