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SENATE BILL 5202

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State of Washington

52nd Legislature

1991 Regular Session

By Senators Nelson and Madsen.

Read first time January 23, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to civil judgments; amending RCW 4.56.090,  
2 4.56.100, 4.56.200, and 6.13.090; adding new sections to chapter 4.56  
3 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 4.56.090 and 1935 c 22 s 1 are each amended to read as  
6 follows:

7 (1) When any judgment has been assigned, the assignment may be  
8 filed in the office of the county clerk in the county where the  
9 judgment ~~((is recorded))~~ was rendered, and a certified copy may be  
10 recorded with the recording officer of the county in which the judgment  
11 was rendered, which assignment includes the recording number of the  
12 judgment, and a certified copy thereof may be ((filed)) recorded in any  
13 county ((where an abstract)) in which a memorandum of such judgment has  
14 been ((filed)) recorded, and from the time of such ((filing)) recording  
15 shall be notice of such assignment: PROVIDED, That such assignment of

1 a judgment or such certified copy thereof, may not be filed or recorded  
2 unless it is properly acknowledged by the person executing the  
3 assignment before an officer qualified by law to take acknowledgment of  
4 deeds.

5 (2) This section shall not apply to assignments made to the  
6 Washington state support registry within the office of support  
7 enforcement under Title 26 or 74 RCW.

8 **Sec. 2.** RCW 4.56.100 and 1983 c 28 s 1 are each amended to read as  
9 follows:

10 When any judgment for the payment of money only shall have been  
11 paid or satisfied, the clerk of the court in which such judgment was  
12 rendered shall note upon the record in the execution docket  
13 satisfaction thereof giving the date of such satisfaction upon either  
14 the payment to such clerk of the amount of such judgment, costs, and  
15 interest and any accrued costs by reason of the issuance of any  
16 execution, or the filing with such clerk of a satisfaction entitled in  
17 such action and identifying the same executed by the judgment creditor  
18 or his or her attorney of record in such action or his or her assignee  
19 acknowledged as deeds are acknowledged. Every full satisfaction of  
20 judgment and every partial satisfaction of judgment which provides for  
21 the payment of money shall clearly designate the judgment creditor and  
22 his or her attorney if any, the judgment debtor, the amount or type of  
23 satisfaction, whether the satisfaction is full or partial, the cause  
24 number, and the date of entry of the judgment. A certificate by such  
25 clerk of the entry of such full satisfaction by him (~~(may be filed in~~  
26 ~~the office of the clerk of any county in which an abstract of such~~  
27 ~~judgment has been filed. When so satisfied by the clerk or the filing~~  
28 ~~of such certificate the lien of such judgment shall be discharged)) or  
29 her or a certified copy of such full satisfaction, which includes the~~

1 recording number of the judgment, shall be recorded with the recording  
2 officer of each county in which the judgment or memorandum thereof was  
3 recorded. A certified copy of either the recorded certificate or  
4 recorded certified copy of full satisfaction may be recorded with the  
5 recording officer of the county in which any memorandum of the judgment  
6 referred to in RCW 4.56.200 (1) and (2) or assignment thereof has been  
7 recorded, and from the time of such recording in the county in which  
8 the judgment was rendered shall be notice of such full satisfaction.

9       **Sec. 3.** RCW 4.56.200 and 1987 c 202 s 117 are each amended to read  
10 as follows:

11       The lien of judgments upon the real estate of the judgment debtor  
12 shall commence as follows:

13       (1) ~~((Judgments of the district court of the United States rendered~~  
14 ~~in the county in which the real estate of the judgment debtor is~~  
15 ~~situated, and judgments of the superior court for the county in which~~  
16 ~~the real estate of the judgment debtor is situated, from the time of~~  
17 ~~the entry thereof;~~

18       (2)) Judgments of the district court of the United States rendered  
19 in any county ~~((in this state other than that in which the real estate~~  
20 ~~of the judgment debtor to be affected is situated)) of this state,~~  
21 judgments of the supreme court of this state, judgments of the court of  
22 appeals of this state, and judgments of the superior court for any  
23 county ~~((other than that in which the real estate of the judgment~~  
24 ~~debtor to be affected is situated, from the time of the filing of a~~  
25 ~~duly certified abstract of such)) of this state, upon the recording of~~  
26 a memorandum of the judgment with the ((county clerk)) recording  
27 officer of the county in which the real estate of the judgment debtor  
28 to be affected is situated, as provided in this ~~((act))~~ chapter;

1       ~~((3))~~ (2) Judgments of a district court of this state (~~rendered~~  
2 ~~in the county in which the real estate of the judgment debtor is~~  
3 ~~situated,~~) from the time of the filing of a duly certified transcript  
4 of the docket of the district court with the county clerk of the county  
5 in which such judgment was rendered, and upon such filing said judgment  
6 shall become to all intents and purposes a judgment of the superior  
7 court for said county(~~;~~ and

8       ~~(4) Judgments of a district court of this state rendered in any~~  
9 ~~other county in this state than that in which the real estate of the~~  
10 ~~judgment debtor to be affected is situated, a transcript of the docket~~  
11 ~~of which has been filed with the county clerk of the county where such~~  
12 ~~judgment was rendered, from the time of filing, with the county clerk~~  
13 ~~of the county in which the real estate of the judgment debtor to be~~  
14 ~~affected is situated, of a duly certified abstract of the record of~~  
15 ~~said judgment in the office of the county clerk of the county in which~~  
16 ~~the certified transcript of the docket of said judgment of said~~  
17 ~~district court was originally filed)) and the recording with the~~  
18 recording officer of any county in the state in which the real estate  
19 of the judgment debtor is situated, of a memorandum of the  
20 transcription of judgment which was filed with the clerk of the county  
21 in which the judgment was rendered.

22       (3) The memorandum referred to in subsections (1) and (2) of this  
23 section shall clearly designate: The judgment debtor, judgment  
24 creditor, and the name of the judgment creditor's attorney; the amount  
25 of the judgment, the court of jurisdiction, and the county in which the  
26 judgment was rendered; and, as to a judgment referred to under  
27 subsection (2) of this section, the superior court of the county in  
28 which the transcription was filed and the name of the court in which  
29 the judgment was rendered, cause number, and warrant number if a state  
30 tax warrant is involved. For any judgment that also includes taxable

1 costs and attorneys' fees, the total of such costs and fees shall be  
2 designated in the memorandum or, if the taxable costs and attorneys'  
3 fees are not known at the time the memorandum or a certified copy  
4 thereof is recorded, then the following statement shall appear in upper  
5 case type on the memorandum or certified copy: "TAXABLE COSTS AND  
6 ATTORNEYS' FEES ARE IN ADDITION TO THE AMOUNT OF THIS JUDGMENT." The  
7 memorandum shall be executed and acknowledged by the judgment creditor  
8 or his or her attorney and shall be valid for all purposes if in  
9 substantial compliance with the foregoing requirement.

10 NEW SECTION. Sec. 4. A new section is added to chapter 4.56 RCW  
11 to read as follows:

12 A cost of twenty dollars shall be awarded by the court for any  
13 filing or recording with the court clerk or recording officer under RCW  
14 4.56.090, 4.56.100, or 4.56.200.

15 NEW SECTION. Sec. 5. A new section is added to chapter 4.56 RCW  
16 to read as follows:

17 The responsibility for recording judgments shall rest with the  
18 judgment creditor and the county clerks shall not be liable for failure  
19 to have a judgment recorded.

20 **Sec. 6.** RCW 6.13.090 and 1988 c 231 s 4 are each amended to read  
21 as follows:

22 A judgment against the owner of a homestead shall become a lien on  
23 the value of the homestead property in excess of the homestead  
24 exemption from the time the judgment creditor records the judgment, or  
25 memorandum thereof, with the recording officer of the county where the  
26 property is located. However, if a judgment of a district court of  
27 this state has been transferred to a superior court, the judgment

1 becomes a lien from the time of recording with such recording officer  
2 a duly certified abstract of the record of such judgment as it appears  
3 in the office of the clerk in which the transfer was originally filed  
4 or a memorandum of the transcription of judgment which was filed in  
5 that office.

6 NEW SECTION. **Sec. 7.** This act applies to all judgments  
7 rendered after the effective date of this act.