

HOUSE BILL NO. 668

INTRODUCED BY RAMIREZ, SCULLY

IN THE HOUSE

February 8, 1979	Introduced and referred to Committee on Judiciary.
February 14, 1979	Committee recommend bill do pass. Report adopted.
February 15, 1979	Second reading, do pass.
February 16, 1979	Considered correctly engrossed.
February 17, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 19, 1979	Introduced and referred to Committee on Judiciary.
March 9, 1979	Committee recommend bill be concurred in. Report adopted.
March 12, 1979	Second reading, concurred in.
March 15, 1979	Third reading, concurred in.

IN THE HOUSE

March 16, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 House BILL NO. 668
 2 INTRODUCED BY Ramsier Sully
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE FORCIBLE
 5 ENTRY AND DETAINER AND UNLAWFUL DETAINER LAW TO PROVIDE A
 6 STANDARD OF DUE DILIGENCE IN LOCATING DEFENDANTS WITHIN THE
 7 STATE FOR PURPOSES OF SERVICE OF SUMMONS; AMENDING SECTION
 8 70-27-114, MCA."
 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 70-27-114, MCA, is amended to read:

12 "70-27-114. Summons -- contents -- service. (1) The
 13 summons must:

14 (a) state the parties to the proceeding, the court in
 15 which the same is brought, the nature of the action in
 16 concise terms, and the relief sought and also the return
 17 day; and

18 (b) notify the defendant to appear and answer within
 19 the time designated or that the relief sought will be taken
 20 against him.

21 (2) The summons must be directed to the defendant and
 22 be served at least 4 days before the return day designated
 23 therein and must be served and returned in the same manner
 24 as summons in civil actions is served and returned.

25 (3) The summons must be served personally upon the

1 defendants if the defendants can be found with due diligence
 2 within the state or if not the defendants cannot be found
 3 with due diligence within the state, the summons must be
 4 served in the same manner as notices are required to be
 5 served in 70-27-110. The complaint need not be served.
 6 (4) Upon the return of any summons issued under this
 7 chapter, where the same has not for any reason been served
 8 or not served in time, the plaintiff may have a new summons
 9 issued, the same as if no previous summons had been issued."

-End-

ARLEY
 -2- INTRODUCED BILL

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 2 INTRODUCED BY Ramsey Sullivan
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE FORCIBLE
 5 ENTRY AND DETAINER AND UNLAWFUL DETAINER LAW TO PROVIDE A
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1 defendants if the defendants can be found with due diligence
 2 within the state; or if not the defendants cannot be found
 3 with due diligence within the state, the summons must be
 4 served in the same manner as notices are required to be
 5 served in 70-27-110. The complaint need not be served.
 6 (4) Upon the return of any summons issued under this
 7 chapter, where the same has not for any reason been served
 8 or not served in time, the plaintiff may have a new summons
 9 issued, the same as if no previous summons had been issued."

-End-

HOUSE BILL NO. 668

INTRODUCED BY RAMIREZ, SCULLY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE FORCIBLE ENTRY AND DETAINER AND UNLAWFUL DETAINER LAW TO PROVIDE A STANDARD OF DUE DILIGENCE IN LOCATING DEFENDANTS WITHIN THE STATE FOR PURPOSES OF SERVICE OF SUMMONS; AMENDING SECTION 70-27-114, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 70-27-114, MCA, is amended to read:

"70-27-114. Summons -- contents -- service. (1) The summons must:

(a) state the parties to the proceeding, the court in which the same is brought, the nature of the action in concise terms, and the relief sought and also the return day; and

(b) notify the defendant to appear and answer within the time designated or that the relief sought will be taken against him.

(2) The summons must be directed to the defendant and be served at least 4 days before the return day designated therein and must be served and returned in the same manner as summons in civil actions is served and returned.

(3) The summons must be served personally upon the

defendants if the defendants can be found with due diligence within the state or if not the defendants cannot be found with due diligence within the state, the summons must be served in the same manner as notices are required to be served in 70-27-110. The complaint need not be served.

(4) Upon the return of any summons issued under this chapter, where the same has not for any reason been served or not served in time, the plaintiff may have a new summons issued, the same as if no previous summons had been issued."

-End-