



TO:

Rule 28 Distribution

Lisa M Panahi

Dawn Rachelle Williams

Kenneth Gregory

Barry R Goldman

## ATTACHMENT<sup>1</sup>

### RULES OF CIVIL PROCEDURE

#### Rule 4.1. Service of Process Within Arizona

(a)-(k) [No change]

**(l) Service by Publication.**

(1) ~~Generally. A party may serve a person by publication only if:~~ If a party shows that the service provided by Rule 4.1(c) through 4.1(k)—including an alternative means of service—is impracticable, the court may, on motion and without notice to the person to be served, order that service be accomplished by publication. A serving party may initiate the service by publication procedure described in Rule 4.1(l)(2) prior to moving for such an order or while the motion is pending. The court may permit service by publication, in such manner and form as the court may direct, if:

(A) the serving party, despite reasonably diligent efforts, has been unable to determine the person's current address; or the person to be served has intentionally avoided service of process; the last known address of the person to be served is within Arizona but:

~~(i) the serving party, despite reasonably diligent efforts, has been unable to ascertain the person's current address; or~~

~~(ii) the person to be served has intentionally avoided service of process;~~  
and

(B) service by publication is the best means practicable in the circumstances for providing the person with notice of the action's commencement; and

(C) the motion is supported by affidavit that sets forth the serving party's reasonably diligent efforts to serve the person.

(2)-(4) [No change]

**(m) [No change]**

\* \* \*

---

<sup>1</sup> Additions to the text of the rule are shown by underscoring and deletions of text are shown by ~~strike through~~.

## **Rule 4.2. Service of Process Outside Arizona**

**(a)-(e) [No change]**

**(f) Service by Publication.**

(1) Generally. A party may serve a person by publication only if: If a party shows that the service provided by Rule 4.2(b) through 4.2(e) is impracticable, the court may, on motion and without notice to the person to be served, order that service be accomplished by publication. A serving party may initiate the service by publication procedure described in Rule 4.2(f)(2) prior to moving for such an order or while the motion is pending. The court may permit service by publication, in such manner and form as the court may direct, if:

(A) the serving party, despite reasonably diligent efforts, has been unable to determine the person's current address; or the person to be served has intentionally avoided service of process; the last known address of the person to be served is outside Arizona but:

(i) the serving party, despite reasonably diligent efforts, has not been able to ascertain the person's current address; or

(ii) the person has intentionally avoided service of process; and

(B) service by publication is the best means practicable in the circumstances for providing notice to the person of the action's commencement; and

(C) the motion is supported by affidavit that sets forth the serving party's reasonably diligent efforts to serve the person.

**(2)-(4) [No change]**

**(g)-(m) [No change]**