
HOUSE BILL 1447

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Appelwick and Padden

Read first time 01/27/93. Referred to Committee on Judiciary.

1 AN ACT Relating to foreign judgments; and amending RCW 6.36.025,
2 6.36.035, and 6.36.045.

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

4 **Sec. 1.** RCW 6.36.025 and 1977 ex.s. c 45 s 1 are each amended to
5 read as follows:

6 (1) A copy of any foreign judgment authenticated in accordance with
7 the act of congress or the statutes of this state may be filed in the
8 office of the clerk of any superior court of any county of this state.
9 The clerk shall treat the foreign judgment in the same manner as a
10 judgment of the superior court of this state. A judgment so filed has
11 the same effect and is subject to the same procedures, defenses, set-
12 offs, counterclaims, cross-complaints, and proceedings for reopening,
13 vacating, or staying as a judgment of a superior court of this state
14 and may be enforced or satisfied in like manner.

15 (2) Alternatively, a copy of any foreign judgment (a) authenticated
16 in accordance with the act of congress or the statutes of this state,
17 and (b) within the civil jurisdiction of the district court as provided
18 in RCW 3.66.020 and 3.66.030, may be filed in the office of the clerk
19 of any district court of this state. The clerk shall treat the foreign

1 judgment in the same manner as a judgment of the district court of this
2 state. A judgment so filed has the same effect and is subject to the
3 same procedures, defenses, set-offs, counterclaims, cross-complaints,
4 and proceedings for reopening, vacating, or staying as a judgment of a
5 district court of this state, and may be enforced or satisfied in like
6 manner.

7 **Sec. 2.** RCW 6.36.035 and 1979 c 97 s 1 are each amended to read as
8 follows:

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

13 (2) Promptly upon the filing of the foreign judgment and the
14 affidavit, the clerk shall mail notice of the filing of the foreign
15 judgment to the judgment debtor at the address given and shall make a
16 note of the mailing in the docket. The notice shall include the name
17 and post office address of the judgment creditor and the judgment
18 creditor's lawyer if any in this state. In addition, the judgment
19 creditor may mail a notice of the filing of the judgment to the
20 judgment debtor and may file proof of mailing with the clerk. Lack of
21 notice of filing by the clerk shall not affect the enforcement
22 proceedings if proof of mailing by the judgment creditor has been
23 filed.

24 (3)(a) No execution or other process for enforcement of a foreign
25 judgment filed (~~hereunder~~) in the office of the clerk of a superior
26 court shall issue until ten days after the date the judgment is filed,
27 or until ten days after mailing the notice of filing, whether mailed by
28 the clerk or judgment creditor, whichever is later.

29 (b) No execution or other process for enforcement of a foreign
30 judgment filed in the office of the clerk of a district court shall
31 issue until fourteen days after the date the judgment is filed, or
32 until fourteen days after mailing the notice of filing, whether mailed
33 by the clerk or judgment creditor, whichever is later.

34 **Sec. 3.** RCW 6.36.045 and 1977 ex.s. c 45 s 3 are each amended to
35 read as follows:

36 (1)(a) If the judgment debtor shows the superior court of any
37 county that an appeal from the foreign judgment is pending or will be

1 taken, or that a stay of execution has been granted, the court shall
2 stay enforcement of the foreign judgment until the appeal is concluded,
3 the time for appeal expires, or the stay of execution expires or is
4 vacated, upon proof that the judgment debtor has furnished the security
5 for the satisfaction of the judgment required by the state in which it
6 was rendered.

7 ~~((2))~~ (b) If the judgment debtor shows the superior court of any
8 county any ground upon which enforcement of a judgment of a superior
9 court of any county of this state would be stayed, the court shall stay
10 enforcement of the foreign judgment for an appropriate period, upon
11 requiring the same security for satisfaction of the judgment which is
12 required in this state.

13 (2)(a) If the judgment debtor shows the district court that an
14 appeal from the foreign judgment is pending or will be taken, or that
15 a stay of execution has been granted, the court shall stay enforcement
16 of the foreign judgment until the appeal is concluded, the time for
17 appeal expires, or the stay of execution expires or is vacated, upon
18 proof that the judgment debtor has furnished the security for the
19 satisfaction of the judgment required by the state in which it was
20 rendered.

21 (b) If the judgment debtor shows the district court any ground upon
22 which enforcement of a judgment of a district court of this state would
23 be stayed, the court shall stay enforcement of the foreign judgment for
24 an appropriate period, upon requiring the same security for
25 satisfaction of the judgment which is required in this state.

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