
HOUSE BILL 2468

State of Washington 54th Legislature 1996 Regular Session

By Representatives Appelwick, Costa, Sheahan, Scott and Hatfield

Read first time 01/11/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to filing fees; amending RCW 36.18.012, 11.96.170,
2 and 36.18.016; reenacting and amending RCW 36.18.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 36.18.012 and 1995 c 292 s 12 are each amended to read
5 as follows:

6 (1) Revenue collected under this section is subject to division
7 with the state for deposit in the public safety and education account
8 under RCW 36.18.025.

9 (2) The party filing a transcript or abstract of judgment or
10 verdict from a United States court held in this state, or from the
11 superior court of another county or from a district court in the county
12 of issuance, shall pay at the time of filing a fee of fifteen dollars.

13 (3) For the filing of a tax warrant by the department of revenue of
14 the state of Washington, a fee of five dollars must be paid.

15 (4) The clerk shall collect a fee of twenty dollars for: Filing a
16 paper not related to or a part of a proceeding, civil or criminal, or
17 a probate matter, required or permitted to be filed in the clerk's
18 office for which no other charge is provided by law(~~/or filing a~~

1 petition, ~~written agreement, or memorandum as provided in RCW~~
2 ~~11.96.170~~)).

3 (5) If the defendant serves or files an answer to an unlawful
4 detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff
5 shall pay before proceeding with the unlawful detainer action eighty
6 dollars.

7 (6) For a restrictive covenant for filing a petition to strike
8 discriminatory provisions in real estate under RCW 49.60.227 a fee of
9 twenty dollars must be charged.

10 (7) A fee of twenty dollars must be charged for filing a will only,
11 when no probate of the will is contemplated.

12 (8) A fee of ~~((two))~~ thirty-five dollars must be charged for filing
13 a petition(~~(, written agreement, or written memorandum in a nonjudicial~~
14 ~~probate dispute under RCW 11.96.170)) regarding a common law lien under
15 RCW 60.70.060.~~

16 (9) For certification of delinquent taxes by a county treasurer
17 under RCW 84.64.190, a fee of five dollars must be charged.

18 **Sec. 2.** RCW 11.96.170 and 1994 c 221 s 63 are each amended to read
19 as follows:

20 (1) If all required parties to the dispute agree as to a matter in
21 dispute, the agreement shall be evidenced by a written agreement
22 executed by all required parties to the dispute. Those persons may
23 reach an agreement concerning a matter in RCW 11.96.070(1)(d) as long
24 as those persons, rather than the court, determine that the powers to
25 be conferred are not inconsistent with the provisions or purposes of
26 the will or trust.

27 (2) If necessary, any one or more of the required parties to the
28 dispute may petition the court for the appointment of a special
29 representative to represent a required party to the dispute who is
30 incapacitated by reason of being a minor or otherwise, who is yet
31 unborn or unascertained, or whose identity or address is unknown. The
32 special representative has authority to enter into a binding agreement
33 under this section on behalf of the person or beneficiary. The special
34 representative may be appointed for more than one person or class of
35 persons if the interests of such persons or classes are not in
36 conflict. Those entitled to receive notice for persons or
37 beneficiaries described in RCW 11.96.110 may enter into a binding
38 agreement on behalf of such persons or beneficiaries.

1 (3) The special representative shall be a lawyer licensed to
2 practice before the courts of this state or an individual with special
3 skill or training in the administration of estates, trusts, or
4 nonprobate assets, as applicable. The special representative shall
5 have no interest in any affected estate, trust, or nonprobate asset,
6 and shall not be related to any personal representative, trustee,
7 beneficiary, or other person interested in the estate, trust, or
8 nonprobate asset. The special representative is entitled to reasonable
9 compensation for services and, if applicable, that compensation shall
10 be paid from the principal of the estate, trust, or nonprobate asset
11 whose beneficiaries are represented. Upon execution of the written
12 agreement, the special representative shall be discharged of any
13 further responsibility with respect to the estate, trust, or nonprobate
14 asset.

15 (4) The written agreement or a memorandum summarizing the
16 provisions of the written agreement may, at the option of any of the
17 required parties to the dispute and upon payment of a fee set out under
18 RCW 36.18.012(4), be filed with the court having jurisdiction over the
19 estate, trust, nonprobate asset, or other matter affected by the
20 agreement. The person filing the agreement or memorandum shall, within
21 five days after the agreement or memorandum is filed with the court,
22 mail a copy of the agreement, the summarizing memorandum if one was
23 filed with the court, and a notice of the filing to each of the
24 required parties to the dispute whose address is known or is reasonably
25 ascertainable by the person. Notice shall be in substantially the
26 following form:

27 CAPTION NOTICE OF FILING OF
28 OF CASE AGREEMENT OR
29 MEMORANDUM
30 OF AGREEMENT

31 Notice is hereby given that the attached document was filed by the
32 undersigned in the above entitled court on the day of
33, Unless you file a petition objecting to the
34 agreement within 30 days of the above specified date the agreement will
35 be deemed approved and will be equivalent to a final order binding on
36 all persons interested in the subject of the agreement.

37 If you file and serve a petition within the period specified, you
38 should ask the court to fix a time and place for the hearing on the

1 petition and provide for at least ten days' notice to all persons
2 interested in the subject of the agreement.

3 DATED this day of,
4
5 (Name of person filing the agreement or
6 memorandum with the court)

7 (5) Unless a required party to the dispute files a petition
8 objecting to the agreement within thirty days after the filing of the
9 agreement or the memorandum, the agreement will be deemed approved and
10 will be equivalent to a final order binding on all parties to the
11 dispute. If all required parties to the dispute waive the notice
12 required by this section, the agreement will be deemed approved and
13 will be equivalent to a final order binding on all such persons
14 effective upon the date of filing.

15 (6) For the purposes of this section:

16 (a) "Matter in dispute" includes without limitation any matter
17 listed in RCW 11.96.070 or any other matter in this title referencing
18 this nonjudicial resolution procedure;

19 (b) "Parties to the dispute" has the meaning given to that term in
20 RCW 11.96.100(3) (a) and (b), as applicable;

21 (c) "Required parties to the dispute" means those parties to the
22 dispute who are entitled to notice under RCW 11.96.100 and 11.96.110,
23 and, when used in the singular, means any one of the required parties
24 to the dispute; and

25 (d) "Estate" includes the estate of a deceased, missing, or
26 incapacitated person.

27 **Sec. 3.** RCW 36.18.020 and 1995 c 312 s 70 and 1995 c 292 s 10 are
28 each reenacted amended to read as follows:

29 (1) Revenue collected under this section is subject to division
30 with the state public safety and education account under RCW 36.18.025
31 and with the county or regional law library fund under RCW 27.24.070.

32 (2) Clerks of superior courts shall collect the following fees for
33 their official services:

34 (a) The party filing the first or initial paper in any civil
35 action, including, but not limited to an action for restitution,
36 adoption, or change of name, shall pay, at the time the paper is filed,
37 a fee of one hundred ten dollars except, in an unlawful detainer action

1 under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a
2 case initiating filing fee of thirty dollars, or in proceedings filed
3 under RCW 28A.225.030 alleging a violation of the compulsory attendance
4 laws where the petitioner shall not pay a filing fee((7)). The thirty
5 dollar filing fee under this subsection for an unlawful detainer action
6 shall not include an order to show cause or any other order or judgment
7 except a default order or default judgment in an unlawful detainer
8 action.

9 (b) Any party, except a defendant in a criminal case, filing the
10 first or initial paper on an appeal from a court of limited
11 jurisdiction or any party on any civil appeal, shall pay, when the
12 paper is filed, a fee of one hundred ten dollars.

13 (c) For filing of a petition for judicial review as required under
14 RCW 34.05.514 a filing fee of one hundred ten dollars.

15 (d) For filing of a petition for unlawful harassment under RCW
16 10.14.040 a filing fee of one hundred ten dollars.

17 (e) (~~For filing of a petition for determination of water rights~~
18 ~~under RCW 90.03.180 a filing fee of twenty five dollars~~) For filing
19 the notice of debt due for the compensation of a crime victim under RCW
20 7.68.120(2)(a) a fee of one hundred ten dollars.

21 (f) In probate proceedings, the party instituting such
22 proceedings, shall pay at the time of filing the first paper therein,
23 a fee of one hundred ten dollars.

24 (g) For filing any petition to contest a will admitted to probate
25 or a petition to admit a will which has been rejected, or a petition
26 objecting to a written agreement or memorandum as provided in RCW
27 11.96.170, there shall be paid a fee of one hundred ten dollars.

28 (h) Upon conviction or plea of guilty, upon failure to prosecute
29 an appeal from a court of limited jurisdiction as provided by law, or
30 upon affirmance of a conviction by a court of limited jurisdiction, a
31 defendant in a criminal case shall be liable for a fee of one hundred
32 ten dollars.

33 (i) With the exception of demands for jury hereafter made and
34 garnishments hereafter issued, civil actions and probate proceedings
35 filed prior to midnight, July 1, 1972, shall be completed and governed
36 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no
37 fee shall be assessed if an order of dismissal on the clerk's record be
38 filed as provided by rule of the supreme court.

1 (3) No fee shall be collected when a petition for relinquishment
2 of parental rights is filed pursuant to RCW 26.33.080 or for forms and
3 instructional brochures provided under RCW 26.50.030.

4 **Sec. 4.** RCW 36.18.016 and 1995 c 292 s 14 are each amended to
5 read as follows:

6 (1) Revenue collected under this section is not subject to
7 division under RCW 36.18.025 or 27.24.070.

8 (2) For the filing of a petition for modification of a decree of
9 dissolution or paternity, within the same case as the original action,
10 a fee of twenty dollars must be paid.

11 (3) The party making a demand for (~~{a}~~) a jury of six in a civil
12 action shall pay, at the time, a fee of fifty dollars; if the demand is
13 for a jury of twelve, a fee of one hundred dollars. If, after the
14 party demands a jury of six and pays the required fee, any other party
15 to the action requests a jury of twelve, an additional fifty-dollar fee
16 will be required of the party demanding the increased number of jurors.
17 Upon conviction in criminal cases a jury demand charge may be imposed
18 as costs under RCW 10.46.190.

19 (4) For preparing, transcribing, or certifying an instrument on
20 file or of record in the clerk's office, with or without seal, for the
21 first page or portion of the first page, a fee of two dollars, and for
22 each additional page or portion of a page, a fee of one dollar must be
23 charged. For authenticating or exemplifying an instrument, a fee of
24 one dollar for each additional seal affixed must be charged.

25 (5) For executing a certificate, with or without a seal, a fee of
26 two dollars must be charged.

27 (6) For a garnishee defendant named in an affidavit for
28 garnishment and for a writ of attachment, a fee of twenty dollars must
29 be charged.

30 (7) For approving a bond, including justification on the bond, in
31 other than civil actions and probate proceedings, a fee of two dollars
32 must be charged.

33 (8) For the issuance of a certificate of qualification and a
34 certified copy of letters of administration, letters testamentary, or
35 letters of guardianship, there must be a fee of two dollars.

36 (9) For the preparation of a passport application, the clerk may
37 collect an execution fee as authorized by the federal government.

1 (10) For clerk's special services such as processing ex parte
2 orders by mail, performing historical searches, compiling statistical
3 reports, and conducting exceptional record searches, the clerk may
4 collect a fee not to exceed twenty dollars per hour or portion of an
5 hour.

6 (11) For duplicated recordings of court's proceedings there must
7 be a fee of ten dollars for each audio tape and twenty-five dollars for
8 each video tape.

9 (12) For the filing of oaths and affirmations under chapter 5.28
10 RCW, a fee of twenty dollars must be charged.

11 ~~(13) ((For filing a disclaimer of interest under RCW 11.86.031(4),~~
12 ~~a fee of two dollars must be charged.~~

13 ~~(14))~~ (14) For registration of land titles, Torrens Act, under RCW
14 65.12.780, a fee of five dollars must be charged.

15 ~~((+15))~~ (14) For the issuance of extension of judgment under RCW
16 6.17.020 and chapter 9.94A RCW, a fee of one hundred ten dollars must
17 be charged.

18 ~~((+16))~~ (15) A facilitator surcharge of ten dollars must be
19 charged as authorized under RCW 26.12.240.

20 ~~((+17))~~ (16) For filing a water rights statement under RCW
21 90.03.180, a fee of twenty-five dollars must be charged.

22 ~~((+18))~~ (17) A service fee of three dollars for the first page
23 and one dollar for each additional page must be charged for receiving
24 faxed documents, pursuant to Washington state rules of court, general
25 rule 17.

26 ~~((+19))~~ (18) For preparation of clerk's papers under RAP 9.7, a
27 fee of fifty cents per page must be charged.

28 ~~((+20))~~ (19) For copies and reports produced at the local level
29 as permitted by RCW 2.68.020 and supreme court policy, a variable fee
30 must be charged.

31 ~~((+21))~~ (20) Investment service charge and earnings under RCW
32 36.48.090 must be charged.

33 ~~((+22))~~ (21) Costs for nonstatutory services rendered by clerk by
34 authority of local ordinance or policy must be charged.

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