

HB 1000 - H AMD 1275

By Representative Bronoske

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Sec. 1. RCW 6.01.010 and 1987 c 442 s 101 are each amended to read as follows:

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Except as otherwise expressly provided, the provisions of this chapter and of chapters 6.13, 6.15, 6.17, 6.19, 6.21, 6.25, 6.26, and 6.27 RCW and chapter 6.32 RCW apply to both the superior courts and district courts of this state. If proceedings are before a district court, acts to be performed by the clerk may be performed by a district court judge if there is no clerk. As used in this title, "sheriff" includes deputies, and "execution docket" refers also to the docket of a district court.

[1987 c 442 s 101.]

Sec. 2. RCW 6.01.020 and 1987 c 442 s 102 are each amended to read as follows:

For purposes of this title and RCW 4.56.190 and 4.56.210, a judgment of a superior court is entered when it is delivered to the clerk's office for filing. A judgment of a district court of this state is entered on the date of the entry of the judgment in the docket of the court. A judgment of a small claims department of a district court of this state is entered on the date of the entry in the docket of that department.

[1987 c 442 s 102.]

Rules of court: *Cf. CR 58(b).*

1 **Sec. 3.** RCW 6.01.030 and 1987 c 442 s 103 are each amended to
2 read as follows:

3 If the sheriff is a party or otherwise interested in an action
4 in which a writ of execution, attachment, or replevin is to be
5 served, the writ shall be directed to the coroner of the county, or
6 the officer exercising the powers and performing the duties of
7 coroner if there is no coroner, and the person to whom the writ is
8 thus directed shall perform the duties of the sheriff.

9 [1987 c 442 s 103.]

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11 **Sec. 4.** RCW 6.01.040 and 1987 c 442 s 104 are each amended to
12 read as follows:

13 (1) When property liable to an execution against several persons
14 is sold on execution, if more than a due proportion of the judgment
15 is levied upon the property of one person, or one of them pays
16 without a sale more than his or her due proportion, that person may
17 compel contribution from the others. When a judgment against several
18 persons is upon an obligation or contract of one of them as security
19 for another, if the surety pays the full amount or any part of the
20 judgment, either by sale of the surety's property or before sale,
21 the surety may compel repayment from the principal.

22 (2) In either case covered by subsection (1) of this section,
23 the person or surety so paying shall be entitled to the benefit of
24 the judgment to enforce contribution or repayment, if within thirty
25 days after the payment, notice of the payment and claim to
26 contribution or repayment is filed with the clerk of the court where
27 the judgment was rendered.

28 (3) Upon filing such notice, the clerk shall make an entry
29 thereof in the docket where the judgment is entered.

30 [1987 c 442 s 104.]

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32 **Sec. 5.** RCW 6.01.050 and 1988 c 231 s 2 are each amended to
33 read as follows:

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1 If, before levying under a writ of attachment or execution, a
2 sheriff receives notice that the defendant has become a debtor in a
3 bankruptcy case, the sheriff shall immediately give written notice
4 of that fact to the plaintiff's attorney of record, if any,
5 otherwise to the plaintiff, and shall not be bound to levy under the
6 writ. If, after levying on property under a writ of attachment or
7 execution, a sheriff receives such notice, the sheriff shall give
8 written notice of the attachment or execution, describing the
9 property seized, to the trustee in the bankruptcy case if there is
10 one, otherwise to the bankruptcy court, with a copy to the
11 plaintiff's attorney of record, if any, otherwise to the plaintiff,
12 and shall transfer the property to the trustee on demand or as the
13 bankruptcy court otherwise directs. If no demand is made on the
14 sheriff for surrender of the property and the sheriff thereafter
15 receives notice of the closing of the bankruptcy case, the sheriff
16 shall give written notice by first-class mail to the plaintiff's
17 attorney of record, if any, otherwise to the plaintiff, requiring
18 that the plaintiff release the property or obtain a renewal of the
19 writ from the court, and, if the plaintiff fails to release the
20 property or to apply for a renewal within fourteen days after the
21 mailing of the sheriff's notice, the sheriff shall release the
22 property to the defendant.

23 [1988 c 231 s 2.]

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25 **Severability—1988 c 231:** "If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
persons or circumstances is not affected." [1988 c 231 s 38.]

28 **Sec. 6.** RCW 6.01.060 and 2021 c 122 s 9 are each amended to
29 read as follows:

30 The definitions in this section apply throughout this title
31 unless the context clearly requires otherwise.

32 (1) "Certified mail" includes, for mailings to a foreign
33 country, any form of mail that requires or permits a return receipt.

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1 (2) "Consumer debt" means any obligation or alleged obligation
2 of a consumer to pay money arising out of a transaction in which the
3 money, property, insurance, or services which are the subject of the
4 transaction are primarily for personal, family, or household
5 purposes. Consumer debt includes medical debt.

6 (3) "Medical debt" has the same meaning as provided in RCW
7 19.16.100.

8 (4) "Private student loan" means any loan not guaranteed by the
9 federal or state government that is used solely for personal use to
10 finance postsecondary education and costs of attendance at an
11 educational institution. A private student loan includes a loan made
12 solely to refinance a private student loan. A private student loan
13 does not include an extension of credit made under an open-end
14 consumer credit plan, a reverse mortgage transaction, a residential
15 mortgage transaction, or any other loan that is secured by real
16 property or a dwelling.

17 (5) "Public auction sale by electronic media" has the same
18 meaning as provided in RCW 36.16.145.

19 [2021 c 122 s 9. Prior: 2019 c 371 s 2; 2019 c 227 s 1; 2018 c 199 s
20 202; 1988 c 231 s 1.]

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22 **Finding—Intent—2021 c 122:** See note following RCW 2.32.050.

23 **Findings—Intent—Short title—2018 c 199:** See notes following
24 RCW 67.08.100.

25 **Severability—1988 c 231:** See note following RCW 6.01.050.

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27 **Sec. 7.** RCW 6.13.010 and 2021 c 290 s 2 are each amended to
28 read as follows:

29 (1) The homestead consists of real or personal property that the
30 owner or a dependent of the owner uses as a residence. In the case
31 of a dwelling house or mobile home, the homestead consists of the
32 dwelling house or the mobile home in which the owner resides or
33 intends to reside, with appurtenant buildings, and the land on which
34 the same are situated and by which the same are surrounded, or

1 improved or unimproved land, regardless of area, owned with the
2 intention of placing a house or mobile home thereon and residing
3 thereon. A mobile home may be exempted under this chapter whether or
4 not it is permanently affixed to the underlying land and whether or
5 not the mobile home is placed upon a lot owned by the mobile home
6 owner or a dependent of the owner. Property included in the
7 homestead must be actually intended or used as the principal home
8 for the owner.

9 (2) As used in this chapter:

10 (a) "Owner" includes but is not limited to a purchaser under a
11 deed of trust, mortgage, or real estate contract.

12 (b) "Net value" means market value less all liens and
13 encumbrances senior to the judgment being executed upon and not
14 including the judgment being executed upon.

15 (c) "Forced sale" includes any sale of homestead property in a
16 bankruptcy proceeding under Title 11 of the United States Code. The
17 reinvestment provisions of RCW 6.13.070 do not apply to the proceeds.

18 (d) "Dependent" has the meaning given in Title 11 U.S.C. Sec.
19 522(a)(1).

20 [2021 c 290 s 2; 1999 c 403 s 1; 1993 c 200 s 1; 1987 c 442 s 201;
21 1981 c 329 s 7; 1945 c 196 s 1; 1931 c 88 s 1; 1927 c 193 s 1; 1895
22 c 64 s 1; Rem. Supp. 1945 s 528. Formerly RCW 6.12.010.]

23
24 **Findings—2021 c 290:** "The legislature finds that the homestead
25 exemption is intended to protect the homeowner's equity in a home
26 against unsecured creditors. The legislature finds that changes to
27 the homestead exemption are necessary to modernize the law and to
28 address the case of *Wilson v. Rigby*, 909 F.3d 306 (2018) and to
adopt the reasoning in *In re Good*, 588 B.R. 573 (Bankr. W.D. Wash.
2018)." [2021 c 290 s 1.]

29 **Effective date—2021 c 290:** "This act is necessary for the
30 immediate preservation of the public peace, health, or safety, or
31 support of the state government and its existing public
institutions, and takes effect immediately [May 12, 2021]." [2021 c
290 s 8.]

32 **Severability—1981 c 329:** See note following RCW 6.21.020.
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1 **Sec. 8.** RCW 6.13.020 and 2008 c 6 s 633 are each amended to
2 read as follows:

3 If the owner is married or in a state registered domestic
4 partnership, the homestead may consist of the community or jointly
5 owned property of the spouses or the domestic partners or the
6 separate property of either spouse or either domestic partner:

7 PROVIDED, That the same premises may not be claimed separately by
8 the spouses or domestic partners with the effect of increasing the
9 net value of the homestead available to the marital community or
10 state registered domestic partnership beyond the amount specified in
11 RCW 6.13.030 as now or hereafter amended. When the owner is not
12 married or not in a state registered domestic partnership, the
13 homestead may consist of any of his or her property.

14 [2008 c 6 s 633; 1987 c 442 s 202; 1981 c 329 s 8; 1977 ex.s. c 98 s
15 1; 1973 1st ex.s. c 154 s 6; 1895 c 64 s 2; RRS s 530. Formerly RCW
16 6.12.020.]
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18 **Part headings not law—Severability—2008 c 6:** See RCW 26.60.900
19 and 26.60.901.

20 **Severability—1981 c 329:** See note following RCW 6.21.020.

21 **Severability—1973 1st ex.s. c 154:** See note following RCW
22 2.12.030.

23 **Sec. 9.** RCW 6.13.030 and 2021 c 290 s 3 are each amended to
24 read as follows:

25 (1) The homestead exemption amount is the greater of:

26 (a) \$125,000;

27 (b) The county median sale price of a single-family home in the
28 preceding calendar year; or

29 (c) Where the homestead is subject to execution, attachment, or
30 seizure by or under any legal process whatever to satisfy a judgment
31 in favor of any state for failure to pay that state's income tax on
32 benefits received while a resident of the state of Washington from a
33 pension or other retirement plan, no dollar limit.
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1 (2) In determining the county median sale price of a single-
2 family home in the preceding year, a court shall use data from the
3 Washington center for real estate research or, if the Washington
4 center no longer provides the data, a successor entity designated by
5 the office of financial management.

6 [2021 c 290 s 3; 2007 c 429 s 1; 1999 c 403 s 4; 1993 c 200 s 2;
7 1991 c 123 s 2; 1987 c 442 s 203; 1983 1st ex.s. c 45 s 4; 1981 c
8 329 s 10; 1977 ex.s. c 98 s 3; 1971 ex.s. c 12 s 1; 1955 c 29 s 1;
9 1945 c 196 s 3; 1895 c 64 s 24; Rem. Supp. 1945 s 552. Formerly RCW
10 6.12.050.]
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12 **Findings—Effective date—2021 c 290:** See notes following RCW
13 6.13.010.

14 **Purpose—1991 c 123:** "The legislature recognizes that retired
15 persons generally are financially dependent on fixed pension or
16 retirement benefits and passive income from investment property.
17 Because of this dependency, retired persons are more vulnerable than
18 others to inflation and depletion of their assets. It is the purpose
19 of this act to increase the protection of income of retired persons
20 residing in the state of Washington from collection of income taxes
21 imposed by other states." [1991 c 123 s 1.]

19 **Severability—1981 c 329:** See note following RCW 6.21.020.

20 **Severability—1971 ex.s. c 12:** "If any provision of this 1971
21 amendatory act, or its application to any person or circumstance is
22 held invalid, the remainder of the act, or the application of the
23 provision to other persons or circumstances is not affected." [1971
24 ex.s. c 12 s 5.]

25 **Sec. 10.** RCW 6.13.040 and 1993 c 200 s 3 are each amended to
26 read as follows:

27 (1) Property described in RCW 6.13.010 constitutes a homestead
28 and is automatically protected by the exemption described in RCW
29 6.13.070 from and after the time the real or personal property is
30 occupied as a principal residence by the owner or, if the homestead
31 is unimproved or improved land that is not yet occupied as a
32 homestead, from and after the declaration or declarations required
33 by the following subsections are filed for record or, if the
34 homestead is a mobile home not yet occupied as a homestead and

1 located on land not owned by the owner of the mobile home, from and
2 after delivery of a declaration as prescribed in RCW 6.15.060(3)(c)
3 or, if the homestead is any other personal property, from and after
4 the delivery of a declaration as prescribed in RCW 6.15.060(3)(d).

5 (2) An owner who selects a homestead from unimproved or improved
6 land that is not yet occupied as a homestead must execute a
7 declaration of homestead and file the same for record in the office
8 of the recording officer in the county in which the land is located.
9 However, if the owner also owns another parcel of property on which
10 the owner presently resides or in which the owner claims a
11 homestead, the owner must also execute a declaration of abandonment
12 of homestead on that other property and file the same for record
13 with the recording officer in the county in which the land is located.

14 (3) The declaration of homestead must contain:

15 (a) A statement that the person making it is residing on the
16 premises or intends to reside thereon and claims them as a homestead;

17 (b) A legal description of the premises; and

18 (c) An estimate of their actual cash value.

19 (4) The declaration of abandonment must contain:

20 (a) A statement that premises occupied as a residence or claimed
21 as a homestead no longer constitute the owner's homestead;

22 (b) A legal description of the premises; and

23 (c) A statement of the date of abandonment.

24 (5) The declaration of homestead and declaration of abandonment
25 of homestead must be acknowledged in the same manner as a grant of
26 real property is acknowledged.

27 [1993 c 200 s 3; 1987 c 442 s 204; 1981 c 329 s 9. Formerly RCW
28 6.12.045.]

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30 **Severability—1981 c 329:** See note following RCW 6.21.020.

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32 **Sec. 11.** RCW 6.13.050 and 1987 c 442 s 205 are each amended to
33 read as follows:

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1 A homestead is presumed abandoned if the owner vacates the
2 property for a continuous period of at least six months. However, if
3 an owner is going to be absent from the homestead for more than six
4 months but does not intend to abandon the homestead, and has no
5 other principal residence, the owner may execute and acknowledge, in
6 the same manner as a grant of real property is acknowledged, a
7 declaration of nonabandonment of homestead and file the declaration
8 for record in the office of the recording officer of the county in
9 which the property is situated.

10 The declaration of nonabandonment of homestead must contain:

11 (1) A statement that the owner claims the property as a
12 homestead, that the owner intends to occupy the property in the
13 future, and that the owner claims no other property as a homestead;

14 (2) A statement of where the owner will be residing while absent
15 from the homestead property, the estimated duration of the owner's
16 absence, and the reason for the absence; and

17 (3) A legal description of the homestead property.

18 [1987 c 442 s 205; 1981 c 329 s 14; 1895 c 64 s 7; RRS s 535.

19 Formerly RCW 6.12.120.]

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21 **Severability—1981 c 329:** See note following RCW 6.21.020.

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EFFECT:

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