

**Chapter 59.08 RCW**  
**DEFAULT IN RENT OF FORTY DOLLARS OR LESS**

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**RCW 59.08.010 Summons and complaint as notice—Acceptance of rent after default.** In cases of default in the payment of rent for real property where the stipulated rent or rental value does not exceed forty dollars per month, no notice to quit or pay rent, other than filing and serving a summons and complaint, as hereinafter provided, shall be required to render the holding of such tenant thereafter unlawful. If the landlord shall, after such default in the payment of rent, accept payment thereof, such acceptance of payment shall operate to reinstate the right of the tenant to possession for the full period fixed by the terms of any agreement relating to the right of possession. [1941 c 188 s 1; Rem. Supp. 1941 s 814-1.]

**RCW 59.08.020 Venue.** The superior court of the county in which the real property or some part thereof is situated shall have jurisdiction of proceedings for the recovery of possession of said real property alleged to be wrongfully detained. [1941 c 188 s 2; Rem. Supp. 1941 s 814-2.]

**RCW 59.08.030 Complaint.** Such proceedings shall be commenced by the filing of a complaint executed under oath by the owner or landlord or his or her authorized agent. It shall be sufficient to state in such complaint a description of the property with reasonable certainty, that the defendant is in possession thereof and wrongfully holds the same by reason of failure to pay the agreed rental due, or the monthly rental value of the premises. [2010 c 8 s 19003; 1941 c 188 s 3; Rem. Supp. 1941 s 814-3.]

**RCW 59.08.040 Order for hearing—Notice.** Upon the filing of such complaint it may be presented to the judge, and by order he or she shall forthwith fix a place and time for the trial of said cause, not more than ten days after the date of making the order. A copy of the complaint, together with a copy of the summons specifying the time and place for trial, shall be served on the defendant not less than

five days prior to the time fixed for hearing in the manner provided for the service of notice to quit in RCW 59.12.040. [2010 c 8 s 19004; 1941 c 188 s 4; Rem. Supp. 1941 s 814-4.]

**RCW 59.08.050 Continuance.** No continuance shall be granted for a longer period than two days unless the defendant applying therefor shall give good and sufficient security, to be approved by the court, conditioned upon the payment of rent accrued and to accrue, if judgment be rendered against the defendant. [1941 c 188 s 5; Rem. Supp. 1941 s 814-5.]

**RCW 59.08.060 Hearing—Writ of restitution.** At the time and place fixed for the hearing, the court shall proceed to examine the parties orally to ascertain the merits of the complaint, and if it shall appear that there is no reasonable doubt of the right of the plaintiff to be restored to the possession of said property, the court shall enter an order directing the issuance of a writ of restitution, which shall thereupon be served by the sheriff upon the defendant. After the expiration of three days from date of service, if the defendant has not surrendered possession or filed a bond as hereinafter provided, the writ shall be executed by the sheriff. If it appears to the court that there is reasonable doubt of the right of the plaintiff to be restored to the possession of said property, the court shall enter an order requiring the parties to proceed on the complaint filed in the usual form of action. [1941 c 188 s 6; Rem. Supp. 1941 s 814-6.]

**RCW 59.08.070 Recall of writ—Bond.** If the defendant feels aggrieved at an order of restitution, he or she may within three days after the entry of the order file a bond to be approved by the court in double the amount of the rent found to be due, plus two hundred dollars, conditioned for the payment and performance of any judgment rendered against him or her, and the court shall thereupon enter an order for the parties to proceed in the usual form of action, and recall the writ of restitution. [2010 c 8 s 19005; 1941 c 188 s 7; Rem. Supp. 1941 s 814-7.]

**RCW 59.08.080 Complaint as notice to quit.** The filing and service of a complaint under this chapter shall be equivalent to the notice required to pay rent or surrender possession under RCW 59.12.030. [1941 c 188 s 8; Rem. Supp. 1941 s 814-8.]

**RCW 59.08.090 Sheriff's fee.** The sheriff's fee shall be the same as in other civil actions. [1961 c 304 s 7; 1941 c 188 s 9; Rem. Supp. 1941 s 814-9.]

*County clerk's fees: RCW 36.18.020.*

*Sheriff's fees: RCW 36.18.040.*

**RCW 59.08.100 Indemnity bond not required—Liability for damages.** The plaintiff shall not be required to give bond to the defendant or the sheriff for the issuance or execution of the writ of restitution, and the sheriff shall not be liable for damages to the defendant for the execution of the writ of restitution hereunder, but any such damage to which the defendant may be entitled shall be recoverable against the plaintiff only. [1941 c 188 s 10; Rem. Supp. 1941 s 814-10.]

**RCW 59.08.900 Chapter inapplicable to rental agreements under landlord-tenant act.** This chapter does not apply to any rental agreement included under the provisions of chapter 59.18 RCW. [1973 1st ex.s. c 207 s 46.]