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IN THE WEST DIVISION, KING COUNTY DISTRICT COURT  
STATE OF WASHINGTON  
SEATTLE COURTHOUSE

X,		Plaintiff,	No:
	v.		
Y,		Defendant.	MOTION FOR SERVICE OF SUMMONS BY PUBLICATION

**RELIEF REQUESTED**

Plaintiff moves this court for an order granting him leave to serve Defendant by publication. The basis for the motion is that has made his whereabouts unknown making it impossible to serve in person.

**FACTS**

This matter involves a default on a loan between plaintiff and defendant. The two parties lived together when plaintiff loaned defendant money to purchase a car. In return for the loan, defendant agreed to make monthly payments to plaintiff. Defendant initially made monthly payments. When defendant moved out of plaintiff's home, payments stopped. Plaintiff has been unsuccessful in getting any of the remaining loan amount. Whereabouts of defendant are now unknown.

By this motion, the Plaintiffs seek to serve by publication David Carrera, defendant involved in the action. This persons may or may not be residents of the State of Washington. As these persons are unknown, Plaintiff is unable to determine their residency and whether they can be found within the State.

**ISSUES PRESENTED**

Whether Plaintiffs should be given leave to serve by publication?

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**EVIDENCE RELIED UPON**

This motion is based on the pleadings and files herein and the Declaration of Michael David Coffman in support hereof.

**AUTHORITIES AND ARGUMENT**

RCW 4.28.080(15) provides that service of a summons and complaint be made personally. However, in certain circumstances stated in RCW 4.28.100, service by publication may be had:

When the defendant cannot be found within the state, 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 [RCW 4.28.110](#)) 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 any of the following cases: ...

- (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;

Here, Plaintiff seeks to serve by publication DEFENDANT. DEFENDANT has not been in contact with the Plaintiff, and it is our understanding that the automobile in question has actually been sold by the Defendant, without the knowledge or permission of the Plaintiff.

**PROPOSED ORDER**

A proposed form of Order is attached hereto as Exhibit A.

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**CONCLUSION**

For the above stated reasons, the motion should be granted.

DATED this \_\_\_\_\_ day of February 2008.

BY COFFMAN LEGAL PLLC

\_\_\_\_\_  
M. David Coffman, WSBA #28132  
Attorney for PLAINTIFF