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HOUSE BILL 1403

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State of Washington

59th Legislature

2005 Regular Session

By Representatives Dickerson, McDonald and Chase

Read first time 01/24/2005. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to service by publication in actions to establish  
2 or modify parenting plans, for legal separation or invalidity of  
3 marriage, and for nonparental custody; and amending RCW 4.28.100.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 4.28.100 and 1981 c 331 s 13 are each amended to read  
6 as follows:

7 When the defendant cannot be found within the state, and upon the  
8 filing of an affidavit of the plaintiff, his agent, or attorney, with  
9 the clerk of the court, stating that he believes that the defendant is  
10 not a resident of the state, or cannot be found therein, and that he  
11 has deposited a copy of the summons (substantially in the form  
12 prescribed in RCW 4.28.110) and complaint in the post office, directed  
13 to the defendant at his place of residence, unless it is stated in the  
14 affidavit that such residence is not known to the affiant, and stating  
15 the existence of one of the cases hereinafter specified, the service  
16 may be made by publication of the summons, by the plaintiff or his  
17 attorney in any of the following cases:

18 (1) When the defendant is a foreign corporation, and has property  
19 within the state;

1           (2) When the defendant, being a resident of this state, has  
2 departed therefrom with intent to defraud his creditors, or to avoid  
3 the service of a summons, or keeps himself concealed therein with like  
4 intent;

5           (3) When the defendant is not a resident of the state, but has  
6 property therein and the court has jurisdiction of the subject of the  
7 action;

8           (4) When the action is for ~~((divorce))~~ (a) establishment or  
9 modification of a parenting plan or residential schedule; or (b)  
10 dissolution of marriage, legal separation, or declaration of  
11 invalidity, in the cases prescribed by law;

12           (5) When the action is for nonparental custody under chapter 26.10  
13 RCW and the child is in the physical custody of the petitioner;

14           (6) When the subject of the action is real or personal property in  
15 this state, and the defendant has or claims a lien or interest, actual  
16 or contingent, therein, or the relief demanded consists wholly, or  
17 partly, in excluding the defendant from any interest or lien therein;

18           ~~((+6))~~ (7) When the action is to foreclose, satisfy, or redeem  
19 from a mortgage, or to enforce a lien of any kind on real estate in the  
20 county where the action is brought, or satisfy or redeem from the same;

21           ~~((+7))~~ (8) When the action is against any corporation, whether  
22 private or municipal, organized under the laws of the state, and the  
23 proper officers on whom to make service do not exist or cannot be  
24 found;

25           ~~((+8))~~ (9) When the action is brought under RCW 4.08.160 and  
26 4.08.170 to determine conflicting claims to property in this state.

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