

2 **SSB 5318** - H COMM AMD **ADOPTED 4-9-97**  
3 By Committee on Law & Justice

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 59.18.390 and 1989 c 342 s 11 are each amended to  
8 read as follows:

9 (1) The sheriff shall, upon receiving the writ of restitution,  
10 forthwith serve a copy thereof upon the defendant, his or her agent, or  
11 attorney, or a person in possession of the premises, and shall not  
12 execute the same for three days thereafter, and the defendant, or  
13 person in possession of the premises within three days after the  
14 service of the writ of restitution may execute to the plaintiff a bond  
15 to be filed with and approved by the clerk of the court in such sum as  
16 may be fixed by the judge, with sufficient surety to be approved by the  
17 clerk of (~~said~~) the court, conditioned that they will pay to the  
18 plaintiff such sum as the plaintiff may recover for the use and  
19 occupation of the (~~said~~) premises, or any rent found due, together  
20 with all damages the plaintiff may sustain by reason of the defendant  
21 occupying or keeping possession of (~~said~~) the premises, together with  
22 all damages which the court theretofore has awarded to the plaintiff as  
23 provided in this chapter, and also all the costs of the action. The  
24 plaintiff, his or her agent or attorneys, shall have notice of the time  
25 and place where the court or judge thereof shall fix the amount of the  
26 defendant's bond, and shall have notice and a reasonable opportunity to  
27 examine into the qualification and sufficiency of the sureties upon  
28 (~~said~~) the bond before (~~said~~) the bond shall be approved by the  
29 clerk. After the issuance of a writ of restitution, acceptance of a  
30 payment by the landlord or plaintiff that only partially satisfies the  
31 judgment will not invalidate the writ unless pursuant to a written  
32 agreement executed by both parties. The eviction will not be postponed  
33 or stopped unless a copy of that written agreement is provided to the  
34 sheriff. It is the responsibility of the tenant or defendant to ensure  
35 a copy of the agreement is provided to the sheriff. Upon receipt of  
36 the agreement the sheriff will cease action unless ordered to do

1 otherwise by the court. The writ of restitution and the notice that  
2 accompanies the writ of restitution required under RCW 59.18.312 shall  
3 conspicuously state in bold face type, all capitals, not less than  
4 twelve points information about partial payments as set forth in  
5 subsection (2) of this section. If the writ of restitution has been  
6 based upon a finding by the court that the tenant, subtenant,  
7 sublessee, or a person residing at the rental premises has engaged in  
8 drug-related activity or has allowed any other person to engage in  
9 drug-related activity at those premises with his or her knowledge or  
10 approval, neither the tenant, the defendant, nor a person in possession  
11 of the premises shall be entitled to post a bond in order to retain  
12 possession of the premises. The writ may be served by the sheriff, in  
13 the event he or she shall be unable to find the defendant, an agent or  
14 attorney, or a person in possession of the premises, by affixing a copy  
15 of ((said)) the writ in a conspicuous place upon the premises:  
16 PROVIDED, That the sheriff shall not require any bond for the service  
17 or execution of the writ. The sheriff shall be immune from all civil  
18 liability for serving and enforcing writs of restitution unless the  
19 sheriff is grossly negligent in carrying out his or her duty.

20 (2) The notice accompanying a writ of restitution required under  
21 RCW 59.18.312 shall be substantially similar to the following:

22 **IMPORTANT NOTICE - PARTIAL PAYMENTS**

23 **YOUR LANDLORD'S ACCEPTANCE OF A PARTIAL PAYMENT FROM YOU AFTER**  
24 **SERVICE OF THIS WRIT OF RESTITUTION WILL NOT AUTOMATICALLY POSTPONE OR**  
25 **STOP YOUR EVICTION. IF YOU HAVE A WRITTEN AGREEMENT WITH YOUR LANDLORD**  
26 **THAT THE EVICTION WILL BE POSTPONED OR STOPPED, IT IS YOUR**  
27 **RESPONSIBILITY TO PROVIDE A COPY OF THE AGREEMENT TO THE SHERIFF. THE**  
28 **SHERIFF WILL NOT CEASE ACTION UNLESS YOU PROVIDE A COPY OF THE**  
29 **AGREEMENT. AT THE DIRECTION OF THE COURT THE SHERIFF MAY TAKE FURTHER**  
30 **ACTION.**"

--- END ---