

2 **SSB 6045 - 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 6.17.020 and 1989 c 360 s 3 are each amended to read
8 as follows:

9 (1) Except as provided in subsections (2) and (3) of this section,
10 the party in whose favor a judgment of a court of record of this state
11 or a district court of this state has been or may be rendered, or the
12 assignee, may have an execution issued for the collection or
13 enforcement of the judgment at any time within ten years from entry of
14 the judgment.

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

21 (3) After the effective date of this act, a party in whose favor a
22 judgment has been rendered pursuant to subsection (1) of this section
23 may, within ninety days before the expiration of the original ten-year
24 period, apply to the court that rendered the judgment for an order
25 granting an additional ten years during which an execution may be
26 issued. The petitioner shall pay to the court a filing fee equal to
27 the filing fee for filing the first or initial paper in a civil action
28 in the court. When application is made to the court to grant an
29 additional ten years, the application shall be accompanied by a current
30 and updated judgment summary as outlined in RCW 4.64.030. The filing
31 fee required under this subsection shall be included in the judgment
32 summary and shall be a recoverable cost.

33 **Sec. 2.** RCW 4.16.020 and 1989 c 360 s 1 are each amended to read
34 as follows:

1 The period prescribed for the commencement of actions shall be as
2 follows:

3 Within ten years:

4 (1) For actions for the recovery of real property, or for the
5 recovery of the possession thereof; and no action shall be maintained
6 for such recovery unless it appears that the plaintiff, his or her
7 ancestor, predecessor or grantor was seized or possessed of the
8 premises in question within ten years before the commencement of the
9 action.

10 (2) For an action upon a judgment or decree of any court of the
11 United States, or of any state or territory within the United States,
12 or of any territory or possession of the United States outside the
13 boundaries thereof, or of any extraterritorial court of the United
14 States, unless the ten-year period is extended in accordance with RCW
15 6.17.020(3).

16 (3) Of the eighteenth birthday of the youngest child named in the
17 order for whom support is ordered for an action to collect past due
18 child support that has accrued under an order entered after (~~the~~
19 ~~effective date of this act~~) July 23, 1989, by any of the above-named
20 courts or that has accrued under an administrative order as defined in
21 RCW 74.20A.020(6), which is issued after (~~the effective date of this~~
22 ~~act~~) July 23, 1989.

23 **Sec. 3.** RCW 4.56.190 and 1987 c 442 s 1103 and 1987 c 202 s 116
24 are each reenacted and amended to read as follows:

25 The real estate of any judgment debtor, and such as the judgment
26 debtor may acquire, not exempt by law, shall be held and bound to
27 satisfy any judgment of the district court of the United States
28 rendered in this state and any judgment of the supreme court, court of
29 appeals, superior court, or district court of this state, and every
30 such judgment shall be a lien thereupon to commence as provided in RCW
31 4.56.200 and to run for a period of not to exceed ten years from the
32 day on which such judgment was entered unless the ten-year period is
33 extended in accordance with RCW 6.17.020(3). As used in this chapter,
34 real estate shall not include the vendor's interest under a real estate
35 contract for judgments rendered after August 23, 1983. If a judgment
36 debtor owns real estate, subject to execution, jointly or in common
37 with any other person, the judgment shall be a lien on the interest of
38 the defendant only.

1 Personal property of the judgment debtor shall be held only from
2 the time it is actually levied upon.

3 **Sec. 4.** RCW 6.32.010 and 1985 c 215 s 1 are each amended to read
4 as follows:

5 At any time within ten years after entry of a judgment for the sum
6 of twenty-five dollars or over, unless the time is extended in
7 accordance with RCW 6.17.020(3), upon application by the judgment
8 creditor((~~τ~~)) such court or judge may, by an order, require the
9 judgment debtor to appear at a specified time and place before the
10 judge granting the order, or a referee appointed by ((~~him~~)) the judge,
11 to answer concerning the same; and the judge to whom application is
12 made under this chapter may, if it is made to appear to him or her by
13 the affidavit of the judgment creditor, his or her agent or attorney
14 that there is danger of the debtor absconding, order the sheriff to
15 arrest the debtor and bring him or her before the judge granting the
16 order. Upon being brought before the judge, he or she may be ordered
17 to enter into a bond, with sufficient sureties, that he or she will
18 attend from time to time before the judge or referee, as shall be
19 directed, during the pendency of the proceedings and until the final
20 termination thereof. If the judgment debtor or other persons against
21 whom the special proceedings are instituted has been served with these
22 proceedings, the plaintiff shall be entitled to costs of service,
23 notary fees, and an appearance fee of twenty-five dollars. If the
24 judgment debtor or other persons fail to answer or appear, the
25 plaintiff shall additionally be entitled to reasonable attorney fees.
26 If a plaintiff institutes special proceedings and fails to appear, a
27 judgment debtor or other person against whom the proceeding was
28 instituted who appears is entitled to an appearance fee of twenty-five
29 dollars and reasonable attorney fees.

30 **Sec. 5.** RCW 6.32.015 and 1980 c 105 s 6 are each amended to read
31 as follows:

32 At any time within ten years((~~τ~~)) after entry of a judgment for a
33 sum of twenty-five dollars or over, unless the time is extended in
34 accordance with RCW 6.17.020(3), upon application by the judgment
35 creditor((~~τ~~)) such court or judge may, by order served on the judgment
36 debtor, require such debtor to answer written interrogatories, under
37 oath, in such form as may be approved by the court. No such creditor

1 shall be required to proceed under this section nor shall he or she
2 waive his or her rights to proceed under RCW 6.32.010 by proceeding
3 under this section."

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