

# SENATE BILL REPORT

## SB 6566

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As Passed Senate, February 13, 2012

**Title:** An act relating to when a judgment lien on real property commences.

**Brief Description:** Adjusting when a judgment lien on real property commences.

**Sponsors:** Senators Litzow and Hobbs.

**Brief History:**

**Committee Activity:** Financial Institutions, Housing & Insurance: 2/01/12 [DP, w/oRec].  
Passed Senate: 2/13/12, 47-0.

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### SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

**Majority Report:** Do pass.

Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton, Ranking Minority Member; Fain and Keiser.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Haugen.

**Staff:** Alison Mendiola (786-7483)

**Background:** A search for liens on real property most commonly occurs in one of two ways: through a search at a local county auditor's office in the county where the property is situated; or by the searching a court clerk's execution docket, a docket where judgment summaries are entered, as specified by state statute.

RCW 4.56.200 provides for when a judgment becomes a lien on real estate. Under this statute, all state court rendered judgments attach upon entry in the clerk's execution docket. The exception is a judgment rendered in a superior court where there is real estate owned by the judgment debtor which allows a judgment to be rendered, immediately attaching to real estate in that county prior to any entry in the court clerk's execution docket.

A recent State Supreme Court case, *Bank of America v. Treiger*, held that some court orders are considered a judgment and a lien attaches without a judgment summary. Such judgments may not be discoverable through a court clerk's execution docket.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** It is clarified that the lien of judgments of real estate of the judgment debtor begin, for judgments of the superior court for the county in which the real estate is situated, from the time of the filing by the county clerk upon the execution docket in accordance with RCW 4.64.030.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: There are 39 different counties and if one county doesn't have a judgment entered, how could you find out about the lien? There are instances where a lien attaches immediately before entered by the clerk. That lien is essentially undiscoverable. Title companies will have to exclude such undiscoverable liens, resulting in an increase cost due to increased risk and uncertainty for a homeowner. This bill will be good for homeowners and means all liens will be searchable and discoverable.

**Persons Testifying:** PRO: Stu Halsan, Rob Sargeant, Gary Kissling, WA Land Title Assn.; Brad Tower, Community Bankers of WA.