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SENATE BILL 5449

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State of Washington

53rd Legislature

1993 Regular Session

By Senator Hargrove

Read first time 01/29/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to judgments; and amending RCW 4.56.100, 4.64.030,  
2 6.21.110, and 36.48.090.

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

4 **Sec. 1.** RCW 4.56.100 and 1983 c 28 s 1 are each amended to read as  
5 follows:

6 (1) When any judgment for the payment of money only shall have been  
7 paid or satisfied, the clerk of the court in which such judgment was  
8 rendered shall note upon the record in the execution docket  
9 satisfaction thereof giving the date of such satisfaction upon either  
10 the payment to such clerk of the amount of such judgment, costs and  
11 interest and any accrued costs by reason of the issuance of any  
12 execution, or the filing with such clerk of a satisfaction entitled in  
13 such action and identifying the same executed by the judgment creditor  
14 or his attorney of record in such action or his assignee acknowledged  
15 as deeds are acknowledged. Every satisfaction of judgment and every  
16 partial satisfaction of judgment which provides for the payment of  
17 money shall clearly designate the judgment creditor and his or her  
18 attorney if any, the judgment debtor, the amount or type of  
19 satisfaction, whether the satisfaction is full or partial, the cause

1 number, and the date of entry of the judgment. A certificate by such  
2 clerk of the entry of such satisfaction by him may be filed in the  
3 office of the clerk of any county in which an abstract of such judgment  
4 has been filed. When so satisfied by the clerk or the filing of such  
5 certificate the lien of such judgment shall be discharged.

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

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

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

15 The clerk shall enter all judgments in the execution docket,  
16 subject to the direction of the court and shall specify clearly the  
17 amount to be recovered, the relief granted, or other determination of  
18 the action.

19 On the first page of each judgment which provides for the payment  
20 of money, the following shall be succinctly summarized: The judgment  
21 creditor and the name of his or her attorney, the judgment debtor, the  
22 amount of the judgment, the interest owed to the date of the judgment,  
23 and the total of the taxable costs and attorney fees, if known at the  
24 time of the entry of the judgment. If the attorney fees and costs are  
25 not included in the judgment, they shall be summarized in the cost bill  
26 when filed. This information is included in the judgment to assist the  
27 county clerk in his or her record-keeping function. The clerk may not  
28 sign or file a judgment, and a judgment does not take effect, until the  
29 judgment has a summary in compliance with this section. The clerk is  
30 not liable for an incorrect summary.

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

33 (1) Upon the return of any sale of real estate, the clerk: (a)  
34 Shall enter the cause, on which the execution or order of sale issued,  
35 by its title, on the motion docket, and mark opposite the same: "Sale  
36 of land for confirmation"; (b) shall mail notice of the filing of the  
37 return of sale to all parties who have entered a written notice of

1 appearance in the action and who have not had an order of default  
2 entered against them; (c) shall file proof of such mailing in the  
3 action; (d) shall apply the proceeds of the sale returned by the  
4 sheriff, or so much thereof as may be necessary, to satisfaction of the  
5 judgment, including interest as provided in the judgment, and shall pay  
6 any excess proceeds as provided in subsection (5) of this section by  
7 direction of court order; and (e) upon confirmation of the sale, shall  
8 deliver the original certificate of sale to the purchaser.

9 (2) The judgment creditor or successful purchaser at the sheriff's  
10 sale is entitled to an order confirming the sale at any time after  
11 twenty days have elapsed from the mailing of the notice of the filing  
12 of the sheriff's return, on motion with notice given to all parties who  
13 have entered a written notice of appearance in the action and who have  
14 not had an order of default entered against them, unless the judgment  
15 debtor, or in case of the judgment debtor's death, the representative,  
16 or any nondefaulting party to whom notice was sent shall file  
17 objections to confirmation with the clerk within twenty days after the  
18 mailing of the notice of the filing of such return.

19 (3) If objections to confirmation are filed, the court shall  
20 nevertheless allow the order confirming the sale, unless on the hearing  
21 of the motion, it shall satisfactorily appear that there were  
22 substantial irregularities in the proceedings concerning the sale, to  
23 the probable loss or injury of the party objecting. In the latter  
24 case, the court shall disallow the motion and direct that the property  
25 be resold, in whole or in part, as the case may be, as upon an  
26 execution received as of that date.

27 (4) Upon a resale, the bid of the purchaser at the former sale  
28 shall be deemed to be renewed and continue in force, and no bid shall  
29 be taken, except for a greater amount. If on resale the property sells  
30 for a greater amount to any person other than the former purchaser, the  
31 clerk shall first repay to the former purchaser out of the proceeds of  
32 the resale the amount of the former purchaser's bid together with  
33 interest as is provided in the judgment.

34 (5) If, after the satisfaction of the judgment, there be any  
35 proceeds of the sale remaining, the clerk shall pay such proceeds to  
36 the judgment debtor, or the judgment debtor's representative, as the  
37 case may be, before the order is made upon the motion to confirm the  
38 sale only if the party files with the clerk a waiver of all objections  
39 made or to be made to the proceedings concerning the sale; otherwise

1 the excess proceeds shall remain in the custody of the clerk until the  
2 sale of the property has been disposed of; but if the sale be  
3 confirmed, such excess proceeds shall be paid to the judgment debtor or  
4 representative as a matter of course.

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

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

10 Whenever the clerk of the superior court has funds held in trust  
11 for any litigant or for any purpose, they shall be deposited in a  
12 separate fund designated "clerk's trust fund," and shall not be  
13 commingled with any public funds. However, in the case of child  
14 support payments, the clerk may send the checks or drafts directly to  
15 the recipient or endorse the instrument to the recipient and the clerk  
16 is not required to deposit such funds. In processing child support  
17 payments, the clerk shall comply with RCW 26.09.120. The clerk may  
18 invest the funds in any of the investments authorized by RCW 36.29.020.  
19 The clerk shall place the income from such investments in the county  
20 current expense fund to be used by the county for general county  
21 purposes unless: (1) The funds being held in trust in a particular  
22 matter are two thousand dollars or more, and (2) a litigant in the  
23 matter has filed a written request that such investment be made of the  
24 funds being held in trust (~~and the income be paid to the~~  
25 ~~beneficiary~~). Interest income accrued from the date of filing of the  
26 written request for investment shall be paid to the beneficiary. In  
27 such an event, any income from such investment shall be paid to the  
28 beneficiary of such trust upon the termination thereof: PROVIDED, That  
29 five percent of the income shall be deducted by the clerk as an  
30 investment service fee and placed in the county current expense fund to  
31 be used by the county for general county purposes.

32 In any matter where funds are held in the clerk's trust fund, any  
33 litigant who is not represented by an attorney and who has appeared in  
34 matters where the funds held are two thousand dollars or more shall  
35 receive written notice of the provisions of this section from the  
36 clerk.

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