

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1009

53rd Legislature
1994 Regular Session

Passed by the House March 7, 1994
Yeas 92 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate March 1, 1994
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1009** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1009

AS AMENDED BY THE SENATE

Passed Legislature - 1994 Regular Session

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, however named, including consensual commercial lien,
10 common law lien, commercial contractual lien, or demand for performance
11 of public office lien, but does not include a lis pendens filed in
12 connection with an action under Title 6, 60, other than chapter 60.70
13 RCW, or 61 RCW.

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

18 (c) "Aggrieved party" means (i) a person against whom the claimant
19 asserted the cause of action in which the lis pendens was filed, but

1 does not include parties fictitiously named in the pleading; or (ii) a
2 person having an interest or a right to acquire an interest in the real
3 property against which the lis pendens was filed, provided that the
4 claimant had actual or constructive knowledge of such interest or right
5 when the lis pendens was filed.

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

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

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