
SUBSTITUTE SENATE BILL 5202

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Nelson and Madsen).

Read first time February 19, 1991.

1 AN ACT Relating to civil judgments; amending RCW 4.56.090,
2 4.56.100, 4.56.200, 6.13.090, and 10.64.080; adding new sections to
3 chapter 4.56 RCW; and creating a new section.

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

5 **Sec. 1.** RCW 4.56.090 and 1935 c 22 s 1 are each amended to read as
6 follows:

7 (1) When any judgment has been assigned, the assignment may be
8 filed in the office of the county clerk in the county where the
9 judgment ~~((is recorded))~~ was rendered, and a certified copy may be
10 recorded with the recording officer of the county in which the judgment
11 was rendered, which assignment includes the recording number of the
12 judgment, and a certified copy thereof may be ((filed)) recorded in any
13 county ((where an abstract)) in which a memorandum of such judgment has
14 been ((filed)) recorded, and from the time of such ((filing)) recording
15 shall be notice of such assignment: PROVIDED, That such assignment of

1 a judgment or such certified copy thereof, may not be filed or recorded
2 unless it is properly acknowledged by the person executing the
3 assignment before an officer qualified by law to take acknowledgment of
4 deeds.

5 (2) This section shall not apply to assignments made to the
6 Washington state support registry within the office of support
7 enforcement under Title 26 or 74 RCW.

8 **Sec. 2.** RCW 4.56.100 and 1983 c 28 s 1 are each amended to read as
9 follows:

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

1 recording number of the judgment, shall be recorded with the recording
2 officer of each county in which the judgment or memorandum thereof was
3 recorded. A certified copy of either the recorded certificate or
4 recorded certified copy of full satisfaction may be recorded with the
5 recording officer of the county in which any memorandum of the judgment
6 referred to in RCW 4.56.200 (1) and (2) or assignment thereof has been
7 recorded, and from the time of such recording in the county in which
8 the judgment was rendered shall be notice of such full satisfaction.

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

11 The lien of judgments upon the real estate of the judgment debtor
12 shall commence as follows:

13 (1) ~~((Judgments of the district court of the United States rendered~~
14 ~~in the county in which the real estate of the judgment debtor is~~
15 ~~situated, and judgments of the superior court for the county in which~~
16 ~~the real estate of the judgment debtor is situated, from the time of~~
17 ~~the entry thereof;~~

18 (2)) Judgments of the district court of the United States rendered
19 in any county ~~((in this state other than that in which the real estate~~
20 ~~of the judgment debtor to be affected is situated)) of this state,~~
21 judgments of the supreme court of this state, judgments of the court of
22 appeals of this state, and judgments of the superior court for any
23 county ~~((other than that in which the real estate of the judgment~~
24 ~~debtor to be affected is situated, from the time of the filing of a~~
25 ~~duly certified abstract of such)) of this state, upon the recording of~~
26 a memorandum of the judgment with the ((county clerk)) recording
27 officer of the county in which the real estate of the judgment debtor
28 to be affected is situated, as provided in this ~~((act))~~ chapter;

1 ~~((3))~~ (2) Judgments of a district court of this state (~~rendered~~
2 ~~in the county in which the real estate of the judgment debtor is~~
3 ~~situated,~~) from the time of the filing of a duly certified transcript
4 of the docket of the district court with the county clerk of the county
5 in which such judgment was rendered, and upon such filing said judgment
6 shall become to all intents and purposes a judgment of the superior
7 court for said county(~~;~~ and

8 ~~(4) Judgments of a district court of this state rendered in any~~
9 ~~other county in this state than that in which the real estate of the~~
10 ~~judgment debtor to be affected is situated, a transcript of the docket~~
11 ~~of which has been filed with the county clerk of the county where such~~
12 ~~judgment was rendered, from the time of filing, with the county clerk~~
13 ~~of the county in which the real estate of the judgment debtor to be~~
14 ~~affected is situated, of a duly certified abstract of the record of~~
15 ~~said judgment in the office of the county clerk of the county in which~~
16 ~~the certified transcript of the docket of said judgment of said~~
17 ~~district court was originally filed)) and the recording with the~~
18 recording officer of any county in the state in which the real estate
19 of the judgment debtor is situated, of a memorandum of the
20 transcription of judgment which was filed with the clerk of the county
21 in which the judgment was rendered.

22 (3) The memorandum referred to in subsections (1) and (2) of this
23 section shall clearly designate: The judgment debtor, judgment
24 creditor, and the name of the judgment creditor's attorney; the amount
25 of the judgment, the court of jurisdiction, and the county in which the
26 judgment was rendered; and, as to a judgment referred to under
27 subsection (2) of this section, the superior court of the county in
28 which the transcription was filed and the name of the court in which
29 the judgment was rendered, cause number, and warrant number if a state
30 tax warrant is involved. For any judgment that also includes taxable

1 costs and attorneys' fees, the total of such costs and fees shall be
2 designated in the memorandum or, if the taxable costs and attorneys'
3 fees are not known at the time the memorandum or a certified copy
4 thereof is recorded, then the following statement shall appear in upper
5 case type on the memorandum or certified copy: "TAXABLE COSTS AND
6 ATTORNEYS' FEES ARE IN ADDITION TO THE AMOUNT OF THIS JUDGMENT." The
7 memorandum shall be executed and acknowledged by the judgment creditor
8 or his or her attorney and shall be valid for all purposes if in
9 substantial compliance with the foregoing requirement.

10 NEW SECTION. Sec. 4. A new section is added to chapter 4.56 RCW
11 to read as follows:

12 For any filing or recording with the court clerk or recording
13 officer under RCW 4.56.090, 4.56.100, or 4.56.200, the court shall
14 award the judgment creditor costs in the amount of the fee actually
15 paid for filing or recording as provided in RCW 36.18.010 and
16 36.18.020.

17 NEW SECTION. Sec. 5. A new section is added to chapter 4.56 RCW
18 to read as follows:

19 The responsibility for recording judgments shall rest with the
20 judgment creditor and the county clerks shall not be liable for failure
21 to have a judgment recorded.

22 **Sec. 6.** RCW 6.13.090 and 1988 c 231 s 4 are each amended to read
23 as follows:

24 A judgment against the owner of a homestead shall become a lien on
25 the value of the homestead property in excess of the homestead
26 exemption from the time the judgment creditor records the judgment, or
27 memorandum thereof, with the recording officer of the county where the

1 property is located. However, if a judgment of a district court of
2 this state has been transferred to a superior court, the judgment
3 becomes a lien from the time of recording with such recording officer
4 a duly certified abstract of the record of such judgment as it appears
5 in the office of the clerk in which the transfer was originally filed
6 or a memorandum of the transcription of judgment which was filed in
7 that office.

8 **Sec. 7.** RCW 10.64.080 and Code of 1881 s 1111 are each amended to
9 read as follows:

10 Judgments for fines in all criminal actions rendered, are, and may
11 be made liens upon the real estate of the defendant (~~(in the same~~
12 ~~manner)) upon filing with the clerk of the court, and (~~with~~) shall
13 have like effect as judgments in civil actions.~~

14 NEW SECTION. **Sec. 8.** This act applies to all judgments
15 rendered after the effective date of this act.