

COURT OF APPEALS, STATE OF WASHINGTON, DIVISION III

FILED

JEFFREY P. JONES and)
PETER C. JONES,)
Respondents,)
)
v.)
)
RUSSELL K. JONES,)
Appellant.)

No. 370330

JAN 06 2020

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
BY _____

BRIEF OF APPELLANT

Russell K. Jones
P.O. Box 4766
Spokane, WA 99220
509-534-0820
Appellant

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ASSIGNMENTS OF ERROR

Assignment of error No. 1. The Superior Court erred in denying a motion for relief from five orders extending judgments entered without notice and opportunity for hearing.

Issue No. 1. Was the ex parte extension procedure a deprivation of property without due process of law?

Issue No. 2. Was the ex parte extension procedure a deprivation of property without the statutory process of RCW 6.17.020(3)?

Assignment of error No. 2. The Superior Court erred in denying a motion for relief from five orders extending judgments entered without notice and opportunity for hearing of a timeliness defense.

Issue No. 1. Was each motion to extend filed beyond the time limit of RCW 6.17.020 (3)?

Assignment of error No. 3. The Superior Court erred in denying a motion for relief from an order of contempt and judgments entered without subject matter jurisdiction.

Issue No. 1. Is production of documents a permitted discovery device in a RCW 6.32 supplemental proceeding?

STATEMENT OF CASE

Jeffrey Jones and Peter Jones filed five motions to extend judgments against Russell Jones in the Superior Court pursuant to RCW 6.17.020(3). Each motion was filed less than 90 days before the ten year expiration of the judgment. CP 1-2, 3-4, 9-10, 13-15, 19-21. The Superior Court ordered the extensions. CP 5-6, 7-8, 11-12, 16-18, 22-24. Jeffrey Jones and Peter Jones have not disputed that each motion and order of extension was ex parte, without notice and opportunity for hearing to Russell Jones.

Russell Jones filed a motion for relief from the orders of extension, arguing that the orders were void for denial of notice and opportunity for hearing. CP 41. The Superior Court gave a short oral decision denying the motion.

The Court. "I think you can go down and file and extend it, just as creditors typically do."

Q. Russell Jones. "Ex parte?"

The Court. "Yes."

RP 48

The Superior Court did not enter a written order. The motion for relief also argued denial of notice and opportunity for hearing that the motions to extend were untimely. CP 41. The Superior Court denied the timeliness issue by written order. CP 82-83. Both issues were denied on reconsideration by written order. CP 85.

On a separate issue, a Superior Court commissioner entered a contempt finding and judgments against Russell Jones for failure to produce documents in a RCW 6.32 supplemental proceeding. CP 25-34. Russell Jones filed a motion for relief in the Superior Court, arguing that the commissioner did not have subject matter jurisdiction to order production of documents in a RCW 6.32 supplemental proceeding. CP 25-34, 35-36. The motion for relief was denied. CP 80-81. Reconsideration was denied. CP 56-58, 67-70, 84-86.

This appeal followed.

ARGUMENT

STANDARD OF REVIEW

This appeal presents issues of law to be reviewed de novo.

DUE PROCESS

This case arises in the circumstance of an ex parte lien on real property. A judgment, here an extension of judgment, is a lien on real property. RCW 4.56.190. Connecticut v. Doehr, 501 U.S. 1, 115 L.Ed.2d 1, 111 S.Ct. 2105 (1991) also arose in the circumstance of an ex parte lien on real property.¹ Doehr used a three element analysis to decide whether the ex parte process abridged 14th Amendment due process.

“...first, consideration of the private interest that will be affected by the (ex parte) measure; second, an examination of the risk of erroneous deprivation through the procedures under attack and the probable value of additional or alternative safeguards; and third, ...principal attention to the interest of the party seeking the (ex parte) remedy, with, nonetheless, due regard for any ancillary interest the government may have in providing the procedure, or foregoing the added burden of providing greater protections.”

Doehr, supra, 501 U.S. at 11.

Concerning the first element above, private interest of the real property owner,

“...the property interests that attachment affects are significant For a property owner like Doehr, attachment ordinarily clouds title; impairs the ability to sell or otherwise alienate the property; taints any credit rating; reduces the chance of obtaining a home equity loan or additional mortgage; and can even place an existing mortgage in technical default where there is an insecurity

¹ Doehr is an attachment case. Personal property capable of manual delivery is attached by the sheriff by taking into custody. RCW 6.25.140; RCW 6.17.160(2). Real property is attached by recording the writ of attachment with the county auditor, creating a lien. RCW 6.17.160(1); Bates v. Lundy, 178 Wash. 9, 11, 33 P.2d 664 (1934) (“the lien of attachment”).

clause...our cases show that even the temporary or partial impairments to property rights that attachments, liens, and similar encumbrances entail are sufficient to merit due process protection. Without doubt, state procedures for creating and enforcing attachments, as with liens, “are subject to the strictures of due process.”

Doehr, supra, 501 U.S. at 11-12.

On the second element of the due process analysis above, risk of erroneous deprivation by ex parte process, a case of installment payments and computations from business records might present a lower risk of error. Doehr, supra, 501 U.S. at 14. But in the present case, RCW 6.17.020(3), the extension of judgment statute, expressly lists “timeliness” of filing the motion to extend as a statutory defense. (The full text of the statute is appended to this brief.) Interpretation of the Washington statute, “within ninety days before the expiration of the original ten-year period”, is an issue of first impression that has already consumed substantial time by the parties and court in legal research of dictionaries, and Washington and foreign jurisdictions. The issue is not an “ordinarily uncomplicated matter that lends itself to documentary proof.” Doehr, supra, 501 U.S. at 14.

As a defense, that is a matter to be raised and advocated by the defendant, it would also violate due process for a court to consider timeliness ex parte. A court is supposed to be neutral, not an advocate for one side against another. It is the defendant who should be permitted to

advocate in his own defense, and for the plaintiff to respond, as they see fit. Neither side should be bound exclusively by the lawyering of the court. At a minimum, due process requires notice and opportunity for hearing to the owner of the property interest before deprivation. Mullane v. Central Hanover Trust Co., 339 U.S. 306, 313, 94 L.Ed. 865, 70 S.Ct. 652 (1950)

The third element of the due process analysis is the plaintiffs' interest in the real property. Doehr, supra, 501 U.S. at 16. Here, the plaintiffs had no extended interest in the real property before orders of extension were entered. Doehr, supra, 501 U.S. at 16.

And though an ex parte process might be justified in an exigent circumstance, no exigency has been alleged or proven in the present case. See Doehr, supra, 501 U.S. at 16.

Each of the three Doehr elements weighs against the ex parte process in the present case, and in favor of due process notice and opportunity for hearing before extension of the judgment liens. But no notice or opportunity for hearing was given or received before or after the extensions. Due process was denied. Denial of due process makes the orders of extension void. Marriage of Leslie, 112 Wn.2d 612, 620, 772 P.2d 1013 (1989); Esmieu v. Schrag, 88 Wn.2d 490, 497, 563 P.2d 203 (1977)²

² Due process does not require that the defendant also show a valid defense. (cont.)

Additional, post Doehr authorities include Tri-State Development Ltd. v. Johnson, 160 F.3d 528 (9th, 1998) and Van Blaricom v. Kronenberg, 112 Wn.App. 501, 50 P.3d. 266 (2002).

The present case also involves a second deprivation of property without due process of law. A property interest may be created by state law, including an intangible personal property interest in a status. Bd. of Regents v. Roth, 408 U.S. 564, 577, 33 L.Ed.2d 548, 92 S.Ct. 2701 (1972). Here, Russell Jones acquired the status of a ten year judgment debtor pursuant to state law. RCW 4.56.210 (Full text appended.) Once acquired, the ten year status was subject to due process protection. Roth, supra, 408 U.S. at 576. But the Superior Court ordered the status changed to a 20 year judgement debtor without notice and opportunity for hearing. RCW 6.17.020 (3). Due process was denied, making the orders of extension void.

“The Texas courts nevertheless held, as the appellee urged them to do, that to have the judgment set aside, appellant was required to show that he had a meritorious defense, apparently on the ground that without a defense, the same judgment would again be entered on retrial and hence appellant had suffered no harm from the judgment entered without notice. But this reasoning is untenable. As appellant asserts, had he had notice of the suit, he might have impleaded the employee whose debt had been guaranteed, worked out a settlement, or paid the debt. He would also have preferred to sell his property himself in order to raise funds rather than to suffer it sold at a constable’s auction.”
Peralta v. Heights Medical Center Inc., 485 U.S. 80, 85, 99 L.Ed.2d 75, 108 S.Ct. 896 (1988) And see Fuentes v. Shevin, 407 U.S. 67, 87, 32 L.Ed.2d. 556, 92 S.Ct. 1983 (1972); Mid-City Materials v. Custom Fireplaces, 36 Wn. App. 480, 486, 674 P.2d 1271 (1984)

STATUTORY PROCESS

The extension of judgment statute provides in pertinent part:

“RCW 6.17.020(3)... The application shall be granted as a matter of right, subject to review only for timeliness, factual issues of full or partial satisfaction, or errors in calculating the judgment summary amounts.”

Roth was decided in 1972. Doehr was decided in 1991. The Ninth Circuit decided Tri-State in 1998. Van Blaricom was pending in Division I in spring, 2002. The Washington legislature amended RCW 6.17.020 (3) as quoted above, effective June 13, 2002. Washington Laws 2002, chapter 261, section 1. “The legislature is presumed to know the law in the area in which it is legislating.” Wynn v. Earin, 163 Wn.2d 361, 371, 181 P.3d 806 (2008). Thus it is correct to presume that the legislature had Roth, Doehr, Tri-State, and maybe Van Blaricom in mind in the 2002 amendment.

The 2002 amendment is also presumed to be constitutional in the manner of Roth, Doehr, Tri-State, and Van Blaricom. An unconstitutional law must be shown to exist beyond a reasonable doubt. School District Alliance v. State, 170 Wn.2d 599, 605, 244 P.3d 1 (2010).

By these presumptions, the Washington legislature intended that “review” in RCW 6.17.020(3) include notice and opportunity for hearing. The defendant must have notice and opportunity to participate in the “review” before the extension is granted. The defenses listed in the 2002

amendment would otherwise be meaningless. Why would the legislature list defenses if the legislature did not intend that the defendant have opportunity to raise the defenses? But no statutory notice and opportunity for hearing was given in the present case.

TIMELINESS

The extension statute, RCW 6.17.020 (3), states that a party “may within ninety days before the expiration of the original ten-year period, apply...for an order granting an additional ten years during which an execution... may be issued.” “Timeliness” of the motion is a statutory defense. In the present case, each motion for extension was filed less than 90 days before the expiration date, and was untimely. Each order of extension should be reversed.

Referencing standard English dictionaries, “within” has a different meaning when used to describe time, than to describe space. “Within” time means “not later than”, as in “within the statute of limitation”. “Within” space means “inside” as in “within the curtilage”. CP 72-78. Cambridge English Dictionary.org And see Webster’s New Third International Dictionary of the English Language, Unabridged, Merriam (1981) (“not longer in time than”) This is consistent with Washington case law that “within” time introduces the last date on which an action may be taken, rather than the first date. Adams v. Ingalls, 30 Wn.2d 282, 284-286, 191 P.2d 699 (1948); Tacoma Hotel Co. v. Tacoma, 122 Wash. 335, 339, 210 Pac. 676 (1922) (“... “within” ... does fix the termination of the period...”).

Washington cases are also consistent with Words and Phrases, vol. 46, “within”, Thomson-West (2008). Words and Phrases cases concerning “within” time include:

Pryor v. Pryors, 56 Ariz. 572, 110 P.2d 229, 233 (1941). A provision of statute forgiving notice of claims at a time “within three days before the sale” was followed by giving notice six days before the sale. The court wrote that the word “within” when used with the word “before” means “not less than” or “at any time not less than”.

Royal Grocery Co. v. Oliver, 57 Cal. App. 278, 207 Pac. 61, 62 (1922). “Notice of intention to exercise... renewal of this lease within 90 days prior to expiration of this lease “means” lessee should give the lessor at least 90 days notice of its intention to continue the tenancy. To hold otherwise would be giving the option an unreasonable and unjust interpretation.”

Harmon v. Hopkins, 116 Cal.App. 184, 2 P.2d 540, 542 (1931). A statute read, “Trial by jury may be waived.... (5) By failing to deposit with the clerk, within ten days prior to the date set for trial, a sum...” The defendant argued that the statute meant “at any time less than ten days.” The court, “We do not regard the contention as having any merit”, noting that the clerk needs time to call a jury.

Application of Dowdall, 138 Misc. 269, 245 N.Y.S. 539, 541 (1930). A statute authorizing removal of an election officer “within one week before” the election requires a request at least one week before the election. The court, “It is doubtful if this could be accomplished in so short a time (less time) without resulting in great confusion at the polls and perhaps the disenfranchisement of many electors.”

Additional authorities include Berkow v. Hammer, 189 Va. 489, 53 S.E.2d 1 (1949); U.S. v. Sena, 15 N.M. 187, 196, 106 Pac. 383 (1909); Drummond v. Friedman, ___ Ala. ___, 350 S.2d 323 (1977); Hammond v. Connolly, 63 Tex. 62, ___ S.W. ___ (1885).

The Washington extension statute creates at least a 90 day window for the parties to present their arguments on a statutory defense, and for the court to schedule and to decide the issue before the expiration date. An adequate window before the expiration date is necessary because no extension is possible after the expiration date:

“RCW 4.56.210... No suit, action, or other proceeding shall ever be had on any judgment rendered in this state by which the lien shall be extended or continued in force for any greater or longer than ten years.”

Timeliness is also an element of notice and opportunity. The process is meaningless if there is no adequate time for the defendant to react. Mullane, supra, 339 U.S. at 314. (“The notice must... afford a

reasonable time for those interested to make their appearance.”) Without timely notice to the defendant, the plaintiff may swan into court for his extension at the last moment before expiration of his judgment unopposed. Each motion for extension in the present case was filed beyond the time limit of RCW 6.17.020(3). Each order of extension should be reversed.

CONTEMPT

A Superior Court commissioner entered a finding of contempt against Russell Jones for failure to produce documents in a RCW 6.32 supplemental proceeding. CP 26, 27, 29. It is important in this contempt issue that the finding of contempt was entered in a supplemental proceeding, and not in a post judgement CR 69 deposition. It matters that the correct authorities are used in the analysis.

It is the argument of Russell Jones that failure to produce was lawful, and not a contempt, because there is no production of documents in a RCW 6.32 supplemental proceeding. The Superior Court had no subject matter jurisdiction to sanction a lawful act, making the contempt void.

A supplemental proceeding is a “purely statutory proceeding” in which the statutes are “controlling.” Bounds v. Galbraith, 119 Wash. 596, 598, 206 Pac. 357 (1922). It is a special proceeding in which the statutory procedure controls over court rules. RCW 6.32.010 (“special proceeding...special proceeding”); CR 81(a).

“The rule is that when a remedy is purely statutory in character, the methods of procedure provided in the statute are exclusive and mandatory, and are to be strictly construed, ... and if the method of procedure prescribed by it is not strictly observed, jurisdiction will fail to attach and the proceeding will be a nullity.”
Hatfield v. Greco, 87 Wn.2d 780, 781, 557 P.2d 340 (1976); CR 81(a).

Here, statutes provide:

“RCW 6.32.040. Before whom examined. An order requiring a person to attend and be examined, must require him so to attend and be examined...”

“RCW 6.32.050. Procedure on examination. Upon examination made under this chapter the answer of the party or witness must be made under oath...”

“Examination” is “the questioning of a witness under oath.” Black’s Law Dictionary, 11th Ed., Thomson Reuters (2019). Question, answer; question, answer. In federal practice, “examine” did not include production of documents. Lowenstein v. American Underwear, 11 FRD 172, 173, (E.D.Pa., 1951).³ RCW 6.32 includes only “examination”, and does not include any other discovery device. The Superior Court had no subject matter jurisdiction to order production of documents in a RCW 6.32 supplemental proceeding because there is no statutory authority for production. A judicial act without subject matter jurisdiction is void. Marriage of Leslie, supra at 618. The Superior Court had no discretion to deny the motion for relief. Marriage of Mu Chai, 122 Wn.App. 247, 254, 93 P.3d 936 (2004). When confronted with a void order, “The court must vacate as soon as the defect comes to light.” Mu Chai, supra at 254.

³ While Lowenstein was a FRCP 69 case, it is cited here for its definition of the word “examine”. It is not meant to confuse that the present case arises in the context of a supplemental proceeding. Historically, Lowenstein arose in 1938 to 1970 federal practice. In 1970, “examine” was changed to permit “discovery”. Washington has not picked up the FRCP 69 change.

In its order denying the motion for relief, the Superior Court addressed three additional arguments by Jeffrey Jones. CP 80.

First, the court stated that it had equity power to order production of documents in a RCW 6.32 supplemental proceeding. In response, a supplemental proceeding is not an equitable proceeding. Equity is superceded by RCW 6.32. Hamburger Apparel v. Werner, 17 Wn.2d 310, 317, 135 P.2d 311 (1943). Equity does not override statute in any case. Norlin v. Montgomery, 59 Wn.2d 268, 273, 357 P.2d 621 (1961).

Second, the Superior Court stated that production of documents is permitted in a CR 69(b) post judgment deposition. In response, a CR 60(b) deposition was not the process used in the present case. Also, current Washington CR 60(b) states that a person may only be “examined”; question, answer, question, answer. See Lowenstein, supra at 273.

Third, the Superior Court stated that appellant did not act within a reasonable time to vacate the contempt. In response, a motion to vacate for lack of subject matter jurisdiction may be filed at any time. CR 12(h)(3). A void order does not become valid by passage of time. Marriage of Leslie, supra at 618. See Brenner v. Port of Bellingham, 53 Wn.App. 182, 188, 765 P.2d 1333 (1989) (16 years).

The Superior Court is adding the word “production” to RCW 6.32 in the guise of statutory interpretation. But a court may not add words to

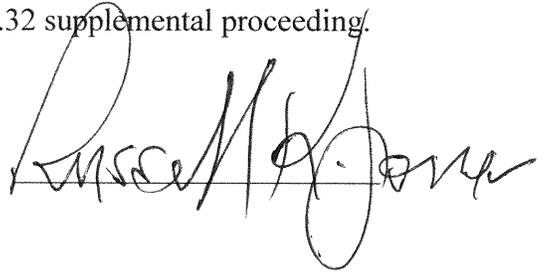
an unambiguous statute, when the legislature has chosen not to include that language. State v. J.P., 149 Wn.2d 444,450, 69 P.3d 318 (2003).

CONCLUSION

The five orders of the Superior Court extending judgments should be reversed for the reasons that 1. the orders were entered without notice and opportunity for hearing, and 2. were entered on untimely motions for extension. The order and judgements of contempt should be reversed for the reason that the Superior Court lacked subject matter jurisdiction to order production of documents in a RCW 6.32 supplemental proceeding.

Date

1/6/20

A handwritten signature in black ink, appearing to read "Russell M. Jones", written over a horizontal line.

APPENDIX

RCW 4.56.210

RCW 6.17.020

RCW 4.56.210**Cessation of lien—Extension prohibited—Exception.**

(1) Except as provided in subsections (2) and (3) of this section, after the expiration of ten years from the date of the entry of any judgment heretofore or hereafter rendered in this state, it shall cease to be a lien or charge against the estate or person of the judgment debtor. No suit, action or other proceeding shall ever be had on any judgment rendered in this state by which the lien shall be extended or continued in force for any greater or longer period than ten years.

(2) An underlying judgment or judgment lien entered after *the effective date of this act for accrued child support shall continue in force for ten years after the eighteenth birthday of the youngest child named in the order for whom support is ordered. All judgments entered after *the effective date of this act shall contain the birthdate of the youngest child for whom support is ordered.

(3) A lien based upon an underlying judgment continues in force for an additional ten-year period if the period of execution for the underlying judgment is extended under RCW 6.17.020.

[1995 c 75 § 1; 1989 c 360 § 2; 1979 ex.s. c 236 § 1; 1929 c 60 § 7; RRS §§ 459, 460. Formerly RCW 4.56.210 and 4.56.220. Prior: 1897 c 39 §§ 1, 2.]

NOTES:

***Reviser's note:** This act [1989 c 360] has three effective dates. Sections 9, 10, and 16 are effective May 12, 1989, section 39 is effective July 1, 1990, and the remainder of this act is effective July 23, 1989.

Entry of judgments—Superior court—District court—Small claims: RCW 6.01.020.

RCW 6.17.020

Execution authorized within ten years—Exceptions—Fee—Recoverable cost.

(1) Except as provided in subsections (2), (3), and (4) of this section, the party in whose favor a judgment of a court has been or may be filed or rendered, or the assignee or the current holder thereof, may have an execution, garnishment, or other legal process issued for the collection or enforcement of the judgment at any time within ten years from entry of the judgment or the filing of the judgment in this state.

(2) After July 23, 1989, a party who obtains a judgment or order of a court or an administrative order entered as defined in RCW 74.20A.020(6) for accrued child support, or the assignee or the current holder thereof, may have an execution, garnishment, or other legal process issued upon that judgment or order at any time within ten years of the eighteenth birthday of the youngest child named in the order for whom support is ordered.

(3) After June 9, 1994, a party in whose favor a judgment has been filed as a foreign judgment or rendered pursuant to subsection (1) or (4) of this section, or the assignee or the current holder thereof, may, within ninety days before the expiration of the original ten-year period, apply to the court that rendered the judgment or to the court where the judgment was filed as a foreign judgment for an order granting an additional ten years during which an execution, garnishment, or other legal process may be issued. If a district court judgment of this state is transcribed to a superior court of this state, the original district court judgment shall not be extended and any petition under this section to extend the judgment that has been transcribed to superior court shall be filed in the superior court within ninety days before the expiration of the ten-year period of the date the transcript of the district court judgment was filed in the superior court of this state. The petitioner shall pay to the court a filing fee equal to the filing fee for filing the first or initial paper in a civil action in the court, except in the case of district court judgments transcribed to superior court, where the filing fee shall be the fee for filing the first or initial paper in a civil action in the superior court where the judgment was transcribed. The order granting the application shall contain an updated judgment summary as provided in RCW 4.64.030. The filing fee required under this subsection shall be included in the judgment summary and shall be a recoverable cost. The application shall be granted as a matter of right, subject to review only for timeliness, factual issues of full or partial satisfaction, or errors in calculating the judgment summary amounts.

(4) A party who obtains a judgment or order for restitution, crime victims' assessment, or other court-ordered legal financial obligations pursuant to a criminal judgment and sentence, or the assignee or the current holder thereof, may execute, garnish, and/or have legal process issued upon the judgment or order any time within ten years subsequent to the entry of the judgment and sentence or ten years following the offender's release from total confinement as provided in chapter 9.94A RCW. The clerk of superior court, or a party designated by the clerk, may seek extension under subsection (3) of this section for purposes of collection as allowed under RCW 36.18.190, provided that no filing fee shall be required.

(5) "Court" as used in this section includes but is not limited to the United States supreme court, the United States courts of appeals, the United States district courts, the United States bankruptcy courts, the Washington state supreme court, the court of appeals of the state of Washington, superior courts and district courts of the counties of the state of Washington, and courts of other states and jurisdictions from which judgment has been filed in this state under chapter 6.36 or * 6.40 RCW.

(6) The perfection of any judgment lien and the priority of that judgment lien on property as established by RCW 6.13.090 and chapter 4.56 RCW is not altered by the extension of the judgment pursuant to the provisions of this section and the lien remains in full force and effect and does not have to be rerecorded after it is extended. Continued perfection of a judgment that has been transcribed to other counties and perfected in those counties may be accomplished after extension of the judgment by filing with the clerk of the other counties where the judgment has been filed either a certified copy of the

order extending the judgment or a certified copy of the docket of the matter where the judgment was extended.

(7) Except as ordered in RCW 4.16.020 (2) or (3), chapter 9.94A RCW, or chapter 13.40 RCW, no judgment is enforceable for a period exceeding twenty years from the date of entry in the originating court. Nothing in this section may be interpreted to extend the expiration date of a foreign judgment beyond the expiration date under the laws of the jurisdiction where the judgment originated.

(8) The chapter 261, Laws of 2002 amendments to this section apply to all judgments currently in effect on June 13, 2002, to all judgments extended after June 9, 1994, unless the judgment has been satisfied, vacated, and/or quashed, and to all judgments filed or rendered, or both, after June 13, 2002.

[2002 c 261 § 1; 1997 c 121 § 1; 1995 c 231 § 4; 1994 c 189 § 1; 1989 c 360 § 3; 1987 c 442 § 402; 1980 c 105 § 4; 1971 c 81 § 26; 1929 c 25 § 2; RRS § 510. Prior: 1888 p 94 § 1; Code 1881 § 325; 1877 p 67 § 328; 1869 p 79 § 320; 1854 p 175 § 242. Formerly RCW 6.04.010.]

NOTES:

Rules of court: Cf. CR 58(b), 62(a), and 69(a); JCR 54.

***Reviser's note:** Chapter 6.40 RCW was repealed in its entirety by chapter 363, Laws of 2009. Later enactment, see chapter 6.40A RCW.

Application—1980 c 105: See note following RCW 4.16.020.

Entry of judgment: RCW 6.01.020.