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**SUBSTITUTE SENATE BILL 5144**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senate Committee on Law & Justice (originally sponsored by Senator Roach)

Read first time 02/12/97.

1 AN ACT Relating to the administration of county clerks' offices;  
2 amending RCW 6.36.035, 4.64.110, 7.68.290, 4.56.100, 4.64.030,  
3 4.64.060, and 5.44.010; and repealing RCW 4.64.070.

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

5 **Sec. 1.** RCW 6.36.035 and 1994 c 185 s 7 are each amended to read  
6 as follows:

7 (1) At the time of the filing of the foreign judgment, the judgment  
8 creditor or the judgment creditor's lawyer shall make and file with the  
9 clerk of court an affidavit setting forth the name and last known post  
10 office address of the judgment debtor, and the judgment creditor.

11 (2) Promptly upon the filing of the foreign judgment and the  
12 affidavit, the ~~((clerk))~~ judgment creditor shall mail notice of the  
13 filing of the foreign judgment to the judgment debtor at the address  
14 given ~~((and shall make a note of the mailing in the docket))~~. The  
15 notice shall include the name and post office address of the judgment  
16 creditor and the judgment creditor's lawyer if any in this state. In  
17 addition, the judgment creditor ~~((may mail a notice of the filing of  
18 the judgment to the judgment debtor and may))~~ shall file proof of  
19 mailing with the clerk. ~~((Lack of notice of filing by the clerk shall~~

1 ~~not affect the enforcement proceedings if proof of mailing by the~~  
2 ~~judgment creditor has been filed.))~~ The superior court may, in its  
3 discretion, remand the cause to district court for determination of any  
4 motion to vacate or modify the original judgment.

5 (3)(a) No execution or other process for enforcement of a foreign  
6 judgment filed in the office of the clerk of a superior court shall  
7 ~~((issue until ten days after the date the judgment is filed, or))~~ be  
8 allowed until ten days after mailing the notice of filing(~~(, whether~~  
9 ~~mailed by the clerk or))~~ by the judgment creditor(~~(, whichever is~~  
10 ~~later))~~).

11 (b) No execution or other process for enforcement of a foreign  
12 judgment filed in the office of the clerk of a district court shall  
13 ~~((issue until fourteen days after the date the judgment is filed, or))~~  
14 be allowed until fourteen days after mailing the notice of filing(~~(,~~  
15 ~~whether mailed by the clerk or))~~ by the judgment creditor(~~(, whichever~~  
16 ~~is later))~~).

17 **Sec. 2.** RCW 4.64.110 and 1987 c 202 s 118 are each amended to read  
18 as follows:

19 A transcript of the district court docket shall contain an exact  
20 copy of the district court judgment from the docket. Jurisdiction over  
21 the judgment, including modification to or vacation of the original  
22 judgment, transfers to the superior court.

23 **Sec. 3.** RCW 7.68.290 and 1987 c 281 s 2 are each amended to read  
24 as follows:

25 If a defendant has paid restitution pursuant to court order under  
26 RCW 9.92.060, 9.94A.140, 9.94A.142, 9.95.210, or 9A.20.030 and the  
27 victim entitled to restitution cannot be found or has died, the clerk  
28 of the court shall deposit with the county treasurer the amount of  
29 restitution unable to be paid to the victim. The county treasurer  
30 shall monthly transmit the money to the state treasurer for deposit as  
31 provided in RCW 43.08.250. Moneys deposited under this section shall  
32 be used to compensate victims of crimes through the crime victims  
33 compensation fund.

34 **Sec. 4.** RCW 4.56.100 and 1994 c 185 s 1 are each amended to read  
35 as follows:

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

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

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

30 **Sec. 5.** RCW 4.64.030 and 1995 c 149 s 1 are each amended to read  
31 as follows:

32 The clerk shall enter all judgments in the execution docket,  
33 subject to the direction of the court and shall specify clearly the  
34 amount to be recovered, the relief granted, or other determination of  
35 the action.

36 On the first page of each judgment which provides for the payment  
37 of money, including judgments in rem, mandates of judgments, and  
38 judgments on garnishments, the following shall be succinctly

1 summarized: The judgment creditor and the name of his or her attorney,  
2 the judgment debtor, the amount of the judgment, the interest owed to  
3 the date of the judgment, and the total of the taxable costs and  
4 attorney fees, if known at the time of the entry of the judgment. If  
5 the attorney fees and costs are not included in the judgment, they  
6 shall be summarized in the cost bill when filed. (~~This information is~~  
7 ~~included in the judgment to assist the county clerk in his or her~~  
8 ~~record keeping function.~~) The clerk may not (~~sign or file~~) enter a  
9 judgment, and a judgment does not take effect, until the judgment has  
10 a summary in compliance with this section. The clerk is not liable for  
11 an incorrect summary.

12 **Sec. 6.** RCW 4.64.060 and 1987 c 442 s 1105 are each amended to  
13 read as follows:

14 Every county clerk shall keep in the clerk's office a record, to be  
15 called the execution docket, which shall be a public record and open  
16 during the usual business hours to all persons desirous of inspecting  
17 it. The record must be indexed both direct and inverse, and include  
18 all judgments, abstracts, and transcripts of judgments in the clerk's  
19 office. The index must refer to each party against whom the judgment  
20 is rendered or whose property is affected by the judgment.

21 **Sec. 7.** RCW 5.44.010 and Code 1881 s 430 are each amended to read  
22 as follows:

23 The records and proceedings of any court of the United States, or  
24 any state or territory, shall be admissible in evidence in all cases in  
25 this state when duly (~~authenticated~~) certified by the attestation of  
26 the clerk, prothonotary or other officer having charge of the records  
27 of such court, with the seal of such court annexed.

28 NEW SECTION. **Sec. 8.** RCW 4.64.070 and 1987 c 442 s 1106, 1935 c  
29 22 s 1, & 1929 c 60 s 5 are each repealed.

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