

Chapter 6.21 RCW
SALES UNDER EXECUTION

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RCW 6.21.010 Application of chapter to district courts. All the provisions of this chapter governing sales of personal property, except vendors' interests under real estate contracts, shall apply to proceedings before district courts. [1987 c 442 s 601.]

RCW 6.21.020 Notice of sale—Personal property. Before the sale of personal property under execution, order of sale or decree, notice thereof shall be given as follows:

(1) The judgment creditor shall, not less than thirty days prior to the day of sale, cause a copy of the notice of sale to be transmitted both by regular mail and by certified mail, return receipt requested, to the judgment debtor at the debtor's last known address, and by regular mail to the attorney of record for the judgment debtor, if any. The judgment creditor shall file an affidavit with the court showing compliance with the requirements of this subsection.

(2) The sheriff shall post typed or printed notice of the time and place of the sale in three public places in the county in which the sale is to take place, for a period of not less than four weeks prior to the day of sale. [1988 c 231 s 14; 1987 c 442 s 602; 1984 c 276 s 1; 1981 c 329 s 1; 1935 c 35 s 1; RRS s 582. Prior: 1927 c 69 s 1; 1903 c 179 s 1; 1899 c 53 s 3; 1897 c 91 s 1. Formerly RCW 6.24.010.]

Severability—1988 c 231: See note following RCW 6.01.050.

Application—1984 c 276: "The 1984 amendments to RCW 6.04.100, 6.24.010, 6.24.015, 6.24.100, 6.24.140, 6.24.145, and 6.24.180 shall

apply to all executions under chapter 6.24 RCW commenced after the effective date of this act [June 7, 1984]." [1984 c 276 s 8.]

Severability—1981 c 329: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 329 s 24.]

RCW 6.21.030 Notice of sale—Real property—Form for publication.

Before the sale of real property under execution, order of sale, or decree, notice of the sale shall be given as follows:

(1) The judgment creditor shall:

(a) Not less than thirty days prior to the date of sale, cause a copy of the notice in the form provided in RCW 6.21.040 to be (i) served on the judgment debtor or debtors and each of them in the same manner as a summons in a civil action, or (ii) transmitted both by regular mail and by certified mail, return receipt requested, to the judgment debtor or debtors, and to each of them separately if there is more than one judgment debtor, at each judgment debtor's last known address; and

(b) Not less than thirty days prior to the date of sale, mail a copy of the notice of sale to the attorney of record for the judgment debtor, if any; and

(c) File an affidavit with the court that the judgment creditor has complied with the notice requirements of this section.

(2) The sheriff shall:

(a) For a period of not less than four weeks prior to the date of sale, post a notice in the form provided in RCW 6.21.040, particularly describing the property, in two public places in the county in which the property is located, one of which shall be at the courthouse door, and in case of improved real estate, one of which shall be at the front door of the principal building constituting such improvement; and

(b) Publish a notice of the sale once a week, consecutively, for the same period, in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated, but if there is more than one legal newspaper published in the county, then the plaintiff or moving party in the action, suit, or proceeding has the exclusive right to designate in which of the qualified newspapers the notice shall be published, and if there is no qualified legal newspaper published in the county, then the notice shall be published in a qualified legal newspaper published in a contiguous county, as designated by the plaintiff or moving party. The published notice shall be in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FORCOUNTY

Plaintiff,

vs.

Defendant.

} CAUSE NO.
SHERIFF'S PUBLIC
NOTICE OF SALE OF
REAL PROPERTY

TO: [Judgment Debtor]

The Superior Court of County has directed the undersigned Sheriff of County to sell the property described below to satisfy a judgment in the above-entitled action. If developed, the property address is:

The sale of the above-described property is to take place:
Time:
Date:
Place:

The judgment debtor can avoid the sale by paying the judgment amount of \$, together with interest, costs, and fees, before the sale date. For the exact amount, contact the sheriff at the address stated below:
. SHERIFF-DIRECTOR, COUNTY, WASHINGTON.

By, Deputy
Address
City
Washington 9
Phone (. . .)

(c) If the sale is to take place via electronic media, notice of the public sale shall also be posted on the website hosting the auction sale for a period not less than four weeks prior to the date of sale. [2021 c 122 s 10; 1987 c 442 s 603.]

Effective date—2021 c 122 s 10: "Section 10 of this act takes effect July 1, 2022." [2021 c 122 s 16.]

Finding—Intent—2021 c 122: See note following RCW 2.32.050.

RCW 6.21.040 Notice of sale of real property—Form of notice to judgment debtor. The notice of sale shall be printed or typed and shall be in substantially the following form, except that if the sale is not pursuant to a judgment of foreclosure of a mortgage or a statutory lien, the notice shall also contain a statement that the sheriff has been informed that there is not sufficient personal property to satisfy the judgment and that if the judgment debtor or debtors do have sufficient personal property to satisfy the judgment, the judgment debtor or debtors should contact the sheriff's office immediately:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR COUNTY

Plaintiff, }
vs. } CAUSE NO.
Defendant. } SHERIFF'S NOTICE TO
JUDGMENT DEBTOR OF
SALE OF REAL PROPERTY

TO: [Judgment Debtor]
The Superior Court of County has directed the undersigned Sheriff of County to sell the property described below to satisfy a judgment in the above-entitled action. The property to be sold is described on the reverse side of this notice. If developed, the property address is:

The sale of the above-described property is to take place:
Time:
Date:
Place:

If the sale is to be conducted by electronic media, include the web address of the sale website.

The judgment debtor can avoid the sale by paying the judgment amount of \$, together with interest, costs, and fees, before the sale date. For the exact amount, contact the sheriff at the address stated below:

This property is subject to: (check one)

- 1. No redemption rights after sale.
- 2. A redemption period of eight months which will expire at 4:30 p.m. on the day of, (year)
- 3. A redemption period of one year which will expire at 4:30 p.m. on the day of, (year)

The judgment debtor or debtors or any of them may redeem the above described property at any time up to the end of the redemption period by paying the amount bid at the sheriff's sale plus additional costs, taxes, assessments, certain other amounts, fees, and interest. If you are interested in redeeming the property contact the undersigned sheriff at the address stated below to determine the exact amount necessary to redeem.

IMPORTANT NOTICE: IF THE JUDGMENT DEBTOR OR DEBTORS DO NOT REDEEM THE PROPERTY BY 4:30 p.m. ON THE DAY OF, (year) , THE END OF THE REDEMPTION PERIOD, THE PURCHASER AT THE SHERIFF'S SALE WILL BECOME THE OWNER AND MAY EVICT THE OCCUPANT FROM THE PROPERTY UNLESS THE OCCUPANT IS A TENANT HOLDING UNDER AN UNEXPIRED LEASE. IF THE PROPERTY TO BE SOLD IS OCCUPIED AS A PRINCIPAL RESIDENCE BY THE JUDGMENT DEBTOR OR DEBTORS AT THE TIME OF SALE, HE, SHE, THEY, OR ANY OF THEM MAY HAVE THE RIGHT TO RETAIN POSSESSION DURING THE REDEMPTION PERIOD, IF ANY, WITHOUT PAYMENT OF ANY RENT OR OCCUPANCY FEE. THE JUDGMENT DEBTOR MAY ALSO HAVE A RIGHT TO RETAIN POSSESSION DURING ANY REDEMPTION PERIOD IF THE PROPERTY IS USED FOR FARMING OR IF THE PROPERTY IS BEING SOLD UNDER A MORTGAGE THAT SO PROVIDES.

. SHERIFF-DIRECTOR, COUNTY, WASHINGTON.

By, Deputy
Address
City
Washington 9
Phone (. . .)

[2021 c 122 s 11; 2016 c 202 s 1; 1987 c 442 s 604; 1984 c 276 s 2; 1981 c 329 s 2. Formerly RCW 6.24.015.]

Finding—Intent—2021 c 122: See note following RCW 2.32.050.

Application—1984 c 276: See note following RCW 6.21.020.

Severability—1981 c 329: See note following RCW 6.21.020.

RCW 6.21.050 Time and place of sale—Postponements. (1) All sales of property under execution, order of sale, or decree, shall be made by auction between nine o'clock in the morning and four o'clock in the afternoon. Sale of a public franchise under execution or order of sale on foreclosure must be made at the front door of the courthouse in the county in which the franchise was granted or by

public auction sale by electronic media. Sales of real property shall be made at the courthouse door or by public auction sale by electronic media on Friday unless Friday is a legal holiday and then the sale shall be held on the next following regular business day.

(2) If at the time appointed for the sale the sheriff is prevented from attending at the place appointed or, being present, should deem it for the advantage of all concerned to postpone the sale for want of purchasers, or other sufficient cause, the sheriff may postpone the sale not exceeding one week next after the day appointed, and so from time to time for the like cause, giving notice of every adjournment by public proclamation made at the same time, and by posting written notices of such adjournment under the notices of sale originally posted. The sheriff for like causes may also adjourn the sale from time to time, not exceeding thirty days beyond the day at which the writ is made returnable, with the consent of the plaintiff indorsed upon the writ. [2021 c 122 s 12; 1987 c 442 s 605; 1953 c 126 s 1; 1899 c 53 s 4; 1897 c 50 s 2; RRS s 583. Formerly RCW 6.24.020.]

Finding—Intent—2021 c 122: See note following RCW 2.32.050.

RCW 6.21.060 Amount of property to be sold—Officers and deputies may not purchase. After sufficient property has been sold to satisfy the execution, no more shall be sold. Neither the officer holding the execution nor his or her deputy shall become a purchaser or be interested in any purchase at the sale. [1987 c 442 s 606.]

RCW 6.21.070 Manner of sale of personal property—Bill of sale—Sheriff's deed if real estate contract. If the sale is of personal property capable of manual delivery, and not in the possession of a third person, it shall be within view of those who attend the sale and shall be sold in such parcels as are likely to bring the highest price; and upon receipt of the purchase money, the sheriff shall deliver the property to the purchaser and shall give a bill of sale containing an acknowledgment of the payment if the purchaser requests it. A vendor's interest under a real estate contract, including vendor's legal title to the real property, shall be treated as personal property for purposes of sale, but the sheriff shall give the purchaser both a bill of sale covering the vendor's interest under the contract and a sheriff's deed covering the vendor's legal title to the real property. In all other sales of personal property, the sheriff shall give the purchaser a bill of sale with an acknowledgment of payment. The sheriff shall return the proceeds with the execution to the clerk who issued the writ for payment as required by law. [1987 c 442 s 607; Code 1881 s 362; 1877 p 78 s 365; 1869 p 94 s 358; 1854 p 183 s 270; RRS s 586. Formerly RCW 6.24.050.]

RCW 6.21.080 Redemption rights—Sale of short term leasehold and vendor's interest under real estate contract absolute. A sale of a real property estate of less than a leasehold of two years unexpired term and a sale of a vendor's interest in real property being sold under a real estate contract shall be absolute. In all other cases, real property shall be sold subject to redemption, as provided in

chapter 6.23 RCW. [1987 c 442 s 608; 1899 c 53 s 5; RRS s 584.
Formerly RCW 6.24.030.]

RCW 6.21.090 Manner of selling real estate—Sale by lot, acre—Measurement. (1) (a) The form and manner of selling real estate by execution shall be as follows: The sheriff shall proclaim aloud at the place of sale, in the hearing of all the bystanders: "I am about to sell the following tracts of real estate (here reading the description,) upon the following execution:" (here reading the execution). The sheriff shall also state the amount that is required upon the execution, which shall include damages, interests and costs up to the day of sale, and increased costs. The sheriff shall then offer the land for sale.

(b) If the sale is by electronic media, a copy of the execution shall be posted on the website hosting the auction sale. The website shall also include a statement from the sheriff that states the amount that is required upon the execution, which shall include damages, interests and costs up to the day of sale, and increased costs. The sheriff shall then offer the land for sale.

(2) If the sale is of real property consisting of several known lots or parcels, they shall be sold separately or otherwise as the sheriff deems likely to bring the highest price, except that if an interest in a portion of such real property is claimed by a third person who, by request directed to the sheriff in writing prior to the sale or orally or in writing at the sale before the bidding is begun, requests that it be sold separately, such portion shall be sold separately. Bids on all land except town lots may be by the acre or by tract or parcel.

(3) If the land is sold by the acre and any fewer number of acres than the whole tract or parcel is sold, it shall be measured off to the purchaser in a square form, from the northeast corner of the tract or parcel, unless some person claiming an interest in the land, by request directed to the sheriff in writing prior to the sale or orally or in writing at the sale before the bidding is begun, requests that the land sold be taken from some other part or in some other form; in such case, if the request is reasonable, the officer making the sale shall sell accordingly.

(4) If an entire tract or parcel of land is sold by the acre, it shall not be measured but shall be deemed and taken to contain the number of acres named in the description, and be paid for accordingly; and if the number of acres is not contained in the description, the officer shall declare according to his or her judgment how many acres are contained therein, which shall be deemed and taken to be the true number of acres. [2021 c 122 s 13; 1987 c 442 s 609; Code 1881 s 363; 1877 p 79 s 366; 1869 p 94 s 359; 1854 p 181 s 262; RRS s 587.
Formerly RCW 6.24.060.]

Finding—Intent—2021 c 122: See note following RCW 2.32.050.

RCW 6.21.100 Sale of real property to highest bidder—Sheriff's return and certificate of sale. (1) (a) The officer shall strike off the land to the highest bidder, who shall forthwith pay the money bid to the officer or to their agent conducting the sale by electronic media. The sheriff or their agent conducting the sale by electronic

media shall tender the money to the clerk of the court that issued the writ.

(b) When final judgment shall have been entered in the supreme court or the court of appeals and the execution upon which sale has been made issued from said court, the return shall be made to the superior court in which the action was originally commenced, and the same proceedings shall be had as though execution had issued from that superior court.

(2) At the time of the sale, the sheriff shall prepare a certificate of the sale, containing a particular description of the property sold, the price bid for each distinct lot or parcel, and the whole price paid; and when subject to redemption, it shall be so stated. The matters contained in such certificate shall be substantially stated in the sheriff's return of proceedings upon the writ. Upon receipt of the purchase price, the sheriff shall give a copy of the certificate to the purchaser and the original certificate to the clerk of the court with the return on the execution to hold for delivery to the purchaser upon confirmation of the sale. [2021 c 122 s 14; 1987 c 442 s 610; 1971 c 81 s 28; Code 1881 s 366; 1877 p 79 s 369; 1869 p 95 s 362; 1854 p 182 s 265; RRS s 590. Formerly RCW 6.24.090.]

Finding—Intent—2021 c 122: See note following RCW 2.32.050.

RCW 6.21.110 Confirmation of sale—Objections—Resale—Distribution of sale proceeds—Filing of certificate. (1) Upon the return of any sale of real estate, the clerk: (a) Shall enter the cause, on which the execution or order of sale issued, by its title, on the motion docket, and mark opposite the same: "Sale of land for confirmation"; (b) shall mail notice of the filing of the return of sale to all parties who have entered a written notice of appearance in the action and who have not had an order of default entered against them; (c) shall file proof of such mailing in the action; (d) shall apply the proceeds of the sale returned by the sheriff, or so much thereof as may be necessary, to satisfaction of the judgment, including interest as provided in the judgment, and shall pay any excess proceeds as provided in subsection (5) of this section by direction of court order; and (e) upon confirmation of the sale, shall deliver the original certificate of sale to the purchaser.

(2) The judgment creditor or successful purchaser at the sheriff's sale is entitled to an order confirming the sale at any time after twenty days have elapsed from the mailing of the notice of the filing of the sheriff's return, on motion with notice given to all parties who have entered a written notice of appearance in the action and who have not had an order of default entered against them, unless the judgment debtor, or in case of the judgment debtor's death, the representative, or any nondefaulting party to whom notice was sent shall file objections to confirmation with the clerk within twenty days after the mailing of the notice of the filing of such return.

(3) If objections to confirmation are filed, the court shall nevertheless allow the order confirming the sale, unless on the hearing of the motion, it shall satisfactorily appear that there were substantial irregularities in the proceedings concerning the sale, to the probable loss or injury of the party objecting. In the latter case, the court shall disallow the motion and direct that the property

be resold, in whole or in part, as the case may be, as upon an execution received as of that date.

(4) Upon a resale, the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken, except for a greater amount. If on resale the property sells for a greater amount to any person other than the former purchaser, the clerk shall first repay to the former purchaser out of the proceeds of the resale the amount of the former purchaser's bid together with interest as is provided in the judgment.

(5) (a) If, after confirmation of the sale and the judgment is satisfied, there are any proceeds of the sale remaining, the clerk shall pay such proceeds, as provided for in (b) of this subsection, to all interests in, or liens against, the property eliminated by sale under this section in the order of priority that the interest, lien, or claim attached to the property, as determined by the court. Any remaining proceeds shall be paid to the judgment debtor, or the judgment debtor's representative, as the case may be, before the order is made upon the motion to confirm the sale only if the party files with the clerk a waiver of all objections made or to be made to the proceedings concerning the sale; otherwise, the excess proceeds shall remain in the custody of the clerk until the sale of the property has been disposed of.

(b) Anyone seeking disbursement of surplus funds shall file a motion requesting disbursement in the superior court for the county in which the surplus funds are deposited. Notice of the motion shall be served upon or mailed to all persons who had an interest in the property at the time of sale, and any other party who has entered an appearance in the proceeding, not less than twenty days prior to the hearing of the motion. The clerk shall not disburse such remaining proceeds except upon order of the superior court of such county.

(6) The purchaser shall file the original certificate of sale for record with the recording officer in the county in which the property is located. [2014 c 107 s 1; 1994 c 185 s 3; 1987 c 442 s 611; 1984 c 276 s 3; 1981 c 329 s 3; 1899 c 53 s 6; RRS s 591. Prior: 1897 c 50 s 14; Code 1881 s 367; 1877 p 79 s 370; 1869 p 95 s 363; 1854 p 182 s 266. Formerly RCW 6.24.100.]

Application—1984 c 276: See note following RCW 6.21.020.

Severability—1981 c 329: See note following RCW 6.21.020.

RCW 6.21.120 Sheriff's deed to real property sold. In all cases where real estate has been, or may hereafter be sold by virtue of an execution or other process, it shall be the duty of the sheriff or other officer making such sale to execute and deliver to the purchaser, or other person entitled to the same, a deed of conveyance of the real estate so sold. The deeds shall be issued upon request immediately after the confirmation of sale by the court in those instances where redemption rights have been precluded pursuant to RCW 61.12.093 et seq., or immediately after the time for redemption from such sale has expired in those instances in which there are redemption rights, as provided in RCW 6.23.060. In case the term of office of the sheriff or other officer making such sale shall have expired before a sufficient deed has been executed, then the successor in office of such sheriff shall, within the time specified in this section, execute

and deliver to the purchaser or other person entitled to the same a deed of the premises so sold, and such deeds shall be as valid and effectual to convey to the grantee the lands or premises so sold, as if the deed had been made by the sheriff or other officer who made the sale. [1987 c 442 s 612; 1965 c 80 s 5; 1899 c 53 s 16; RRS s 603. Prior: 1897 c 50 s 16. Formerly RCW 6.24.220.]

Sheriff, successor to complete process: RCW 36.28.130.

RCW 6.21.130 Effect of reversal of judgment on sale of real property. A purchaser of real property sold on execution, or a purchaser's successor in interest, who is evicted in consequence of the reversal of the judgment may recover from the plaintiff in the execution the price paid with interest and the costs and disbursements of the eviction suit. [1987 c 442 s 613; Code 1881 s 368; 1877 p 80 s 371; 1869 p 96 s 364; RRS s 592. Formerly RCW 6.24.110.]