

CHAPTER 45.

[H. B. 157.]

SUMMONS BY PUBLICATION.

AN ACT relating to the commencement of civil actions in the superior courts and amending section 228 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 228 of Rem. & Bal. Code be amended to read as follows:

Section 228. When the defendant cannot be found within the state (of which the return of the sheriff of the county in which the action is brought, that the defendant cannot be found in the county, is *prima facie* evidence), and upon the filing of an affidavit of the plaintiff, his agent or attorney, with the clerk of the court, stating that he believes that the defendant is not a resident of the state, or cannot be found therein, and that he has deposited a copy of the summons (substantially in the form prescribed in section 233 of said codes and statutes) and complaint in the post-office, directed to the defendant at his place of residence, unless it is stated in the affidavit that such residence is not known to the affiant, and stating the existence of one of the cases hereinafter specified, the service may be made by publication of the summons, by the plaintiff or his attorney in either of the following cases:

1. When the defendant is a foreign corporation, and has property within the state;
2. When the defendant, being a resident of this state, has departed therefrom with intent to defraud his creditors, or to avoid the service of a summons, or keeps himself concealed therein with like intent;
3. When the defendant is not a resident of the state, but has property therein and the court has jurisdiction of the subject of the action;
4. When the action is for divorce in the cases prescribed by law;

Amends
Rem.-Bal.
§ 228.

Affidavit for
publication
of summons.

Conditions
warranting
publication.

5. When the subject of the action is real or personal property in this state, and the defendant has or claims a lien or interest, actual or contingent, therein, or the relief demanded consists wholly, or partly, in excluding the defendant from any interest or lien therein ;

6. When the action is to foreclose, satisfy, or redeem from a mortgage, or to enforce a lien of any kind on real estate in the county where the action is brought, or satisfy or redeem from the same ;

7. When the action is against any corporation, whether private or municipal, organized under the laws of the state and the proper officers on whom to make service do not exist or cannot be found.

SEC. 2. No action or proceeding commenced or right existing when this act shall take effect, shall be affected or impaired thereby, but such action or proceeding shall be prosecuted and continued and such right remain as if this act has [had] not been passed.

Saving
clause.

Passed the House February 19, 1915.

Passed the Senate March 4, 1915.

Approved by the Governor March 8, 1915.