

SENATE BILL REPORT

ESB 5449

AS PASSED SENATE, FEBRUARY 11, 1994

Brief Description: Changing provisions regarding judgments.

SPONSORS: Senator Hargrove

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Niemi, Quigley, Roach, Schow and Spanel.

Staff: Martin Lovinger (786-7443)

Hearing Dates: February 4, 1994

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

When a money judgment is paid through court, the clerk is required to file a satisfaction of judgment, which releases any liens based on that judgment. When judgments are not paid through the court clerk, a satisfaction of judgment may not be filed, which causes problems with clearing records and liens.

Judgments are required to have a summary on the first page, which assists with record-keeping. On occasion the summary is incorrect. In other cases, the summary is missing.

The proceeds from the sale of real estate are generally distributed pursuant to court order under most local rules.

When funds are held in trust by a court, the interest earned on such funds can be used for general county purposes, unless the funds held in trust are more than \$2,000 and a litigant has requested in writing an investment of the funds with the proceeds to be paid to the beneficiary. If the written request does not arrive until after the funds have begun earning interest, some interest may have been transferred to the county current expense fund and used by the county.

SUMMARY:

The Department of Social and Health Services must file a satisfaction of judgment for payment of a welfare fraud conviction if the money is not paid through the clerk's office.

The Department of Corrections must file a satisfaction of judgment if a person does not pay a money judgment through the clerk's office.

A judgment does not take effect and the court clerk may not sign or file a judgment unless it contains a summary. The clerk is not liable for an incorrect summary submitted by a party. An application for an extension on execution of a judgment must be accompanied by an updated summary.

Proceeds of sales of real estate in satisfaction of judgments must be distributed by direction of court order.

Interest from the investment of funds held in trust by a court will only accrue to the beneficiary after the written request for investment has been made.

Appropriation: none

Revenue: yes

Fiscal Note: available

TESTIMONY FOR:

This is not a clean up bill. These provisions are important to the staffs of the court clerks. This bill will help to assure that information disseminated by courts is accurate.

TESTIMONY AGAINST: None

TESTIFIED: Jan Michaels, King County Court Clerk (pro); Deborah Wilke, Washington Association of County Officials (pro)

HOUSE AMENDMENT(S):

The language requiring an updated summary when applying for an extension on execution of a judgment is eliminated.