

**Chapter 7.44 RCW
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Sections

- 7.44.010 Affidavit for writ.
- 7.44.020 Complaint.
- 7.44.021 Arrest and bail—Bond.
- 7.44.030 Recognizance of defendant.
- 7.44.031 Recognizance of defendant—Discharge by securing performance.
- 7.44.040 Subrogation of surety—Rights of contractor.
- 7.44.050 Habeas corpus available to defendant.
- 7.44.060 District judges have jurisdiction.
- 7.44.070 Venue.

RCW 7.44.010 Affidavit for writ. Actions may be commenced upon any agreement in writing before the time for the performance of the contract expires, when the plaintiff or his or her agent shall make and file an affidavit with the clerk of the proper court, that the defendant is about to leave the state without performing or making provisions for the performance of the contract, taking with him or her property, moneys, credits, or effects subject to execution, with intent to defraud plaintiff. [2011 c 336 s 205; Code 1881 s 636; 1877 p 133 s 639; 1869 p 149 s 576; 1854 p 209 s 418; RRS s 778.]

RCW 7.44.020 Complaint. At the time of filing the affidavit the plaintiff shall also file his or her complaint in the action, and thenceforth the action shall proceed as other actions at law, except as otherwise provided in this chapter. [2011 c 336 s 206; 1891 c 42 (p 81) s 1; Code 1881 s 637; 1877 p 133 s 640; 1869 p 149 s 577; 1854 p 209 s 419; RRS s 779, part: FORMER PARTS OF SECTION: 1891 c 42 s 2 now codified as RCW 7.44.021.]

RCW 7.44.021 Arrest and bail—Bond. Upon such affidavit and complaint being filed, the clerk shall issue an order of arrest and bail, directed to the sheriff, which shall be issued, served, and returned in all respects as such orders in other cases; before such order shall issue the plaintiff shall file in the office of the clerk a bond, with sufficient surety, to be approved by the clerk, conditioned that the plaintiff will pay the defendant such damages and costs as he or she shall wrongfully sustain by reason of the action, which surety shall justify as provided by law. [2011 c 336 s 207; 1957 c 51 s 10; 1891 c 42 s 2. Formerly RCW 7.44.020, part.]

Corporate surety—Insurance: Chapter 48.28 RCW.

RCW 7.44.030 Recognizance of defendant. The sheriff shall require the defendant to enter into a bond, with sufficient surety, personally to appear within the time allowed by law for answering the complaint, and to abide the order of the court; and in default thereof the defendant shall be committed to prison until discharged in due course of law; such special bail shall be liable for the principal,

and shall have a right to arrest and deliver him or her up, as in other cases, and the defendant may give other bail. [2011 c 336 s 208; 1891 c 42 s 3; Code 1881 s 638; 1877 p 133 s 641; 1869 p 149 s 578; 1854 p 209 s 420; RRS s 780, part. FORMER PARTS OF SECTION: Code 1881 s 639; 1877 p 133 s 642; 1869 p 150 s 579; 1854 p 209 s 421 now codified as RCW 7.44.031.]

RCW 7.44.031 Recognizance of defendant—Discharge by securing performance. Instead of giving special bail, as above provided, the defendant shall be entitled to his or her discharge from custody if he or she will secure the performance of the contract to the satisfaction of the plaintiff. [2011 c 336 s 209; Code 1881 s 639; 1877 p 133 s 642; 1869 p 150 s 579; 1854 p 209 s 421; RRS s 780, part. Formerly RCW 7.44.030, part.]

RCW 7.44.040 Subrogation of surety—Rights of contractor. This proceeding may be had in favor of any surety or other person jointly bound with the defendant. It may also be prosecuted by the person in whose favor the contract exists, against any one or more of the persons bound thereby, upon filing such affidavit, when the co-contractors are nonresidents or probably insolvent, or at the request of any of them when they are residents and solvent. [Code 1881 s 640; 1877 p 133 s 643; 1869 p 150 s 580; 1854 p 210 s 422; RRS s 781.]

RCW 7.44.050 Habeas corpus available to defendant. The defendant may have the same remedy by writ of habeas corpus as in other cases of arrest and bail. [Code 1881 s 641; 1877 p 134 s 644; 1869 p 150 s 581; 1854 p 210 s 423; RRS s 782.]

RCW 7.44.060 District judges have jurisdiction. The proceedings provided for in this chapter may be had before district judges in all cases within their jurisdiction. [1987 c 202 s 135; 1891 c 42 s 4; Code 1881 s 642; 1877 p 134 s 644; 1869 p 150 s 582; 1854 p 210 s 424; RRS s 783.]

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 7.44.070 Venue. The affidavit and bond may be filed, and proceedings had in any county where the defendants may be found. [Code 1881 s 643; 1877 p 134 s 646; 1869 p 150 s 583; 1854 p 210 s 425; RRS s 784.]