

IN THE SENATE

SENATE BILL NO. 1253

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO SERVICE BY PUBLICATION; AMENDING SECTION 5-508, IDAHO CODE,
2 TO ALLOW AN AFFIDAVIT TO BE USED TO SHOW THAT A CAUSE OF ACTION EXISTS
3 AGAINST THE DEFENDANT IN RESPECT TO WHOM SERVICE IS MADE; AND DECLARING
4 AN EMERGENCY.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 5-508, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 5-508. SERVICE BY PUBLICATION -- AFFIDAVIT. When the person on whom
10 the service is to be made resides outside of the state, or has departed from
11 the state, or cannot after due diligence be found within the state, or con-
12 ceals himself therein to avoid the service of summons, or is a foreign cor-
13 poration having no managing or business agent, cashier or secretary within
14 this state, or where any persons are made defendant by the style and descrip-
15 tion of unknown owners, or unknown heirs or unknown devisees of any deceased
16 person and the names of such unknown owners or heirs or devisees are unknown
17 to the complainant in the action, and such facts appear by affidavit to the
18 satisfaction of the court in which the suit is pending, and it also appears
19 by the affidavit or a verified complaint on file that a cause of action exists
20 against the defendant in respect to whom the service is to be made, and that
21 he is a necessary or proper party to the action, the court may make an order
22 for the publication of the summons; and an affidavit setting forth in ordi-
23 nary and concise language any of the grounds as above set forth, upon which
24 the publication of the summons is sought, shall be sufficient without set-
25 ting forth or showing what efforts have been made or what diligence has been
26 exerted in attempting to find the defendant. Service upon any person, firm,
27 company, association or corporation who is subject to the jurisdiction of
28 the courts of this state pursuant to the provisions of section 5-514, Idaho
29 Code, may be made in the manner provided in section 5-515, Idaho Code.

30 SECTION 2. An emergency existing therefor, which emergency is hereby
31 declared to exist, this act shall be in full force and effect on and after its
32 passage and approval.