

TITLE 5
PROCEEDINGS IN CIVIL ACTIONS IN COURTS OF RECORD

CHAPTER 5
COMMENCEMENT OF ACTIONS

5-505. LIS PENDENS. In an action affecting the title or the right of possession of real property, the plaintiff at the time of filing the complaint, and the defendant at the time of filing his answer, when affirmative relief is claimed in such answer, or at any time afterward, may file for record with the recorder of the county in which the property or some part thereof is situated, a notice of the pendency of the action, containing the names of the parties, the object of the action or defense, and a description of the property in that county affected thereby. From the time of filing such notice for record only shall a purchaser or incumbrancer of the property affected thereby be deemed to have constructive notice of the pendency of the action, and only of its pendency against parties designated by their real names.

[(5-505) C.C.P. 1881, sec. 218; R.S., R.C., & C.L., sec. 4142; C.S., sec. 6674; I.C.A., sec. 5-505.]

5-508. SERVICE BY PUBLICATION -- AFFIDAVIT. When the person on whom the service is to be made resides outside of the state, or has departed from the state, or cannot after due diligence be found within the state, or conceals himself therein to avoid the service of summons, or is a foreign corporation having no managing or business agent, cashier or secretary within this state, or where any persons are made defendant by the style and description of unknown owners, or unknown heirs or unknown devisees of any deceased person and the names of such unknown owners or heirs or devisees are unknown to the complainant in the action, and such facts appear by affidavit to the satisfaction of the court in which the suit is pending, and it also appears by the affidavit or a verified complaint on file that a cause of action exists against the defendant in respect to whom the service is to be made, and that he is a necessary or proper party to the action, the court may make an order for the publication of the summons; and an affidavit setting forth in ordinary and concise language any of the grounds as above set forth, upon which the publication of the summons is sought, shall be sufficient without setting forth or showing what efforts have been made or what diligence has been exerted in attempting to find the defendant. Service upon any person, firm, company, association or corporation who is subject to the jurisdiction of the courts of this state pursuant to the provisions of section [5-514](#), Idaho Code, may be made in the manner provided in section [5-515](#), Idaho Code.

[(5-508) C.C.P. 1881, sec. 221; R.S., sec. 4145; am. 1907, p. 319, sec. 2; reen. R.C., sec. 4145; am. 1909, p. 185, sec. 2; am. 1911, ch. 29, sec. 1, p. 65; reen. C.L., sec. 4145; C.S., sec. 6677; am. 1925, ch. 43, sec. 1, p. 60; am. 1927, ch. 93, sec. 4, p. 119; I.C.A., sec. 5-508; am. 1993, ch. 89, sec. 1, p. 217; am. 2011, ch. 26, sec. 1, p. 66; am. 2012, ch. 98, sec. 1, p. 263.]

5-509. ORDER OF SERVICE. The order must direct the publication to be made in a newspaper to be designated as most likely to give notice to the person to be served, at least once a week for four (4) consecutive weeks.

In case publication is ordered where the residence of a nonresident or absent defendant is known, the order must direct a copy of the summons and complaint to be deposited within ten (10) days in any post office, directed to the person to be served at his last known post office address. When publication is ordered and made, the service of summons is complete at the expiration of the period of publication. When personal service of summons is ordered and made outside of the state, the service is complete at the time of service.

[(5-509) C.C.P. 1881, sec. 222; R.S. & R.C., sec. 4146; am. 1909, p. 185, sec. 3; reen. C.L., sec. 4146; C.S., sec. 6678; am. 1925, ch. 43, sec. 2, p. 60; am. 1927, ch. 93, sec. 5, p. 119; I.C.A., sec. 5-509; am. 1957, ch. 137, sec. 1, p. 229; am. 2019, ch. 147, sec. 1, p. 497.]

5-510. SERVICE ON ONE OF JOINT DEFENDANTS. When the action is against two (2) or more defendants jointly or severally liable on a contract and the summons is served on one (1) or more but not on all of them, the plaintiff may proceed against the defendants served in the same manner as if they were the only defendants.

[(5-510) C.C.P. 1881, sec. 223; R.S., R.C., & C.L., sec. 4147; C.S., sec. 6679; I.C.A., sec. 5-510.]

5-513. SUMMONS AGAINST NONRESIDENT OWNER OF PUBLIC UTILITY -- LIEN OF JUDGMENT. Where any suit has been commenced in any court of this state upon any cause of action arising therein against any nonresident, firm or person engaged in the ownership and control of any electric light or water system or other public utility in this state, and where the cause of action arises out of some matter connected with the carrying on and conducting of said utility the summons therein may be served by delivering a copy thereof attached to a copy of the complaint on file to the person in charge or control of said public utility in this state, or to some agent, cashier or clerk in charge of any office of said firm or person in this state used in the carrying on and conducting of such business.

Any judgment rendered in such action shall become a lien upon and bind all the property of such firm or person used in the carrying on and conducting of such electric light or water system or other public utility.

[(5-513) 1913, ch. 63, secs. 1, 2, p. 298; reen. C.L., sec. 4150; C.S., sec. 6682; I.C.A., sec. 5-513.]

5-514. ACTS SUBJECTING PERSONS TO JURISDICTION OF COURTS OF STATE. Any person, firm, company, association or corporation, whether or not a citizen or resident of this state, who in person or through an agent does any of the acts hereinafter enumerated, thereby submits said person, firm, company, association or corporation, and if an individual, his personal representative, to the jurisdiction of the courts of this state as to any cause of action arising from the doing of any of said acts:

(a) The transaction of any business within this state which is hereby defined as the doing of any act for the purpose of realizing pecuniary benefit or accomplishing or attempting to accomplish, transact or enhance the business purpose or objective or any part thereof of such person, firm, company, association or corporation;

(b) The commission of a tortious act within this state;

(c) The ownership, use or possession of any real property situate within this state;

(d) Contracting to insure any person, property or risk located within this state at the time of contracting;

(e) The maintenance within this state of matrimonial domicile at the time of the commission of any act giving rise to a cause of action for divorce or separate maintenance;

(f) The engaging in an act of sexual intercourse within the state, giving rise to a cause of action for paternity under [chapter 11, title 7](#), Idaho Code. The provisions of this subsection shall apply retroactively, and for the benefit of any dependent child, whether born before or after the effective date of this act, and regardless of the past or current marital status of the parents of the child.

[5-514, added 1961, ch. 153, sec. 1, p. 224; am. 1969, ch. 236, sec. 1, p. 749; am. 1988, ch. 106, sec. 1, p. 195.]

5-515. SERVICE OF PROCESS ON PERSONS ENUMERATED IN PRECEDING SECTION -- PERSONAL SERVICE OUTSIDE STATE. Service of process upon any such person, firm, company, association or corporation who is subject to the jurisdiction of the courts of this state, as provided herein, may be made by personally serving the summons upon the defendant outside the state with the same force and effect as though summons had been personally served within this state.

[5-515, added 1961, ch. 153, sec. 2, p. 224.]

5-516. LIMITATION ON CAUSES OF ACTION. Only causes of action arising from acts enumerated herein may be asserted against a defendant in an action in which jurisdiction over such defendant is based upon this section.

[5-516, added 1961, ch. 153, sec. 3, p. 224.]

5-517. SERVICE IN OTHER MANNER UNAFFECTED. Nothing herein contained limits or affects the right to service of process in any other manner now or hereafter provided by law.

[5-517, added 1961, ch. 153, sec. 4, p. 224.]

5-518. SERVICE OF PROCESS IN CHILD SUPPORT MATTERS. Service of process in an action to establish or enforce a support obligation may be made in the manner prescribed for service of process in a civil action by a duly authorized process server, or by certified mail, return receipt requested. Any uninterested party over the age of eighteen (18) including, but not necessarily limited to, employees of the bureau of child support enforcement and employees of the county prosecuting attorney's office, may serve such process. For the purposes of this section, service by mail shall be completed upon the obligor's receipt of such certified mail. The party or attorney making service by certified mail shall make a return certificate indicating that he complied with the provisions of this statute and attaching a receipt of the mailing signed by the obligor.

[5-518, added 1987, ch. 36, sec. 1, p. 59.]

PLEADINGS -- [REPEALED]