

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5144

Chapter 358, Laws of 1997

55th Legislature
1997 Regular Session

ADMINISTRATION OF COUNTY CLERKS' OFFICES--MODIFICATIONS

EFFECTIVE DATE: 7/27/97

Passed by the Senate April 19, 1997
YEAS 46 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 14, 1997
YEAS 95 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 14, 1997

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5144** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

May 14, 1997 - 2:21 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5144

AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

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, 7.68.290, 4.56.100, 4.64.030, 4.64.060, and
3 5.44.010; reenacting and amending RCW 4.64.120; and repealing RCW
4 4.64.070.

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

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

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

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

1 mailing with the clerk. (~~Lack of notice of filing by the clerk shall~~
2 ~~not affect the enforcement proceedings if proof of mailing by the~~
3 ~~judgment creditor has been filed.~~)

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

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

16 **Sec. 2.** RCW 4.64.120 and 1987 c 442 s 1111 and 1987 c 202 s 119
17 are each reenacted and amended to read as follows:

18 It shall be the duty of the county clerk to enter in the execution
19 docket any duly certified transcript of a judgment of a district court
20 of this state and any duly certified abstract of any judgment of any
21 court mentioned in RCW 4.56.200, filed in the county clerk's office,
22 and to index the same in the same manner as judgments originally
23 rendered in the superior court for the county of which he or she is
24 clerk. Jurisdiction over the judgment, including modification to or
25 vacation of the original judgment, transfers to the superior court.
26 The superior court may, in its discretion, remand the cause to district
27 court for determination of any motion to vacate or modify the original
28 judgment.

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

31 If a defendant has paid restitution pursuant to court order under
32 RCW 9.92.060, 9.94A.140, 9.94A.142, 9.95.210, or 9A.20.030 and the
33 victim entitled to restitution cannot be found or has died, the clerk
34 of the court shall deposit with the county treasurer the amount of
35 restitution unable to be paid to the victim. The county treasurer
36 shall monthly transmit the money to the state treasurer for deposit as
37 provided in RCW 43.08.250. Moneys deposited under this section shall

1 be used to compensate victims of crimes through the crime victims
2 compensation fund.

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

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

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

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

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

36 The clerk shall enter all judgments in the execution docket,
37 subject to the direction of the court and shall specify clearly the

1 amount to be recovered, the relief granted, or other determination of
2 the action.

3 On the first page of each judgment which provides for the payment
4 of money, including judgments in rem, mandates of judgments, and
5 judgments on garnishments, the following shall be succinctly
6 summarized: The judgment creditor and the name of his or her attorney,
7 the judgment debtor, the amount of the judgment, the interest owed to
8 the date of the judgment, and the total of the taxable costs and
9 attorney fees, if known at the time of the entry of the judgment. If
10 the attorney fees and costs are not included in the judgment, they
11 shall be summarized in the cost bill when filed. (~~This information is
12 included in the judgment to assist the county clerk in his or her
13 record-keeping function.~~) The clerk may not (~~sign or file~~) enter a
14 judgment, and a judgment does not take effect, until the judgment has
15 a summary in compliance with this section. The clerk is not liable for
16 an incorrect summary.

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

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

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

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

33 NEW SECTION. **Sec. 8.** RCW 4.64.070 and 1987 c 442 s 1106, 1935 c
34 22 s 1, & 1929 c 60 s 5 are each repealed.

Passed the Senate April 19, 1997.

Passed the House April 14, 1997.

Approved by the Governor May 14, 1997.

Filed in Office of Secretary of State May 14, 1997.