

2 **ESB 5449 - H COMM AMD ADOPTED 3-3-94**

3 By Committee on Judiciary

4

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

7 "Sec. 1. RCW 4.56.100 and 1983 c 28 s 1 are each amended to read  
8 as follows:

9 (1) When any judgment for the payment of money only shall have been  
10 paid or satisfied, the clerk of the court in which such judgment was  
11 rendered shall note upon the record in the execution docket  
12 satisfaction thereof giving the date of such satisfaction upon either  
13 the payment to such clerk of the amount of such judgment, costs and  
14 interest and any accrued costs by reason of the issuance of any  
15 execution, or the filing with such clerk of a satisfaction entitled in  
16 such action and identifying the same executed by the judgment creditor  
17 or his attorney of record in such action or his assignee acknowledged  
18 as deeds are acknowledged. Every satisfaction of judgment and every  
19 partial satisfaction of judgment which provides for the payment of  
20 money shall clearly designate the judgment creditor and his or her  
21 attorney if any, the judgment debtor, the amount or type of  
22 satisfaction, whether the satisfaction is full or partial, the cause  
23 number, and the date of entry of the judgment. A certificate by such  
24 clerk of the entry of such satisfaction by him may be filed in the  
25 office of the clerk of any county in which an abstract of such judgment  
26 has been filed. When so satisfied by the clerk or the filing of such  
27 certificate the lien of such judgment shall be discharged.

28 (2) The department of social and health services shall file a  
29 satisfaction of judgment for welfare fraud conviction if a person does  
30 not pay money through the clerk as required under subsection (1) of  
31 this section.

32 (3) The department of corrections shall file a satisfaction of  
33 judgment if a person does not pay money through the clerk's office as  
34 required under subsection (1) of this section.

1       **Sec. 2.** RCW 4.64.030 and 1987 c 442 s 1107 are each amended to  
2 read as follows:

3       The clerk shall enter all judgments in the execution docket,  
4 subject to the direction of the court and shall specify clearly the  
5 amount to be recovered, the relief granted, or other determination of  
6 the action.

7       On the first page of each judgment which provides for the payment  
8 of money, the following shall be succinctly summarized: The judgment  
9 creditor and the name of his or her attorney, the judgment debtor, the  
10 amount of the judgment, the interest owed to the date of the judgment,  
11 and the total of the taxable costs and attorney fees, if known at the  
12 time of the entry of the judgment. If the attorney fees and costs are  
13 not included in the judgment, they shall be summarized in the cost bill  
14 when filed. This information is included in the judgment to assist the  
15 county clerk in his or her record-keeping function. The clerk may not  
16 sign or file a judgment, and a judgment does not take effect, until the  
17 judgment has a summary in compliance with this section. The clerk is  
18 not liable for an incorrect summary.

19       **Sec. 3.** RCW 6.21.110 and 1987 c 442 s 611 are each amended to read  
20 as follows:

21       (1) Upon the return of any sale of real estate, the clerk: (a)  
22 Shall enter the cause, on which the execution or order of sale issued,  
23 by its title, on the motion docket, and mark opposite the same: "Sale  
24 of land for confirmation"; (b) shall mail notice of the filing of the  
25 return of sale to all parties who have entered a written notice of  
26 appearance in the action and who have not had an order of default  
27 entered against them; (c) shall file proof of such mailing in the  
28 action; (d) shall apply the proceeds of the sale returned by the  
29 sheriff, or so much thereof as may be necessary, to satisfaction of the  
30 judgment, including interest as provided in the judgment, and shall pay  
31 any excess proceeds as provided in subsection (5) of this section by  
32 direction of court order; and (e) upon confirmation of the sale, shall  
33 deliver the original certificate of sale to the purchaser.

34       (2) The judgment creditor or successful purchaser at the sheriff's  
35 sale is entitled to an order confirming the sale at any time after  
36 twenty days have elapsed from the mailing of the notice of the filing  
37 of the sheriff's return, on motion with notice given to all parties who  
38 have entered a written notice of appearance in the action and who have

1 not had an order of default entered against them, unless the judgment  
2 debtor, or in case of the judgment debtor's death, the representative,  
3 or any nondefaulting party to whom notice was sent shall file  
4 objections to confirmation with the clerk within twenty days after the  
5 mailing of the notice of the filing of such return.

6 (3) If objections to confirmation are filed, the court shall  
7 nevertheless allow the order confirming the sale, unless on the hearing  
8 of the motion, it shall satisfactorily appear that there were  
9 substantial irregularities in the proceedings concerning the sale, to  
10 the probable loss or injury of the party objecting. In the latter  
11 case, the court shall disallow the motion and direct that the property  
12 be resold, in whole or in part, as the case may be, as upon an  
13 execution received as of that date.

14 (4) Upon a resale, the bid of the purchaser at the former sale  
15 shall be deemed to be renewed and continue in force, and no bid shall  
16 be taken, except for a greater amount. If on resale the property sells  
17 for a greater amount to any person other than the former purchaser, the  
18 clerk shall first repay to the former purchaser out of the proceeds of  
19 the resale the amount of the former purchaser's bid together with  
20 interest as is provided in the judgment.

21 (5) If, after the satisfaction of the judgment, there be any  
22 proceeds of the sale remaining, the clerk shall pay such proceeds to  
23 the judgment debtor, or the judgment debtor's representative, as the  
24 case may be, before the order is made upon the motion to confirm the  
25 sale only if the party files with the clerk a waiver of all objections  
26 made or to be made to the proceedings concerning the sale; otherwise  
27 the excess proceeds shall remain in the custody of the clerk until the  
28 sale of the property has been disposed of; but if the sale be  
29 confirmed, such excess proceeds shall be paid to the judgment debtor or  
30 representative as a matter of course.

31 (6) The purchaser shall file the original certificate of sale for  
32 record with the recording officer in the county in which the property  
33 is located.

34 **Sec. 4.** RCW 36.48.090 and 1987 c 363 s 4 are each amended to read  
35 as follows:

36 Whenever the clerk of the superior court has funds held in trust  
37 for any litigant or for any purpose, they shall be deposited in a  
38 separate fund designated "clerk's trust fund," and shall not be

1 commingled with any public funds. However, in the case of child  
2 support payments, the clerk may send the checks or drafts directly to  
3 the recipient or endorse the instrument to the recipient and the clerk  
4 is not required to deposit such funds. In processing child support  
5 payments, the clerk shall comply with RCW 26.09.120. The clerk may  
6 invest the funds in any of the investments authorized by RCW 36.29.020.  
7 The clerk shall place the income from such investments in the county  
8 current expense fund to be used by the county for general county  
9 purposes unless: (1) The funds being held in trust in a particular  
10 matter are two thousand dollars or more, and (2) a litigant in the  
11 matter has filed a written request that such investment be made of the  
12 funds being held in trust (~~and the income be paid to the~~  
13 ~~beneficiary~~). Interest income accrued from the date of filing of the  
14 written request for investment shall be paid to the beneficiary. In  
15 such an event, any income from such investment shall be paid to the  
16 beneficiary of such trust upon the termination thereof: PROVIDED, That  
17 five percent of the income shall be deducted by the clerk as an  
18 investment service fee and placed in the county current expense fund to  
19 be used by the county for general county purposes.

20 In any matter where funds are held in the clerk's trust fund, any  
21 litigant who is not represented by an attorney and who has appeared in  
22 matters where the funds held are two thousand dollars or more shall  
23 receive written notice of the provisions of this section from the  
24 clerk."

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