

**Chapter 7.56 RCW
QUO WARRANTO**

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RCW 7.56.010 Against whom information may be filed. An information may be filed against any person or corporation in the following cases:

(1) When any person shall usurp, intrude upon, or unlawfully hold or exercise any public office or franchise within the state, or any office in any corporation created by the authority of the state.

(2) When any public officer shall have done or suffered any act, which, by the provisions of law, shall work a forfeiture of his or her office.

(3) When several persons claim to be entitled to the same office or franchise, one information may be filed against any or all such persons in order to try their respective rights to the office or franchise.

(4) When any association or number of persons shall act within this state as a corporation, without being legally incorporated.

(5) Or where any corporation do, or omit acts which amount to a surrender or a forfeiture of their rights and privileges as a corporation, or where they exercise powers not conferred by law.

[2011 c 336 § 236; Code 1881 § 702; 1877 p 143 § 706; 1854 p 216 § 468; RRS § 1034.]

RCW 7.56.020 Who may file. The information may be filed by the prosecuting attorney in the superior court of the proper county, upon his or her own relation, whenever he or she shall deem it his or her duty to do so, or shall be directed by the court or other competent authority, or by any other person on his or her own relation, whenever he or she claims an interest in the office, franchise, or corporation which is the subject of the information. [2011 c 336 § 237; Code 1881 § 703; 1877 p 143 § 707; 1854 p 216 § 469; RRS § 1035.]

RCW 7.56.030 Contents of information. The information shall consist of a plain statement of the facts which constitute the grounds

of the proceedings, addressed to the court. [Code 1881 § 704; 1877 p 143 § 708; 1854 p 216 § 470; RRS § 1036.]

RCW 7.56.040 Information for usurping office—Requisites—Damages. Whenever an information shall be filed against a person for usurping an office, by the prosecuting attorney, he or she shall also set forth therein the name of the person rightfully entitled to the office, with an averment of his or her right thereto; and when filed by any other person he or she shall show his or her interest in the matter, and he or she may claim the damages he or she has sustained. [2011 c 336 § 238; Code 1881 § 705; 1877 p 143 § 709; 1854 p 216 § 471; RRS § 1037.]

RCW 7.56.050 Notice—Pleadings—Proceedings. Whenever an information is filed, a notice signed by the relator shall be served and returned, as in other actions. The defendant shall appear and answer, or suffer default, and subsequent proceeding be had as in other cases. [Code 1881 § 706; 1877 p 144 § 710; 1854 p 217 § 472; RRS § 1038.]

RCW 7.56.060 Judgment. In every case wherein the right to an office is contested, judgment shall be rendered upon the rights of the parties, and for the damages the relator may show himself or herself entitled to, if any, at the time of the judgment. [2011 c 336 § 239; Code 1881 § 707; 1877 p 144 § 711; 1854 p 217 § 473; RRS § 1039.]

RCW 7.56.070 Judgment for relator—Ouster of defendant. If judgment be rendered in favor of the relator, he or she shall proceed to exercise the functions of the office, after he or she has been qualified as required by law, and the court shall order the defendant to deliver over all books and papers in his or her custody or within his or her power, belonging to the office from which he or she has been ousted. [2011 c 336 § 240; Code 1881 § 708; 1877 p 144 § 712; 1854 p 217 § 474; RRS § 1040.]

RCW 7.56.080 Delivery of books and papers—Enforcement of order. If the defendant shall refuse or neglect to deliver over the books and papers pursuant to the order, the court or judge thereof shall enforce the order by attachment and imprisonment. [Code 1881 § 709; 1877 p 144 § 713; 1854 p 217 § 475; RRS § 1041.]

RCW 7.56.090 Action for damages—Limitation. When judgment is rendered in favor of the plaintiff, he or she may, if he or she has not claimed his or her damages in the information, have his or her action for the damages at any time within one year after the judgment. [2011 c 336 § 241; Code 1881 § 710; 1877 p 144 § 714; 1854 p 217 § 476; RRS § 1042.]

RCW 7.56.100 Judgment of ouster or forfeiture. Whenever any defendant shall be found guilty of any usurpation of or intrusion into, or unlawfully exercising any office or franchise within this state, or any office in any corporation created by the authority of this state, or when any public officer thus charged shall be found guilty of having done or suffered any act which by the provisions of the law shall work a forfeiture of his or her office, or when any association or number of persons shall be found guilty of having acted as a corporation without having been legally incorporated, the court shall give judgment of ouster against the defendant or defendants, and exclude him, her, or them from the office, franchise, or corporate rights, and in case of corporations that the same shall be dissolved, and the court shall adjudge costs in favor of the plaintiff. [2011 c 336 § 242; Code 1881 § 711; 1877 p 144 § 715; 1854 p 217 § 478; RRS § 1043.]

RCW 7.56.110 Judgment against corporation—Costs—Receivership. If judgment be rendered against any corporation or against any persons claiming to be a corporation, the court may cause the costs to be collected by executions against the persons claiming to be a corporation or by attachment against the directors or other officers of the corporation, and shall restrain the corporation, take an account, and make a distribution thereof among the creditors. The prosecuting attorney shall immediately institute proceedings for that purpose. [2004 c 165 § 38; Code 1881 § 712; 1877 p 144 § 716; 1854 p 217 § 479; RRS § 1044.]

Purpose—Captions not law—2004 c 165: See notes following RCW 7.60.005.

RCW 7.56.120 Action to recover forfeited property. Whenever any property shall be forfeited to the state for its use, the legal title shall be deemed to be in the state from the time of the forfeiture, and an information may be filed by the prosecuting attorney in the superior court for the recovery of the property, alleging the ground on which the recovery is claimed, and like proceedings and judgment shall be had as in civil action for the recovery of the property. [Code 1881 § 713; 1877 p 145 § 717; 1854 p 218 § 480; RRS § 1045.]

Escheats: Chapter 11.08 RCW.

Revised uniform unclaimed property act: Chapter 63.30 RCW.

RCW 7.56.130 Costs. When an information is filed by the prosecuting attorney, he or she shall not be liable for the costs, but when it is filed upon the relation of a private person such person shall be liable for costs unless the same are adjudged against the defendant. [2011 c 336 § 243; Code 1881 § 714; 1877 p 145 § 718; 1854 p 218 § 481; RRS § 1046.]

RCW 7.56.140 Information to annul patent, certificate, or deed. An information may be prosecuted for the purpose of annulling or

vacating any letters patent, certificate, or deed, granted by the proper authorities of this state, when there is reason to believe that the same were obtained by fraud or through mistake or ignorance of a material fact, or when the patentee or those claiming under him or her have done or omitted an act in violation of the terms on which the letters, deeds or certificates were granted, or have by any other means forfeited the interests acquired under the same. [2011 c 336 § 244; Code 1881 § 715; 1877 p 145 § 719; 1854 p 218 § 482; RRS § 1047.]

RCW 7.56.150 Proceedings to annul. In such cases, the information may be filed by the prosecuting attorney upon his or her relation, or by any private person upon his or her relation showing his or her interest in the subject matter; and the subsequent proceedings, judgment of the court and awarding of costs, shall conform to the above provisions, and such letters patent, deed, or certificate shall be annulled or sustained, according to the right of the case. [2011 c 336 § 245; Code 1881 § 716; 1877 p 145 § 720; 1854 p 218 § 483; RRS § 1048.]