

12.40.105

Increase of judgment upon failure to pay.

If the losing party fails to pay the judgment within thirty days or within the period otherwise ordered by the court, the judgment shall be increased by: (1) An amount sufficient to cover costs of certification of the judgment under RCW 12.40.110; (2) the amount specified in RCW 36.18.012(2); and (3) any other costs incurred by the prevailing party to enforce the judgment, including but not limited to reasonable attorneys' fees, without regard to the jurisdictional limits on the small claims department.

[2004 c 70 § 1; 1998 c 52 § 5; 1995 c 292 § 5; 1983 c 254 § 2.]

**Notes:****Effective date -- 1983 c 254:** See note following RCW 12.40.100.

COVERED  
ON COSTS  
TO ENFORCE  
JUDGMENT

12.40.110

Procedure on nonpayment.

(1) If the losing party fails to pay the judgment according to the terms and conditions thereof within thirty days or is in arrears on any payment plan, and the prevailing party so notifies the court, the court shall certify the judgment in substantially the following form:

Washington.

In the District Court of . . . . . County.

. . . . . Plaintiff,

vs.

. . . . . Defendant.

In the Small Claims Department.

This is to certify that: (1) In a certain action on the . . . . day of . . . . 19 . . . , wherein . . . . . was plaintiff and . . . . . defendant, jurisdiction of said defendant having been had by personal service (or otherwise) as provided by law, judgment was entered against . . . . . in the sum of . . . . dollars; (2) the judgment has not been paid within \*twenty days or the period otherwise ordered by the court; and (3) pursuant to RCW 12.40.105, the amount of the judgment is hereby increased by any costs of certification under this section and the amount specified in RCW 36.18.012(2).

Witness my hand this . . . . day of . . . . , 19 . . .

Clerk of the Small Claims Department.

(2) The clerk shall forthwith enter the judgment transcript on the judgment docket of the district court; and thereafter garnishment, execution, and other process or execution provided by law may issue thereon, as in other judgments of district courts.

(3) Transcripts of such judgments may be filed and entered in judgment lien dockets in superior courts with like effect as in other cases.

[1998 c 52 § 6; 1995 c 292 § 6; 1984 c 258 § 68; 1983 c 254 § 3; 1975 1st ex.s. c 40 § 1; 1973 c 128 § 2; 1919 c 187 § 11; RRS § 1777-11.]

**Notes:**

**\*Reviser's note:** 1998 c 52 extended the payment period to thirty days in RCW 12.40.105 and subsection (1) of this section, but failed to conform the text of the certification form.

**Court Improvement Act of 1984 -- Effective dates -- Severability -- Short title -- 1984 c 258:** See notes following RCW 3.30.010.

**Effective date -- 1983 c 254:** See note following RCW 12.40.100.

Inclusion of reasonable costs and attorneys' fees in execution: RCW 6.17.110.

12.40.120

Appeals — Setting aside judgments.

No appeal shall be permitted from a judgment of the small claims department of the district court where the amount claimed was less than two hundred fifty dollars. No appeal shall be permitted by a party who requested the exercise of jurisdiction by the small claims department where the amount claimed by that party was less than one thousand dollars. A party in default may seek to have the default judgment set aside according to the court rules applicable to setting aside judgments in district court.

[1997 c 352 § 4; 1988 c 85 § 2; 1984 c 258 § 69; 1970 ex.s. c 83 § 4.]

**Notes:**

**Court Improvement Act of 1984 -- Effective dates -- Severability -- Short title -- 1984 c 258:** See notes following RCW 3.30.010.

12.40.800

Small claims informational brochure — Preparation and distribution.

The administrator for the courts and the district and municipal court judges' association shall prepare a model small claims informational brochure and distribute the model brochure to all small claims departments in the state. This brochure may be modified as necessary by each small claims department and shall be made available to all parties in any small claims action.

[1994 c 32 § 7; 1988 c 85 § 3.]