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**SUBSTITUTE SENATE BILL 5405**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Carrell, Kline and McCaslin)

READ FIRST TIME 02/07/07.

1 AN ACT Relating to judicial orders concerning distraint of personal  
2 property; and amending RCW 6.17.160.

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

4 **Sec. 1.** RCW 6.17.160 and 1988 c 231 s 12 are each amended to read  
5 as follows:

6 The sheriff to whom the writ is directed and delivered shall  
7 execute the same without delay as follows:

8 (1) Real property, including a vendee's interests under a real  
9 estate contract, shall be levied on by recording a copy of the writ,  
10 together with a description of the property attached, with the  
11 recording officer of the county in which the real estate is situated.

12 (2) Personal property, capable of manual delivery, shall be levied  
13 on by taking into custody. If the property or any part of it may be  
14 concealed in a building or enclosure, the sheriff may publicly demand  
15 delivery of the property. If the property is not delivered and if the  
16 order of execution so directs, the sheriff may cause the building or  
17 enclosure to be broken open and take possession of the property.

18 (3) Shares of stock and other investment securities shall be levied  
19 on in accordance with the requirements of RCW 62A.8-317.

1 (4) A fund in court shall be levied on by leaving a copy of the  
2 writ with the clerk of the court with notice in writing specifying the  
3 fund.

4 (5) A franchise granted by a public or quasi-public corporation  
5 shall be levied on by (a) serving a copy of the writ on, or mailing it  
6 to, the judgment debtor as required by RCW 6.17.130 and (b) filing a  
7 copy of the writ in the office of the auditor of the county in which  
8 the franchise was granted together with a notice in writing that the  
9 franchise has been levied on to be sold, specifying the time and place  
10 of sale, the name of the owner, the amount of the judgment for which  
11 the franchise is to be sold, and the name of the judgment creditor.

12 (6) A vendor's interest under a real estate contract shall be  
13 levied on by (a) recording a copy of the writ, with descriptions of the  
14 contract and of the real property covered by the contract, with the  
15 recording officer of the county in which the real estate is located and  
16 (b) serving a copy of the writ, with a copy of the descriptions, on, or  
17 mailing the same to, the judgment debtor and the vendee under the  
18 contract in the manner as described in RCW 6.17.130.

19 (7) Other intangible personal property may be levied on by serving  
20 a copy of the writ on, or mailing it to, the judgment debtor in the  
21 manner as required by RCW 6.17.130, together with a description of the  
22 property. If the property is a claim on which suit has been commenced,  
23 a copy of the writ and of the description shall also be filed with the  
24 clerk of the court in which the suit is pending.

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