

2 **SSB 5144** - H AMD **ADOPTED 4-14-97**
3 By Committee on Law & Justice

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 6.36.035 and 1994 c 185 s 7 are each amended to read
8 as follows:

9 (1) At the time of the filing of the foreign judgment, the judgment
10 creditor or the judgment creditor's lawyer shall make and file with the
11 clerk of court an affidavit setting forth the name and last known post
12 office address of the judgment debtor, and the judgment creditor.

13 (2) Promptly upon the filing of the foreign judgment and the
14 affidavit, the ~~((clerk))~~ judgment creditor shall mail notice of the
15 filing of the foreign judgment to the judgment debtor at the address
16 given ~~((and shall make a note of the mailing in the docket))~~. The
17 notice shall include the name and post office address of the judgment
18 creditor and the judgment creditor's lawyer if any in this state. In
19 addition, the judgment creditor ~~((may mail a notice of the filing of~~
20 ~~the judgment to the judgment debtor and may))~~ shall file proof of
21 mailing with the clerk. ~~((Lack of notice of filing by the clerk shall~~
22 ~~not affect the enforcement proceedings if proof of mailing by the~~
23 ~~judgment creditor has been filed.))~~

24 (3)(a) No execution or other process for enforcement of a foreign
25 judgment filed in the office of the clerk of a superior court shall
26 ~~((issue until ten days after the date the judgment is filed, or))~~ be
27 allowed until ten days after ~~((mailing the notice of filing, whether~~
28 ~~mailed by the clerk or))~~ the proof of mailing has been filed with the
29 clerk by the judgment creditor~~((, whichever is later))~~.

30 (b) No execution or other process for enforcement of a foreign
31 judgment filed in the office of the clerk of a district court shall
32 ~~((issue until fourteen days after the date the judgment is filed, or))~~
33 be allowed until fourteen days after ~~((mailing the notice of filing,~~
34 ~~whether mailed by the clerk or))~~ the proof of mailing has been filed
35 with the clerk by the judgment creditor~~((, whichever is later))~~.

1 **Sec. 2.** RCW 4.64.120 and 1987 c 442 s 1111 and 1987 c 202 s 119
2 are each reenacted and amended to read as follows:

3 It shall be the duty of the county clerk to enter in the execution
4 docket any duly certified transcript of a judgment of a district court
5 of this state and any duly certified abstract of any judgment of any
6 court mentioned in RCW 4.56.200, filed in the county clerk's office,
7 and to index the same in the same manner as judgments originally
8 rendered in the superior court for the county of which he or she is
9 clerk. Jurisdiction over the judgment, including modification to or
10 vacation of the original judgment, transfers to the superior court.
11 The superior court may, in its discretion, remand the cause to district
12 court for determination of any motion to vacate or modify the original
13 judgment.

14 **Sec. 3.** RCW 7.68.290 and 1987 c 281 s 2 are each amended to read
15 as follows:

16 If a defendant has paid restitution pursuant to court order under
17 RCW 9.92.060, 9.94A.140, 9.94A.142, 9.95.210, or 9A.20.030 and the
18 victim entitled to restitution cannot be found or has died, the clerk
19 of the court shall deposit with the county treasurer the amount of
20 restitution unable to be paid to the victim. The county treasurer
21 shall monthly transmit the money to the state treasurer for deposit as
22 provided in RCW 43.08.250. Moneys deposited under this section shall
23 be used to compensate victims of crimes through the crime victims
24 compensation fund.

25 **Sec. 4.** RCW 4.56.100 and 1994 c 185 s 1 are each amended to read
26 as follows:

27 (1) When any judgment for the payment of money only shall have been
28 paid or satisfied, the clerk of the court in which such judgment was
29 rendered shall note upon the record in the execution docket
30 satisfaction thereof giving the date of such satisfaction upon either
31 the payment to such clerk of the amount of such judgment, costs and
32 interest and any accrued costs by reason of the issuance of any
33 execution, or the filing with such clerk of a satisfaction entitled in
34 such action and identifying the same executed by the judgment creditor
35 or his attorney of record in such action or his assignee acknowledged
36 as deeds are acknowledged. The clerk has the authority to note the
37 satisfaction of judgments for criminal and juvenile legal financial

1 obligations when the clerk's record indicates payment in full or as
2 directed by the court. Every satisfaction of judgment and every
3 partial satisfaction of judgment which provides for the payment of
4 money shall clearly designate the judgment creditor and his or her
5 attorney if any, the judgment debtor, the amount or type of
6 satisfaction, whether the satisfaction is full or partial, the cause
7 number, and the date of entry of the judgment. A certificate by such
8 clerk of the entry of such satisfaction by him may be filed in the
9 office of the clerk of any county in which an abstract of such judgment
10 has been filed. When so satisfied by the clerk or the filing of such
11 certificate the lien of such judgment shall be discharged.

12 (2) The department of social and health services shall file a
13 satisfaction of judgment for welfare fraud conviction if a person does
14 not pay money through the clerk as required under subsection (1) of
15 this section.

16 (3) The department of corrections shall file a satisfaction of
17 judgment if a person does not pay money through the clerk's office as
18 required under subsection (1) of this section.

19 **Sec. 5.** RCW 4.64.030 and 1995 c 149 s 1 are each amended to read
20 as follows:

21 The clerk shall enter all judgments in the execution docket,
22 subject to the direction of the court and shall specify clearly the
23 amount to be recovered, the relief granted, or other determination of
24 the action.

25 On the first page of each judgment which provides for the payment
26 of money, including judgments in rem, mandates of judgments, and
27 judgments on garnishments, the following shall be succinctly
28 summarized: The judgment creditor and the name of his or her attorney,
29 the judgment debtor, the amount of the judgment, the interest owed to
30 the date of the judgment, and the total of the taxable costs and
31 attorney fees, if known at the time of the entry of the judgment. If
32 the attorney fees and costs are not included in the judgment, they
33 shall be summarized in the cost bill when filed. (~~This information is~~
34 ~~included in the judgment to assist the county clerk in his or her~~
35 ~~record-keeping function.)) The clerk may not (~~sign or file~~) enter a
36 judgment, and a judgment does not take effect, until the judgment has
37 a summary in compliance with this section. The clerk is not liable for
38 an incorrect summary.~~

1 **Sec. 6.** RCW 4.64.060 and 1987 c 442 s 1105 are each amended to
2 read as follows:

3 Every county clerk shall keep in the clerk's office a record, to be
4 called the execution docket, which shall be a public record and open
5 during the usual business hours to all persons desirous of inspecting
6 it. The record must be indexed both directly and inversely, and
7 include all judgments, abstracts, and transcripts of judgments in the
8 clerk's office. The index must refer to each party against whom the
9 judgment is rendered or whose property is affected by the judgment.

10 **Sec. 7.** RCW 5.44.010 and Code 1881 s 430 are each amended to read
11 as follows:

12 The records and proceedings of any court of the United States, or
13 any state or territory, shall be admissible in evidence in all cases in
14 this state when duly ((~~authenticated~~)) certified by the attestation of
15 the clerk, prothonotary or other officer having charge of the records
16 of such court, with the seal of such court annexed.

17 NEW SECTION. **Sec. 8.** RCW 4.64.070 and 1987 c 442 s 1106, 1935 c
18 22 s 1, & 1929 c 60 s 5 are each repealed."

19 Correct the title.

--- END ---