
SENATE BILL 5318

State of Washington

55th Legislature

1997 Regular Session

By Senators Haugen, Winsley and Goings

Read first time 01/23/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to writs of restitution; and amending RCW
2 59.18.390.

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

4 **Sec. 1.** RCW 59.18.390 and 1989 c 342 s 11 are each amended to read
5 as follows:

6 (1) The sheriff shall, upon receiving the writ of restitution,
7 forthwith serve a copy thereof upon the defendant, his or her agent, or
8 attorney, or a person in possession of the premises, and shall not
9 execute the same for three days thereafter, and the defendant, or
10 person in possession of the premises within three days after the
11 service of the writ of restitution may execute to the plaintiff a bond
12 to be filed with and approved by the clerk of the court in such sum as
13 may be fixed by the judge, with sufficient surety to be approved by the
14 clerk of (~~said~~) the court, conditioned that they will pay to the
15 plaintiff such sum as the plaintiff may recover for the use and
16 occupation of the (~~said~~) premises, or any rent found due, together
17 with all damages the plaintiff may sustain by reason of the defendant
18 occupying or keeping possession of (~~said~~) the premises, together with
19 all damages which the court theretofore has awarded to the plaintiff as

1 provided in this chapter, and also all the costs of the action. The
2 plaintiff, his or her agent or attorneys, shall have notice of the time
3 and place where the court or judge thereof shall fix the amount of the
4 defendant's bond, and shall have notice and a reasonable opportunity to
5 examine into the qualification and sufficiency of the sureties upon
6 ~~((said))~~ the bond before ~~((said))~~ the bond shall be approved by the
7 clerk. After the issuance of a writ of restitution, acceptance of a
8 payment by the landlord or plaintiff that only partially satisfies the
9 judgment will not invalidate the writ unless pursuant to a written
10 agreement executed by both parties. The writ of restitution and the
11 notice that accompanies the writ of restitution required under RCW
12 59.18.312 shall conspicuously state in bold face type, all capitals,
13 not less than twelve points information about partial payments as set
14 forth in subsection (2) of this section. If the writ of restitution
15 has been based upon a finding by the court that the tenant, subtenant,
16 sublessee, or a person residing at the rental premises has engaged in
17 drug-related activity or has allowed any other person to engage in
18 drug-related activity at those premises with his or her knowledge or
19 approval, neither the tenant, the defendant, nor a person in possession
20 of the premises shall be entitled to post a bond in order to retain
21 possession of the premises. The writ may be served by the sheriff, in
22 the event he or she shall be unable to find the defendant, an agent or
23 attorney, or a person in possession of the premises, by affixing a copy
24 of ~~((said))~~ the writ in a conspicuous place upon the premises:
25 PROVIDED, That the sheriff shall not require any bond for the service
26 or execution of the writ. The sheriff shall be immune from all civil
27 liability for serving and enforcing writs of restitution unless the
28 sheriff is grossly negligent in carrying out his or her duty.

29 (2) The notice accompanying a writ of restitution required under
30 RCW 59.18.312 shall be substantially similar to the following:

31 **IMPORTANT NOTICE - PARTIAL PAYMENTS**

32 **YOUR LANDLORD'S ACCEPTANCE OF A PARTIAL PAYMENT FROM YOU AFTER**
33 **SERVICE OF THIS WRIT OF RESTITUTION WILL NOT POSTPONE OR STOP YOUR**
34 **EVICITION UNLESS YOU HAVE A WRITTEN AGREEMENT WITH YOUR LANDLORD THAT**
35 **THE EVICTION WILL BE POSTPONED OR STOPPED.**

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