

FINAL BILL REPORT

SSB 5318

C 255 L 97
Synopsis as Enacted

Brief Description: Preserving writs of restitution when partial payment is accepted.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Haugen, Winsley and Goings).

Senate Committee on Law & Justice
House Committee on Law & Justice

Background: When a landlord is evicting a tenant and prevails in court, the court will issue a writ of restitution and judgment for money owed the landlord. If prior to the execution of the writ, the tenant pays the full amount of judgment, the sheriff will not enforce the writ. In some counties, the sheriff will not enforce the writ and return it to the court, if the landlord has accepted any money toward the judgment.

It is felt that a landlord who is owed money by a tenant should not be penalized for accepting a partial payment of that judgment. However, it is also felt that a tenant should not be tricked into making a partial payment on the basis that the payment will stop the eviction.

Summary: A writ of restitution is not invalidated by the acceptance by the landlord of a partial payment of the judgment against the tenant, unless pursuant to a written agreement signed by both parties. If there is a written agreement, the tenant must provide a copy to the sheriff. Upon receipt of the agreement, the sheriff must stop the eviction, unless ordered to do otherwise by the court.

The writ of restitution and notice accompanying the writ must state in 12-point bold face type, all capitals, that partial payment will not stop or postpone the eviction unless there is a written agreement.

Votes on Final Passage:

Senate	46	0	
House	98	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 27, 1997