
HOUSE BILL 2702

State of Washington 57th Legislature 2002 Regular Session

By Representatives Carrell, Lantz and Boldt

Read first time 01/24/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to enforcement of judgments; and amending RCW
2 6.17.020, 4.16.020, 4.56.200, and 6.36.025.

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

4 **Sec. 1.** RCW 6.17.020 and 1997 c 121 s 1 are each amended to read
5 as follows:

6 (1) Except as provided in subsections (2), (3), and (4) of this
7 section, the party in whose favor a judgment of a court (~~of record of~~
8 ~~this state or a district court of this state~~) has been or may be filed
9 or rendered, or the assignee or the current holder thereof, may have an
10 execution, garnishment, or other legal process issued for the
11 collection or enforcement of the judgment at any time within ten years
12 from entry of the judgment or the filing of the judgment in this state.

13 (2) After July 23, 1989, a party who obtains a judgment or order of
14 a court (~~of record of any state,~~) or an administrative order entered
15 as defined in RCW 74.20A.020(6) for accrued child support, or the
16 assignee or the current holder thereof, may have an execution,
17 garnishment, or other legal process issued upon that judgment or order
18 at any time within ten years of the eighteenth birthday of the youngest
19 child named in the order for whom support is ordered.

1 (3) After June 9, 1994, a party in whose favor a judgment has been
2 filed as a foreign judgment or rendered pursuant to subsection (1) or
3 (4) of this section, or the assignee or the current holder thereof,
4 may, within ninety days before the expiration of the original ten-year
5 period, apply to the court that rendered the judgment or to the court
6 where the judgment was filed as a foreign judgment for an order
7 granting an additional ten years during which an execution,
8 garnishment, or other legal process may be issued. If a district court
9 judgment of this state is transcribed to a superior court of this
10 state, the original district court judgment shall not be extended and
11 any petition under this section to extend the judgment that has been
12 transcribed to superior court shall be filed in the superior court
13 within ninety days before the expiration of the ten-year period of the
14 date the transcript of the district court judgment was filed in the
15 superior court of this state. The petitioner shall pay to the court a
16 filing fee equal to the filing fee for filing the first or initial
17 paper in a civil action in the court, except in the case of district
18 court judgments transcribed to superior court, where the filing fee
19 shall be the fee for filing the first or initial paper in a civil
20 action in the superior court where the judgment was transcribed.
21 ~~((When application is made to the court to grant an additional ten~~
22 ~~years, the application shall be accompanied by a current and)) The
23 order granting the application shall contain an updated judgment
24 summary as ((outlined)) provided in RCW 4.64.030. The filing fee
25 required under this subsection shall be included in the judgment
26 summary and shall be a recoverable cost. The application shall be
27 granted as a matter of right, subject to review only for timeliness,
28 factual issues of full or partial satisfaction, or errors in
29 calculating the judgment summary amounts.~~

30 (4) A party who obtains a judgment or order for restitution, crime
31 victims' assessment, or other court-ordered legal financial obligations
32 pursuant to a criminal judgment and sentence, or the assignee or the
33 current holder thereof, may execute, garnish, and/or have legal process
34 issued upon the judgment or order any time within ten years subsequent
35 to the entry of the judgment and sentence or ten years following the
36 offender's release from total confinement as provided in chapter 9.94A
37 RCW. The clerk of superior court, or a party designated by the clerk,
38 may seek extension under subsection (3) of this section for purposes of

1 collection as allowed under RCW 36.18.190, provided that no filing fee
2 shall be required.

3 (5) "Court" as used in this section includes but is not limited to
4 the United States supreme court, the United States courts of appeals,
5 the United States district courts, the United States bankruptcy courts,
6 the Washington state supreme court, the court of appeals of the state
7 of Washington, superior courts and district courts of the counties of
8 the state of Washington, and courts of other states and jurisdictions
9 from which judgment has been filed in this state under chapter 6.36 or
10 6.40 RCW.

11 (6) The perfection of any judgment lien and the priority of that
12 judgment lien on property as established by RCW 6.13.090 and chapter
13 4.56 RCW is not altered by the extension of the judgment pursuant to
14 the provisions of this section and the lien remains in full force and
15 effect and does not have to be rerecorded after it is extended.
16 Continued perfection of a judgment that has been transcribed to other
17 counties and perfected in those counties may be accomplished after
18 extension of the judgment by filing with clerk of the other counties
19 where the judgment has been filed either a certified copy of the order
20 extending the judgment or a certified copy of the docket of the matter
21 where the judgment was extended.

22 (7) Except as ordered in RCW 4.16.020(2), no judgment shall be
23 enforceable for a period exceeding twenty years from the date of entry
24 in the originating court.

25 (8) The chapter . . . , Laws of 2002 amendments to this section
26 apply to all judgments currently in effect on the effective date of
27 this section, to all judgments extended after June 9, 1994, unless the
28 judgment has been satisfied, vacated, or quashed, and to all judgments
29 either filed or rendered, or both, after the effective date of this
30 section.

31 **Sec. 2.** RCW 4.16.020 and 1994 c 189 s 2 are each amended to read
32 as follows:

33 The period prescribed for the commencement of actions shall be as
34 follows:

35 Within ten years:

36 (1) For actions for the recovery of real property, or for the
37 recovery of the possession thereof; and no action shall be maintained
38 for such recovery unless it appears that the plaintiff, his or her

1 ancestor, predecessor or grantor was seized or possessed of the
2 premises in question within ten years before the commencement of the
3 action.

4 (2) For an action upon a judgment or decree of any court of the
5 United States, or of any state or territory within the United States,
6 or of any territory or possession of the United States outside the
7 boundaries thereof, or of any extraterritorial court of the United
8 States, unless the ~~((ten-year))~~ period is extended ~~((in accordance~~
9 ~~with))~~ under RCW 6.17.020((+3)) or a similar provision in another
10 jurisdiction.

11 (3) Of the eighteenth birthday of the youngest child named in the
12 order for whom support is ordered for an action to collect past due
13 child support that has accrued under an order entered after July 23,
14 1989, by any of the above-named courts or that has accrued under an
15 administrative order as defined in RCW 74.20A.020(6), which is issued
16 after July 23, 1989.

17 **Sec. 3.** RCW 4.56.200 and 1987 c 202 s 117 are each amended to read
18 as follows:

19 The lien of judgments upon the real estate of the judgment debtor
20 shall commence as follows:

21 (1) Judgments of the district court of the United States rendered
22 or filed in the county in which the real estate of the judgment debtor
23 is situated, and judgments of the superior court for the county in
24 which the real estate of the judgment debtor is situated, from the time
25 of the entry or filing thereof;

26 (2) Judgments of the district court of the United States rendered
27 in any county in this state other than that in which the real estate of
28 the judgment debtor to be affected is situated, judgments of the
29 supreme court of this state, judgments of the court of appeals of this
30 state, and judgments of the superior court for any county other than
31 that in which the real estate of the judgment debtor to be affected is
32 situated, from the time of the filing of a duly certified abstract of
33 such judgment with the county clerk of the county in which the real
34 estate of the judgment debtor to be affected is situated, as provided
35 in this act;

36 (3) Judgments of a district court of this state rendered or filed
37 as a foreign judgment in a superior court in the county in which the
38 real estate of the judgment debtor is situated, from the time of the

1 filing of a duly certified transcript of the docket of the district
2 court with the county clerk of the county in which such judgment was
3 rendered or filed, and upon such filing said judgment shall become to
4 all intents and purposes a judgment of the superior court for said
5 county; and

6 (4) Judgments of a district court of this state rendered or filed
7 in a superior court in any other county in this state than that in
8 which the real estate of the judgment debtor to be affected is
9 situated, a transcript of the docket of which has been filed with the
10 county clerk of the county where such judgment was rendered or filed,
11 from the time of filing, with the county clerk of the county in which
12 the real estate of the judgment debtor to be affected is situated, of
13 a duly certified abstract of the record of said judgment in the office
14 of the county clerk of the county in which the certified transcript of
15 the docket of said judgment of said district court was originally
16 filed.

17 **Sec. 4.** RCW 6.36.025 and 1994 c 185 s 6 are each amended to read
18 as follows:

19 (1) A copy of any foreign judgment authenticated in accordance with
20 the act of congress or the statutes of this state may be filed in the
21 office of the clerk of any superior court of any county of this state.
22 The clerk shall treat the foreign judgment in the same manner as a
23 judgment of the superior court of this state. A judgment so filed has
24 the same effect and is subject to the same procedures, defenses, set-
25 offs, counterclaims, cross-complaints, and proceedings for reopening,
26 vacating, ((or)) staying, or extending as a judgment of a superior
27 court of this state and may be enforced, extended, or satisfied in like
28 manner.

29 (2) Alternatively, a copy of any foreign judgment (a) authenticated
30 in accordance with the act of congress or the statutes of this state,
31 and (b) within the civil jurisdiction and venue of the district court
32 as provided in RCW 3.66.020, 3.66.030, and 3.66.040, may be filed in
33 the office of the clerk of any district court of this state. The clerk
34 shall treat the foreign judgment in the same manner as a judgment of
35 the district court of this state. A judgment so filed has the same
36 effect and is subject to the same procedures, defenses, set-offs,
37 counterclaims, cross-complaints, and proceedings for reopening,
38 vacating, ((or)) staying, transcribing, or extending as a judgment of

1 a district court of this state, and may be enforced, transcribed,
2 extended, or satisfied in like manner.

3 (3) The lien of any judgment filed under subsection (1) or (2) of
4 this section shall be governed by chapter 4.56 RCW and RCW 6.17.020.

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