

**SENATE BILL REPORT**

**SSB 5202**

**AS PASSED SENATE, MARCH 14, 1991**

**Brief Description:** Changing provisions relating to civil judgments.

**SPONSORS:** Senate Committee on Law & Justice (originally sponsored by Senators Nelson and Madsen).

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** That Substitute Senate Bill No. 5202 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

**Staff:** Susan Carlson (786-7418)

**Hearing Dates:** February 12, 1991; February 15, 1991

**HOUSE COMMITTEE ON JUDICIARY**

**BACKGROUND:**

Under existing law, notice of the assignment of a judgment occurs upon filing the assignment with the county clerk in the county where the judgment is recorded. Judgments become a lien on real estate of the judgment debtor upon filing with the clerk in the county where the real estate is located. A judgment lien is removed by filing a certificate of satisfaction with the clerk.

There is a concern that these procedures may not be providing adequate notice of judgments for land title companies and persons desiring timely and complete disclosure in public records.

**SUMMARY:**

Notice of assignment of a judgment occurs upon recording a certified copy of the assignment with the county recording officer. Assignments made to the Office of Support Enforcement are not required to be recorded.

A certificate of satisfaction of judgment issued by the court clerk shall be recorded with the recording officer of each county in which the judgment is recorded.

A judgment lien on real estate of the judgment debtor is commenced by recording a memorandum of the judgment with the recording officer of the county in which the real estate is located. A memorandum of judgment must contain specified

information about the debtor, creditor and the judgment. The memorandum must be executed and acknowledged by the judgment creditor.

The judgment creditor may recover actual fees paid for filing or recording done pursuant to the act.

The responsibility for recording judgments is on the judgment creditor. County clerks are not liable for failure to have a judgment recorded.

Criminal judgments are not required to be recorded.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**TESTIMONY FOR:**

The bill would provide more timely and complete disclosure of judgments affecting real estate.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: John Woodring, Washington Land Title Assoc.;  
Warren Olsen, Washington Land Title Assoc.

**HOUSE AMENDMENT(S):**

A superior court may issue a partial summary judgment in a civil action for damages if no material issues of fact exist regarding the causation of the damages, the liability of the defendant, or the amount of the damages.