

SB 5204-S.E - DIGEST

(DIGEST AS ENACTED)

Provides that any owner of property subject to a recorded claim of lien under chapter 60.08 RCW, or contractor, subcontractor, lender, or lien claimant who believes the claim of lien to be frivolous and made without reasonable cause, or clearly excessive may apply by motion to the superior court for the county where the property is located, for an order directing the lien claimant to appear before the court at a time no earlier than six nor later than fifteen days following the date of service of the application and order on the lien claimant, and show cause, if any he or she has, why the relief requested should not be granted.

Requires the motion to state the grounds upon which relief is asked, and shall be supported by the affidavit of the applicant or his or her attorney setting forth a concise statement of the facts upon which the motion is based.

Provides that the department of licensing, and the department's agents and subagents, shall not transfer title of a vehicle through the chattel lien process under chapter 60.08 RCW and chapter 60.10 RCW unless an affidavit of sale and the following documentation is submitted: (1) A certified copy of the lien filing that is filed with the county auditor;

(2) A copy of the letter, sent by the lien claimant via first class mail, and certified or registered mail, including the return receipt, to the address of the current registered owner notifying the current registered owner of the lien filing; and

(3) An affidavit of service by mail.