

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5827

Chapter 261, Laws of 2002

57th Legislature
2002 Regular Session

JUDGMENT ENFORCEMENT

EFFECTIVE DATE: 6/13/02

Passed by the Senate February 16, 2002
YEAS 46 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 6, 2002
YEAS 93 NAYS 0

FRANK CHOPP

**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5827** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK

Secretary

Approved March 29, 2002

FILED

March 29, 2002 - 3:56 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5827

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senator McCaslin)

READ FIRST TIME 02/08/2002.

1 AN ACT Relating to enforcement of judgments; and amending RCW
2 6.17.020, 4.16.020, 4.56.200, and 6.36.025.

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

4 **Sec. 1.** RCW 6.17.020 and 1997 c 121 s 1 are each amended to read
5 as follows:

6 (1) Except as provided in subsections (2), (3), and (4) of this
7 section, the party in whose favor a judgment of a court (~~of record of~~
8 ~~this state or a district court of this state~~) has been or may be filed
9 or rendered, or the assignee or the current holder thereof, may have an
10 execution, garnishment, or other legal process issued for the
11 collection or enforcement of the judgment at any time within ten years
12 from entry of the judgment or the filing of the judgment in this state.

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

1 (3) After June 9, 1994, a party in whose favor a judgment has been
2 filed as a foreign judgment or rendered pursuant to subsection (1) or
3 (4) of this section, or the assignee or the current holder thereof,
4 may, within ninety days before the expiration of the original ten-year
5 period, apply to the court that rendered the judgment or to the court
6 where the judgment was filed as a foreign judgment for an order
7 granting an additional ten years during which an execution,
8 garnishment, or other legal process may be issued. If a district court
9 judgment of this state is transcribed to a superior court of this
10 state, the original district court judgment shall not be extended and
11 any petition under this section to extend the judgment that has been
12 transcribed to superior court shall be filed in the superior court
13 within ninety days before the expiration of the ten-year period of the
14 date the transcript of the district court judgment was filed in the
15 superior court of this state. The petitioner shall pay to the court a
16 filing fee equal to the filing fee for filing the first or initial
17 paper in a civil action in the court, except in the case of district
18 court judgments transcribed to superior court, where the filing fee
19 shall be the fee for filing the first or initial paper in a civil
20 action in the superior court where the judgment was transcribed.
21 ~~((When application is made to the court to grant an additional ten~~
22 ~~years, the application shall be accompanied by a current and)) The
23 order granting the application shall contain an updated judgment
24 summary as ((outlined)) provided in RCW 4.64.030. The filing fee
25 required under this subsection shall be included in the judgment
26 summary and shall be a recoverable cost. The application shall be
27 granted as a matter of right, subject to review only for timeliness,
28 factual issues of full or partial satisfaction, or errors in
29 calculating the judgment summary amounts.~~

30 (4) A party who obtains a judgment or order for restitution, crime
31 victims' assessment, or other court-ordered legal financial obligations
32 pursuant to a criminal judgment and sentence, or the assignee or the
33 current holder thereof, may execute, garnish, and/or have legal process
34 issued upon the judgment or order any time within ten years subsequent
35 to the entry of the judgment and sentence or ten years following the
36 offender's release from total confinement as provided in chapter 9.94A
37 RCW. The clerk of superior court, or a party designated by the clerk,
38 may seek extension under subsection (3) of this section for purposes of

1 collection as allowed under RCW 36.18.190, provided that no filing fee
2 shall be required.

3 (5) "Court" as used in this section includes but is not limited to
4 the United States supreme court, the United States courts of appeals,
5 the United States district courts, the United States bankruptcy courts,
6 the Washington state supreme court, the court of appeals of the state
7 of Washington, superior courts and district courts of the counties of
8 the state of Washington, and courts of other states and jurisdictions
9 from which judgment has been filed in this state under chapter 6.36 or
10 6.40 RCW.

11 (6) The perfection of any judgment lien and the priority of that
12 judgment lien on property as established by RCW 6.13.090 and chapter
13 4.56 RCW is not altered by the extension of the judgment pursuant to
14 the provisions of this section and the lien remains in full force and
15 effect and does not have to be rerecorded after it is extended.
16 Continued perfection of a judgment that has been transcribed to other
17 counties and perfected in those counties may be accomplished after
18 extension of the judgment by filing with the clerk of the other
19 counties where the judgment has been filed either a certified copy of
20 the order extending the judgment or a certified copy of the docket of
21 the matter where the judgment was extended.

22 (7) Except as ordered in RCW 4.16.020 (2) or (3), chapter 9.94A
23 RCW, or chapter 13.40 RCW, no judgment is enforceable for a period
24 exceeding twenty years from the date of entry in the originating court.
25 Nothing in this section may be interpreted to extend the expiration
26 date of a foreign judgment beyond the expiration date under the laws of
27 the jurisdiction where the judgment originated.

28 (8) The chapter . . . , Laws of 2002 (this act) amendments to this
29 section apply to all judgments currently in effect on the effective
30 date of this section, to all judgments extended after June 9, 1994,
31 unless the judgment has been satisfied, vacated, and/or quashed, and to
32 all judgments filed or rendered, or both, after the effective date of
33 this section.

34 **Sec. 2.** RCW 4.16.020 and 1994 c 189 s 2 are each amended to read
35 as follows:

36 The period prescribed for the commencement of actions shall be as
37 follows:

38 Within ten years:

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

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

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

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

22 The lien of judgments upon the real estate of the judgment debtor
23 shall commence as follows:

24 (1) Judgments of the district court of the United States rendered
25 or filed in the county in which the real estate of the judgment debtor
26 is situated, and judgments of the superior court for the county in
27 which the real estate of the judgment debtor is situated, from the time
28 of the entry or filing thereof;

29 (2) Judgments of the district court of the United States rendered
30 in any county in this state other than that in which the real estate of
31 the judgment debtor to be affected is situated, judgments of the
32 supreme court of this state, judgments of the court of appeals of this
33 state, and judgments of the superior court for any county other than
34 that in which the real estate of the judgment debtor to be affected is
35 situated, from the time of the filing of a duly certified abstract of
36 such judgment with the county clerk of the county in which the real
37 estate of the judgment debtor to be affected is situated, as provided
38 in this act;

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

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

20 **Sec. 4.** RCW 6.36.025 and 1994 c 185 s 6 are each amended to read
21 as follows:

22 (1) A copy of any foreign judgment authenticated in accordance with
23 the act of congress or the statutes of this state may be filed in the
24 office of the clerk of any superior court of any county of this state.
25 The clerk shall treat the foreign judgment in the same manner as a
26 judgment of the superior court of this state. A judgment so filed has
27 the same effect and is subject to the same procedures, defenses, set-
28 offs, counterclaims, cross-complaints, and proceedings for reopening,
29 vacating, ~~((or))~~ staying, or extending as a judgment of a superior
30 court of this state and may be enforced, extended, or satisfied in like
31 manner.

32 (2) Alternatively, a copy of any foreign judgment (a) authenticated
33 in accordance with the act of congress or the statutes of this state,
34 and (b) within the civil jurisdiction and venue of the district court
35 as provided in RCW 3.66.020, 3.66.030, and 3.66.040, may be filed in
36 the office of the clerk of any district court of this state. The clerk
37 shall treat the foreign judgment in the same manner as a judgment of
38 the district court of this state. A judgment so filed has the same

1 effect and is subject to the same procedures, defenses, set-offs,
2 counterclaims, cross-complaints, and proceedings for reopening,
3 vacating, ~~((or))~~ staying, transcribing, or extending as a judgment of
4 a district court of this state, and may be enforced, transcribed,
5 extended, or satisfied in like manner.

6 (3) The lien of any judgment filed under subsection (1) or (2) of
7 this section shall be governed by chapter 4.56 RCW and RCW 6.17.020.

Passed the Senate February 16, 2002.

Passed the House March 6, 2002.

Approved by the Governor March 29, 2002.

Filed in Office of Secretary of State March 29, 2002.