

CHAPTER 25.

[H. B. 30.]

ENFORCEMENT OF JUDGMENTS.

AN ACT relating to the execution and enforcement of judgments, and repealing certain acts relating thereto.

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

SECTION 1. When any judgment of a court of record of this state requires the payment of money, or the delivery of real or personal property, the same may be enforced in those respects by execution, as provided in this act. When it requires the performance of any other act, a certified copy of the judgment may be served on the party against whom it is given, or the person or officer who is required thereby, or by law, to obey the same, and a writ shall be issued commanding him to obey or enforce the same. If he refuses, he may be punished by the court as for contempt.

Method of enforcement of judgments.

SEC. 2. The party in whose favor a judgment of a court of record of this state has been, or may hereafter be, rendered, or his assignee, may have an execution issued for the collection or enforcement of the same, at any time within six years from the rendition thereof: *Provided*, That no execution shall issue on any judgment rendered upon a contract made prior to the ninth day of June, 1897, after the expiration of five years from the date of the rendition thereof, unless and until such judgment has been revived in the manner provided by law, except that in case of an appeal the date of the final judgment in the supreme court shall be the time from which said period of five years shall commence to run.

Execution on judgment within six years.

SEC. 3. There shall be three kinds of executions; one against the property of the judgment

Kinds of execution.

debtor, the second for the delivery of the possession of real or personal property, or such delivery with damages for withholding the same, and the third, commanding the enforcement of or obedience to any special order of the court, and in all cases there shall be an order to collect the costs.

SEC. 4. The writ of execution shall be issued in the name of the State of Washington, sealed with the seal of the court, and subscribed by the clerk, and shall be directed to the sheriff of the county in which the property is situated, or to the coroner of such county, or the officer exercising the powers and performing the duties of coroner in case there be no coroner, when the sheriff is a party, or interested, and shall intelligibly refer to the judgment, stating the court, the county where the judgment was rendered, the names of the parties, the amount of the judgment if it be for money, and the amount actually due thereon, and shall require substantially as follows:

1. If the execution be against the property of the judgment debtor it shall require the officer to satisfy the judgment, with interest, out of the personal property of the debtor, and if sufficient personal property cannot be found, out of his real property upon which the judgment is a lien.

2. If the execution be against real or personal property in the hands of personal representatives, heirs, devisees, legatees, tenants of real property, or trustees, it shall require the officer to satisfy the judgment, with interest, out of such property.

3. If the execution be for the delivery of real or personal property, it shall require the officer to deliver possession of the same, particularly describing it, to the party entitled thereto, and may, at the same time, require the officer to satisfy any charges, damages, or rents and profits recovered by the same judgment, out of the personal property of the party

Issued by
clerk.

Directed to
sheriff.

Against
property.

Against
heirs, tenants
and trustees.

For delivery
of real or
personal
property.

against whom it was rendered, and the value of the property for which the judgment was recovered, shall be specified therein. If a delivery of the property described in the execution cannot be had, and if sufficient personal property cannot be found to satisfy the judgment, it shall be satisfied out of the real property of the party against whom the judgment was rendered.

4. When the execution is to enforce obedience to any special order, it shall particularly command what is required to be done or to be omitted.

For obedience to special order.

5. When the nature of the case shall require it, the execution may embrace one or more of the requirements above mentioned. And in all cases the execution shall require the collection of all interest, costs, and increased costs thereon.

May embrace more than one requirement.

SEC. 5. The sheriff or other officer shall indorse upon the writ of execution the time when he received the same, and the execution shall be returnable within sixty days after its date to the clerk who issued it. No sheriff or other officer shall retain any moneys collected on execution, more than twenty days before paying the same to the clerk of the court who issued the writ, under penalty of twenty per cent on the amount collected, to be paid by the sheriff or other officer, one half to the party to whom the judgment is payable, and the other half to the county treasurer of the county wherein the action was brought, for the use of the school fund of said county. The clerk shall, immediately after the receipt of any money collected on any judgment, notify the party to whom the same is payable, and pay over the amount to the said party on demand. On failure to so notify and pay over, without any reasonable cause shown for the delay, the clerk shall forfeit and pay the same penalty to the same parties as is above prescribed for the sheriff.

Sheriff's return.

Clerk to notify parties when money collected.

Property
subject to
execution.

SEC. 6. All property, real and personal, of the judgment debtor, not exempted by law, shall be liable to execution.

Assignee and
heirs of
judgment
creditor en-
titled to
execution.

SEC. 7. In all cases in which a judgment heretofore or hereafter recovered in any court of this state, has been or shall be assigned to any person, execution in the name of the assignee, upon the assignment being recorded in the execution docket, by the clerk of the court in which the judgment is recovered, and in all cases in which a judgment has been or shall be recovered in any such court, and the person in whose name execution might have issued, has died or shall die, execution may issue in the name of the executor, administrator or legal representative of such deceased person, upon letters testamentary or of administration, or other sufficient proof being filed in said cause and minuted upon the execution docket, by the clerk of the court in which said judgment is entered, and upon an order of said court or the judge thereof, which may be made on an *ex parte* application.

Statutes
repealed.

SEC. 8. That chapter XXX (30), sections 325 to 334 of the Code of Washington Territory of 1881; an act entitled "An Act to amend section 334 of the Code of Washington Territory, in relation to executions," approved January 30, 1886, Laws of 1885/6, page 75; chapter LII (52) of the Laws of 1887/8, pages 94 to 95, (sections 510 to 519 of Remington's Compiled Statutes; sections 7827 to 7835 and 7841 of Pierce's Code) are hereby repealed: *Provided*, That this repeal shall not affect any rights acquired, or proceedings had or pending, under said acts repealed or either of them, and all such rights and proceedings shall be continued under the provisions of this act.

Saving
clause.

Passed the House January 24, 1929.

Passed the Senate February 4, 1929.

Approved by the Governor February 13, 1929.