

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6045

Chapter 189, Laws of 1994

53rd Legislature
1994 Regular Session

JUDGMENTS--COLLECTION PERIOD EXTENSION AUTHORIZED

EFFECTIVE DATE: 6/9/94

Passed by the Senate March 5, 1994
YEAS 42 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House March 3, 1994
YEAS 96 NAYS 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved March 30, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6045** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 30, 1994 - 1:39 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6045

AS AMENDED BY THE HOUSE

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

**By Senate Committee on Law & Justice (originally sponsored by Senators
A. Smith, Nelson and Haugen)**

Read first time 01/19/94.

1 AN ACT Relating to execution of judgments; amending RCW 6.17.020,
2 4.16.020, 6.32.010, 6.32.015, and reenacting and amending RCW 4.56.190

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

4 **Sec. 1.** RCW 6.17.020 and 1989 c 360 s 3 are each amended to read
5 as follows:

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

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

18 (3) After the effective date of this act, a party in whose favor a
19 judgment has been rendered pursuant to subsection (1) of this section

1 may, within ninety days before the expiration of the original ten-year
2 period, apply to the court that rendered the judgment for an order
3 granting an additional ten years during which an execution may be
4 issued. The petitioner shall pay to the court a filing fee equal to
5 the filing fee for filing the first or initial paper in a civil action
6 in the court. When application is made to the court to grant an
7 additional ten years, the application shall be accompanied by a current
8 and updated judgment summary as outlined in RCW 4.64.030. The filing
9 fee required under this subsection shall be included in the judgment
10 summary and shall be a recoverable cost.

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

13 The period prescribed for the commencement of actions shall be as
14 follows:

15 Within ten years:

16 (1) For actions for the recovery of real property, or for the
17 recovery of the possession thereof; and no action shall be maintained
18 for such recovery unless it appears that the plaintiff, his or her
19 ancestor, predecessor or grantor was seized or possessed of the
20 premises in question within ten years before the commencement of the
21 action.

22 (2) For an action upon a judgment or decree of any court of the
23 United States, or of any state or territory within the United States,
24 or of any territory or possession of the United States outside the
25 boundaries thereof, or of any extraterritorial court of the United
26 States, unless the ten-year period is extended in accordance with RCW
27 6.17.020(3).

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

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

1 The real estate of any judgment debtor, and such as the judgment
2 debtor may acquire, not exempt by law, shall be held and bound to
3 satisfy any judgment of the district court of the United States
4 rendered in this state and any judgment of the supreme court, court of
5 appeals, superior court, or district court of this state, and every
6 such judgment shall be a lien thereupon to commence as provided in RCW
7 4.56.200 and to run for a period of not to exceed ten years from the
8 day on which such judgment was entered unless the ten-year period is
9 extended in accordance with RCW 6.17.020(3). As used in this chapter,
10 real estate shall not include the vendor's interest under a real estate
11 contract for judgments rendered after August 23, 1983. If a judgment
12 debtor owns real estate, subject to execution, jointly or in common
13 with any other person, the judgment shall be a lien on the interest of
14 the defendant only.

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

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

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

1 plaintiff shall additionally be entitled to reasonable attorney fees.
2 If a plaintiff institutes special proceedings and fails to appear, a
3 judgment debtor or other person against whom the proceeding was
4 instituted who appears is entitled to an appearance fee of twenty-five
5 dollars and reasonable attorney fees.

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

8 At any time within ten years((~~7~~)) after entry of a judgment for a
9 sum of twenty-five dollars or over, unless the time is extended in
10 accordance with RCW 6.17.020(3), upon application by the judgment
11 creditor((~~7~~)) such court or judge may, by order served on the judgment
12 debtor, require such debtor to answer written interrogatories, under
13 oath, in such form as may be approved by the court. No such creditor
14 shall be required to proceed under this section nor shall he or she
15 waive his or her rights to proceed under RCW 6.32.010 by proceeding
16 under this section.

Passed the Senate March 5, 1994.

Passed the House March 3, 1994.

Approved by the Governor March 30, 1994.

Filed in Office of Secretary of State March 30, 1994.