

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5318**

Chapter 255, Laws of 1997

55th Legislature  
1997 Regular Session

WRITS OF RESTITUTION--EFFECTS OF PARTIAL PAYMENT

EFFECTIVE DATE: 7/27/97

Passed by the Senate April 19, 1997  
YEAS 47 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House April 9, 1997  
YEAS 98 NAYS 0

CLYDE BALLARD

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**Speaker of the  
House of Representatives**

Approved May 5, 1997

GARY LOCKE

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**Governor of the State of Washington**

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5318** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

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**Secretary**

FILED

May 5, 1997 - 4:30 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5318**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

**State of Washington                      55th Legislature                      1997 Regular Session**

**By Senate Committee on Law & Justice (originally sponsored by Senators Haugen, Winsley and Goings)**

Read first time 03/05/97.

1            AN ACT Relating to writs of restitution; and amending RCW  
2 59.18.390.

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

4            **Sec. 1.** RCW 59.18.390 and 1989 c 342 s 11 are each amended to read  
5 as follows:

6            (1) The sheriff shall, upon receiving the writ of restitution,  
7 forthwith serve a copy thereof upon the defendant, his or her agent, or  
8 attorney, or a person in possession of the premises, and shall not  
9 execute the same for three days thereafter, and the defendant, or  
10 person in possession of the premises within three days after the  
11 service of the writ of restitution may execute to the plaintiff a bond  
12 to be filed with and approved by the clerk of the court in such sum as  
13 may be fixed by the judge, with sufficient surety to be approved by the  
14 clerk of (~~said~~) the court, conditioned that they will pay to the  
15 plaintiff such sum as the plaintiff may recover for the use and  
16 occupation of the (~~said~~) premises, or any rent found due, together  
17 with all damages the plaintiff may sustain by reason of the defendant  
18 occupying or keeping possession of (~~said~~) the premises, together with  
19 all damages which the court theretofore has awarded to the plaintiff as

1 provided in this chapter, and also all the costs of the action. The  
2 plaintiff, his or her agent or attorneys, shall have notice of the time  
3 and place where the court or judge thereof shall fix the amount of the  
4 defendant's bond, and shall have notice and a reasonable opportunity to  
5 examine into the qualification and sufficiency of the sureties upon  
6 ~~((said))~~ the bond before ~~((said))~~ the bond shall be approved by the  
7 clerk. After the issuance of a writ of restitution, acceptance of a  
8 payment by the landlord or plaintiff that only partially satisfies the  
9 judgment will not invalidate the writ unless pursuant to a written  
10 agreement executed by both parties. The eviction will not be postponed  
11 or stopped unless a copy of that written agreement is provided to the  
12 sheriff. It is the responsibility of the tenant or defendant to ensure  
13 a copy of the agreement is provided to the sheriff. Upon receipt of  
14 the agreement the sheriff will cease action unless ordered to do  
15 otherwise by the court. The writ of restitution and the notice that  
16 accompanies the writ of restitution required under RCW 59.18.312 shall  
17 conspicuously state in bold face type, all capitals, not less than  
18 twelve points information about partial payments as set forth in  
19 subsection (2) of this section. If the writ of restitution has been  
20 based upon a finding by the court that the tenant, subtenant,  
21 sublessee, or a person residing at the rental premises has engaged in  
22 drug-related activity or has allowed any other person to engage in  
23 drug-related activity at those premises with his or her knowledge or  
24 approval, neither the tenant, the defendant, nor a person in possession  
25 of the premises shall be entitled to post a bond in order to retain  
26 possession of the premises. The writ may be served by the sheriff, in  
27 the event he or she shall be unable to find the defendant, an agent or  
28 attorney, or a person in possession of the premises, by affixing a copy  
29 of ~~((said))~~ the writ in a conspicuous place upon the premises:  
30 PROVIDED, That the sheriff shall not require any bond for the service  
31 or execution of the writ. The sheriff shall be immune from all civil  
32 liability for serving and enforcing writs of restitution unless the  
33 sheriff is grossly negligent in carrying out his or her duty.

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

36 **IMPORTANT NOTICE - PARTIAL PAYMENTS**

37 **YOUR LANDLORD'S ACCEPTANCE OF A PARTIAL PAYMENT FROM YOU AFTER**  
38 **SERVICE OF THIS WRIT OF RESTITUTION WILL NOT AUTOMATICALLY POSTPONE OR**

1 STOP YOUR EVICTION. IF YOU HAVE A WRITTEN AGREEMENT WITH YOUR LANDLORD  
2 THAT THE EVICTION WILL BE POSTPONED OR STOPPED, IT IS YOUR  
3 RESPONSIBILITY TO PROVIDE A COPY OF THE AGREEMENT TO THE SHERIFF. THE  
4 SHERIFF WILL NOT CEASE ACTION UNLESS YOU PROVIDE A COPY OF THE  
5 AGREEMENT. AT THE DIRECTION OF THE COURT THE SHERIFF MAY TAKE FURTHER  
6 ACTION.

Passed the Senate April 19, 1997.

Passed the House April 9, 1997.

Approved by the Governor May 5, 1997.

Filed in Office of Secretary of State May 5, 1997.