

CHAPTER 60.

[H. B. 29.]

JUDGMENTS IN CIVIL ACTIONS.

AN ACT relating to judgments, their duration, lien, assignment and satisfaction and repealing certain acts relating thereto.

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

Real estate held to satisfy judgment.

SECTION 1. The real estate of any judgment debtor, and such as he may acquire, not exempt by law, shall be held and bound to satisfy any judgment of the district court of the United States rendered in this state, any judgment of the supreme or superior court of this state, and any judgment of any justice of the peace rendered in this state, and every such judgment shall be a lien thereupon to commence as hereinafter provided and to run for a period of not to exceed six years from the day on which such judgment was rendered: *Provided, however,* That any such judgment rendered upon a contract made prior to the ninth day of June, 1897, any judgment upon, or reviving or continuing such judgment, and any revival thereof, shall cease to be a lien upon the real estate of the judgment debtor at the end of five years from the rendition thereof, and in case of an appeal from any such judgment of the superior court, the date of the final judgment in the supreme court shall be the time from which said five years shall commence to run. Personal property of the judgment debtor shall be held only from the time it is actually levied upon.

Judgment on contract made prior to June 9, 1897.

Commencement of judgment lien.

Judgments of United States courts.

SEC. 2. The lien of judgments upon the real estate of the judgment debtor shall commence as follows:

(a) Judgments of the district court of the United States rendered in the county in which the real estate of the judgment debtor is situated, and

judgments of the superior court for the county in which the real estate of the judgment debtor is situated, from the time of the entry thereof;

Superior
Court
judgments.

(b) Judgments of the district court of the United States rendered in any county in this state other than that in which the real estate of the judgment debtor to be affected is situated, judgments of the supreme court of this state, and judgments of the superior court for any county other than that in which the real estate of the judgment debtor to be affected is situated, from the time of the filing of a duly certified abstract of such judgment with the county clerk of the county in which the real estate of the judgment debtor to be affected is situated, as provided in this act;

United
States
District
Court
judgments
in counties
in which
real estate
is not
located.

(c) Judgments of a justice of peace rendered in the county in which the real estate of the judgment debtor is situated, from the time of the filing of a duly certified transcript of the docket of the justice of the peace with the county clerk of the county in which such judgment was rendered, and upon such filing said judgment shall become to all intents and purposes a judgment of the superior court for said county; and

Judgments
of justice
court.

(d) Judgments of a justice of the peace rendered in any other county in this state than that in which the real estate of the judgment debtor to be affected is situated, a transcript of the docket of which has been filed with the county clerk of the county where such judgment was rendered, from the time of filing, with the county clerk of the county in which the real estate of the judgment debtor to be affected is situated, of a duly certified abstract of the record of said judgment in the office of the county clerk of the county in which the certified transcript of the docket of said judgment of said justice of the peace was originally filed.

In counties
other than
that in
which real
estate
located.

Abstract of judgment.

SEC. 3. The abstract of a judgment provided for in this act shall contain (1) the name of the party, or parties, in whose favor the judgment was rendered; (2) the name of the party, or parties, against whom the judgment was rendered; (3) the date of the rendition of the judgment; (4) the amount for which the judgment was rendered, and in the following manner, viz: Principal \$.....; interest \$.....; costs \$; total \$.....

Transcript of docket of justice court.

A transcript of the docket of a justice of the peace provided for by this act shall contain an exact copy of the judgment from the justice's docket.

County clerk to enter justice transcript.

SEC. 4. It shall be the duty of the county clerk to enter in his execution docket any duly certified transcript of a judgment of a justice of the peace and any duly certified abstract of any judgment of any court mentioned in this act, filed in his office, and to index the same in the same manner as judgments originally rendered in the superior court for the county of which he is clerk.

County clerk to keep record index.

SEC. 5. It shall be the duty of the county clerk to keep a proper record index, both direct and inverse, of any and all judgments, abstracts and transcripts of judgments in his office, and all renewals thereof, and such index shall refer to each party against whom the judgment is rendered or whose property is affected thereby, and shall, together with the records of judgments be open to public inspection during regular office hours. When any judgment has been assigned, the assignment may be filed in the office of the county clerk in the county where the judgment is recorded and a certified copy thereof may be filed in any county where an abstract of such judgment has been filed and from the time of such filing shall be notice of such assignment.

When judgment paid satisfaction to be entered.

SEC. 6. When any judgment for the payment of money only shall have been paid or satisfied, the

clerk of the court in which such judgment was rendered shall note upon the record in the execution docket satisfaction thereof giving the date of such satisfaction upon either the payment to such clerk of the amount of such judgment, costs and interest and any accrued costs by reason of the issuance of any execution, or the filing with such clerk of a satisfaction entitled in such action and identifying the same executed by the judgment creditor or his attorney of record in such action or his assignee acknowledged as deeds are acknowledged. A certificate by such clerk of the entry of such satisfaction by him may be filed in the office of the clerk of any county in which an abstract of such judgment has been filed. When so satisfied by the clerk or the filing of such certificate the lien of such judgment shall be discharged.

SEC. 7. After the expiration of six years from the date of the entry of any judgment heretofore or hereafter rendered in this state, it shall cease to be a lien or charge against the estate or person of the judgment debtor, and no suit, action or other proceeding shall ever be had on any judgment rendered in this state by which the lien or duration of such judgment, claim or demand, shall be extended or continued in force for any greater or longer period than six years from the date of the entry of the original judgment, except as in the next section of this act provided.

Ceases to be
lien after
six years.

SEC. 8. If any judgment heretofore or hereafter rendered in this state upon a contract made prior to the ninth day of June, 1897, or any judgment upon, or reviving or continuing such judgment, or any revival thereof, shall remain unsatisfied, in whole or in part, at the end of five years from the date of its rendition, the judgment creditor may sue thereon, or the lien thereof may be revived and continued, as in this section provided:

Revival of
judgment on
contracts
made prior
to June 9,
1897.

Judgment
creditor to
file motion.

(1) The judgment creditor, his assignee, or the party to whom the judgment is due and payable, shall file a motion with the clerk of the court where the judgment is entered, to revive and continue the lien of the same, with leave to issue an execution. The motion shall state the names of the parties to the judgment, the date of its entry, the amount claimed to be due thereon, or the particular property, of which the possession was thereby adjudged to such party, remaining undelivered. The motion shall be subscribed in the same manner as an original complaint.

Notice
served on
judgment
debtor.

(2) At any time after filing such motion, the party filing it may cause notice to be served on the judgment debtor in like manner and with like effect as a summons; said notice shall be attached to a copy of said motion by the clerk of the court, and be served by the sheriff or other officer as an original summons and shall cite the judgment debtor to appear and show cause why said motion should not be allowed. The time in which the judgment debtor shall be required to appear, shall be the same as is prescribed for answer to a complaint and the law applicable to service of a summons, shall apply to the service of such notice. In case the judgment debtor be dead, the notice may be served upon his legal representative.

Answer or
demurrer to
motion.

(3) The judgment debtor, or in case of his death, his legal representative, may file an answer or demurrer to such motion, within the time allowed by law to answer a complaint, alleging any defense to such motion which may exist. If no answer be filed within the time prescribed, the motion shall be allowed as of course. The moving party may demur or reply to the answer. The pleadings shall be subscribed and verified, and the proceedings concluded as in original actions.

(4) The word "representatives" in this section shall be deemed to include any and all persons in whose possession property of the judgment debtor which is liable to be taken and sold or delivered in satisfaction of the execution, may be, and not otherwise.

"Representatives" of judgment debtor.

(5) The order allowing the motion shall specify the amount due upon such unsatisfied judgment for which execution is to issue, or the particular property the possession of which is to be delivered, and shall be entered in the journal and docket as a judgment, and a final record shall be made of the proceedings in the same manner as a judgment.

Order allowing motion.

Such motion shall not be granted unless it is established by the oath of the party, or other satisfactory proof, that the judgment or some part thereof remains unsatisfied. The order of the court allowing the motion and granting leave to issue an execution shall operate as a revival of the judgment for the amount found to be due at the time of such revival and the same shall be and continue a lien upon the real estate of the judgment debtor situated in the county wherein the order is entered, for a period of five years from and after the date of such order, in like manner with the original judgment, and upon the real estate of the judgment debtor situated in any other county upon the filing of a duly certified transcript of such order with the county clerk of the county in which the real estate to be affected is situated. Revival judgments shall bear the same rate of interest and be in all respects similar to original judgments as to lien and enforcement of collection: *Provided, however,* That no judgment upon a contract made prior to the ninth day of June, 1897, and subsequent to the ninth day of June, 1891, nor any judgment upon, or reviving or continuing such judgment, nor any revival thereof, shall be sued upon, or shall be revived or continued unless such

Motion to be granted.

Operates to revive judgment.

Proceedings for revival to be commenced within six years.

In appeal cases time runs from date of final judgment.

suit or proceedings for such revival or continuance shall be commenced within six years after the date of its rendition, and *Provided, further*, That in all cases of an appeal from any judgment mentioned in this section, the date of final judgment in the supreme court of this state shall be the time from which said period of five years, or six years, as the case may be, shall commence to run.

Statutes repealed.

SEC. 9. That chapter XXVIII (28), sections 320, 321, 322, and chapter XXIX (29), sections 323 and 324, and section 753 of the Code of Washington Territory of 1881; an act entitled "An Act relating to the filing and recording of transcripts of judgments rendered in this state by the district or circuit courts of the United States", approved February 19, 1890, Laws of 1889/90, pages 97 to 98; section 5 of chapter XXXVIII (38) of the Laws of 1891, pages 77 to 78; chapter LXXXIV (84) of the Laws of 1891, pages 165 to 166; chapter XLII (42) of the Laws of 1893, pages 65 to 67, and chapter XXXIX (39) of the Laws of 1897, pages 52 to 53, chapter XI of the Laws of 1897, page 10, (sections 445, 446, 447, 450, 451, 452, 453, 454, 455, 456, 458, 459, 460, 461, 462 and 463 of Remington's Compiled Statutes; sections 8111, 8112, 8113, 8114, 8115, 8116, 8117, 8118, 8119, 8120, 8121, 8125, 8126, 8163, 8164 and 8165 of Pierce's Code) are hereby repealed: *Provided*, That such repeal shall not be construed as affecting any rights acquired or the validity of any act done or proceeding had or pending under the provisions of any of said acts repealed.

Validity of prior acts and proceedings saved.

Passed the House January 29, 1929.

Passed the Senate February 13, 1929.

Approved by the Governor February 25, 1929.