
SECOND SUBSTITUTE HOUSE BILL 1009

State of Washington 53rd Legislature 1994 Regular Session

By House Committee on Judiciary (originally sponsored by
Representatives Appelwick and Riley)

Read first time 01/14/94.

1 AN ACT Relating to notices of lis pendens; and adding a new section
2 to chapter 4.28 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.28 RCW
5 to read as follows:

6 (1) For purposes of this section:

7 (a) "Lis pendens" means a lis pendens filed under RCW 4.28.320 or
8 4.28.325 or other instrument having the effect of clouding the title to
9 real property, but does not include a lis pendens filed in connection
10 with an action under Title 6, 60, or 61 RCW.

11 (b) "Claimant" means a person who files a lis pendens, but does not
12 include the United States, any agency thereof, or the state of
13 Washington, any agency, political subdivision, or municipal corporation
14 thereof; and

15 (c) "Aggrieved party" means (i) a person against whom the claimant
16 asserted the cause of action in which the lis pendens was filed, but
17 does not include parties fictitiously named in the pleading; or (ii) a
18 person having an interest or a right to acquire an interest in the real
19 property against which the lis pendens was filed, provided that the

1 claimant had actual or constructive knowledge of such interest or right
2 when the lis pendens was filed.

3 (2) A claimant in an action not affecting the title to real
4 property against which the lis pendens was filed is liable to an
5 aggrieved party who prevails on a motion to cancel the lis pendens, for
6 actual damages caused by filing the lis pendens, and for reasonable
7 attorneys' fees incurred in canceling the lis pendens.

8 (3) Unless the claimant establishes a substantial justification for
9 filing the lis pendens, a claimant is liable to an aggrieved party who
10 prevails in defense of the action in which the lis pendens was filed
11 for actual damages caused by filing the lis pendens, and in the court's
12 discretion, reasonable attorneys' fees and costs incurred in defending
13 the action.

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