

deliver proper conveyances to effect the exchange. In any case where owing to death or lapse of time there is neither donor, heir, successor, nor assigns to give consent to the exchange, then this consent may be executed by the grantee. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes.

Passed the Senate March 11, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 191.

[S. B. 123.]

UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT.

AN ACT relating to uniform enforcement of foreign judgments act.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. As used in this act:

Definitions.

(a) "Foreign judgment" means any judgment, decree or order of a court of the United States or of any state or territory which is entitled to full faith and credit in this state.

"Foreign judgment."

(b) "Register" means to file a foreign judgment in a court of this state.

"Register."

(c) "Levy" means to take control of or create a lien upon property under any judicial writ or process whereby satisfaction of a judgment may be enforced against such property.

"Levy."

(d) "Judgment debtor" means the party against whom a foreign judgment has been rendered.

"Judgment debtor."

SEC. 2. On application made within the time allowed for bringing an action on a foreign judgment

Registration of foreign judgment; authorized.

in this state, any person entitled to bring such action may have a foreign judgment registered in any court of this state having jurisdiction of such an action.

Petition.

SEC. 3. A verified petition for registration shall set forth a copy of the judgment to be registered, the date of its entry and the record of any subsequent entries affecting it (such as levies of execution, payments in partial satisfaction and the like) all authenticated in the manner authorized by the laws of the United States or of this state, and a prayer that the judgment be registered. The clerk of the registering court shall notify the clerk of the court which rendered the original judgment that application for registration has been made, and shall request him to file this information with the judgment.

Notice to clerk of foreign court.

Service of summons.

SEC. 4. At any time after registration the petitioner shall be entitled to have summons served upon the judgment debtor as in an action brought upon the foreign judgment, in any manner authorized by the law of this state for obtaining jurisdiction of the person.

Forum without jurisdiction of judgment debtor; notice to last known address.

SEC. 5. If jurisdiction of the person of the judgment debtor can not be obtained, a notice clearly designating the foreign judgment and reciting the fact of registration, the court in which it is registered, and the time allowed for pleading, shall be sent by the clerk of the registering court by registered mail to the last known address of the judgment debtor. Proof of such mailing shall be made by certificate of the clerk.

Levy on property of judgment debtor.

SEC. 6. At any time after registration and regardless of whether jurisdiction of the person of the judgment debtor has been secured or final judgment has been obtained, a levy may be made under the registered judgment upon any property of the judgment debtor which is subject to execution or other judicial process for satisfaction of judgment.

SEC. 7. If the judgment debtor fails to plead within sixty days after jurisdiction over his person has been obtained, or if the court after hearing has refused to set the registration aside, the registered judgment shall become a final personal judgment of the court in which it is registered.

Registered judgment as final personal judgment.

SEC. 8. Any defense, set-off, counter-claim, or cross-complaint which under the law of this state may be asserted by the defendant in an action on the foreign judgment may be presented by appropriate pleadings and the issues raised thereby shall be tried and determined as in other civil actions. Such pleadings must be filed within sixty days after personal jurisdiction is acquired over him or within sixty days after the mailing of the notice prescribed in section 5.

Defenses, set-off, counter-claims and cross-complaints.

SEC. 9. If the judgment debtor shows that an appeal from the original judgment is pending or that he is entitled and intends to appeal therefrom, the court shall, on such terms as it thinks just, postpone the trial for such time as appears sufficient for the appeal to be concluded, and may set aside the levy upon proof that the defendant has furnished adequate security for satisfaction of the judgment.

Appeal from original judgment.

SEC. 10. An order setting aside a registration constitutes a final judgment in favor of the judgment debtor.

Order setting aside a registration.

SEC. 11. An appeal may be taken by either party from any judgment sustaining or setting aside a registration on the same terms as an appeal from a judgment of the same court.

Appeal from judgment on registration proceedings.

SEC. 12. If personal jurisdiction of the judgment debtor is not secured within sixty days after the levy and he has not, within sixty days after the mailing of the notice prescribed by section 5, acted to set aside the registration, or to assert a set-off, counter-claim, or cross-complaint, the registered

Final judgment quasi in rem.

judgment shall be a final judgment *quasi in rem* of the court in which it is registered, binding upon the judgment debtor's interest in property levied upon, and the court shall enter an order to that effect.

Sale under
levy.

SEC. 13. Sale under the levy may be held at any time after final judgment, either personal or *quasi in rem*, but not earlier except as otherwise provided by law for sale under levy on perishable goods. Sale and distribution of the proceeds shall be made in accordance with the law of this state.

Interest and
costs.

SEC. 14. When a registered foreign judgment becomes a final judgment of this state, the court shall include as part of the judgment interest payable on the foreign judgment under the law of the state in which it was rendered, and the cost of obtaining the authenticated copy of the original judgment. The court shall include as part of its judgment court costs incidental to the proceeding in accordance with the law of this state.

Satisfaction
of judgments.

SEC. 15. Satisfaction, either partial or complete, of the original judgment or of a judgment entered thereupon in any other state shall operate to the same extent as satisfaction of the judgment in this state, except as to costs authorized by section 14.

Judgment
creditor's
former rights
preserved.

SEC. 16. The right of a judgment creditor to bring an action to enforce his judgment instead of proceeding under this act remains unimpaired.

Construction
of act.

SEC. 17. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Citation
of act.

SEC. 18. This act may be cited as the Uniform Enforcement of Foreign Judgments Act.

Passed the Senate February 18, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 18, 1953.