

SENATE BILL REPORT

SB 5202

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 15, 1991

Brief Description: Changing provisions relating to civil judgments.

SPONSORS: 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

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 upon 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.

The certificate, or certified copy, of a satisfaction of judgment issued by the court clerk shall be recorded with the recording officer of each county in which the judgment or a memorandum thereof was recorded.

A judgment lien upon 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 certain information about the debtor, creditor and the judgment. The

memorandum must be executed and acknowledged by the judgment creditor.

The court shall award costs in the amount of \$20 for any filing or recording done pursuant to this act.

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

EFFECT OF PROPOSED SUBSTITUTE:

The requirements for criminal judgments are not changed by the bill. The judgment creditor may recover actual fees paid for filing or recording done pursuant to the act.

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.