

Chapter 6.25 RCW ATTACHMENT

Sections

- 6.25.010 Application of chapter to district courts.
- 6.25.020 Time for granting.
- 6.25.030 Issuance of writ—Grounds.
- 6.25.040 Grounds if debt not due.
- 6.25.050 Procedure when debt not due.
- 6.25.060 Application for writ—Affidavit.
- 6.25.070 Issuance of writ—Notice—Hearing—Issuance without notice—
Forms for notice.
- 6.25.080 Issuance of writ—Attachment bond.
- 6.25.090 Bond—Additional security.
- 6.25.100 Action on bond—Damages and attorney's fees.
- 6.25.110 Contents of writ—Levy of attachment.
- 6.25.120 Writs to different counties—Successive writs.
- 6.25.130 Writ—Notation of time received—Order of execution.
- 6.25.140 Manner of levy.
- 6.25.150 Property may be followed to adjoining county.
- 6.25.160 Sheriff's inventory—Return.
- 6.25.170 Examination of defendant as to property.
- 6.25.180 Motion to discharge attachment—Affidavits in opposition—
Discharge.
- 6.25.190 Discharge of attachment—Bond—Judgment on bond.
- 6.25.220 Sale of property before judgment.
- 6.25.230 Custody of property or proceeds.
- 6.25.240 Subjection of attached property to judgment.
- 6.25.250 Procedure when attached property insufficient.
- 6.25.260 Procedure where execution unsatisfied.
- 6.25.270 Procedure when judgment is for defendant.
- 6.25.280 Chapter to be liberally construed—Amendments.

RCW 6.25.010 Application of chapter to district courts. Unless otherwise expressly provided, all the provisions of this chapter governing attachment of personal property apply to proceedings before district courts of this state, but the district courts shall not have power to issue writs of attachment against real property or any interest in real property or against vendors' interests under real estate contracts. [1987 c 442 s 801.]

RCW 6.25.020 Time for granting. The plaintiff at the time of commencing an action, or at any time afterward before judgment, may have the property of the defendant, or that of any one or more of several defendants, attached in the manner prescribed in this chapter, as security for the satisfaction of such judgment as the plaintiff may recover. [1987 c 442 s 802; 1886 p 39 s 1; RRS s 647. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.010.]

Rules of court: *Cf. CR 64.*

RCW 6.25.030 Issuance of writ—Grounds. The writ of attachment may be issued by the court in which the action is pending on one or more of the following grounds:

- (1) That the defendant is a foreign corporation; or
- (2) That the defendant is not a resident of this state; or
- (3) That the defendant conceals himself or herself so that the ordinary process of law cannot be served upon him or her; or
- (4) That the defendant has absconded or absented himself or herself from his or her usual place of abode in this state, so that the ordinary process of law cannot be served upon him or her; or
- (5) That the defendant has removed or is about to remove any of his or her property from this state, with intent to delay or defraud his or her creditors; or
- (6) That the defendant has assigned, secreted, or disposed of, or is about to assign, secrete, or dispose of, any of his or her property, with intent to delay or defraud his or her creditors; or
- (7) That the defendant is about to convert his or her property, or a part thereof, into money, for the purpose of placing it beyond the reach of his or her creditors; or
- (8) That the defendant has been guilty of a fraud in contracting the debt or incurring the obligation for which the action is brought; or
- (9) That the damages for which the action is brought are for injuries arising from the commission of some felony, gross misdemeanor, or misdemeanor. [2023 c 102 s 7; 2011 c 336 s 147; 1987 c 442 s 803; 1973 1st ex.s. c 154 s 16; 1923 c 159 s 1; 1886 p 39 s 2; RRS s 648. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.020.]

Rules of court: CR 64.

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

RCW 6.25.040 Grounds if debt not due. An action may be commenced and the property of a debtor may be attached previous to the time when the debt becomes due, when nothing but time is wanting to fix an absolute indebtedness, and when the complaint and the affidavit allege, in addition to that fact, one or more of the following grounds:

- (1) That the defendant is about to dispose or has disposed of his or her property in whole or in part with intent to defraud his or her creditors; or
- (2) That the defendant is about to remove from the state and refuses to make any arrangements for securing the payment of the debt when it falls due, and the contemplated removal was not known to the plaintiff at the time the debt was contracted; or
- (3) That the debt was incurred for property obtained under false pretenses. [2011 c 336 s 148; 1987 c 442 s 804; 1886 p 39 s 3; RRS s 649. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.030.]

Rules of court: Cf. CR 64.

RCW 6.25.050 Procedure when debt not due. If the debt or demand for which the attachment is sued out is not due at the time of the commencement of the action, the defendant is not required to file any pleadings until the maturity of such debt or demand, but the defendant may, in his or her discretion, do so, and go to trial as early as the cause is reached. No final judgment shall be rendered in such action until the debt or demand upon which it is based becomes due, unless the defendant consents by filing pleadings or otherwise. However, property of a perishable nature may be sold as provided in RCW 6.25.220. [1987 c 442 s 805; 1886 p 40 s 4; RRS s 650. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.040.]

RCW 6.25.060 Application for writ—Affidavit. (1) The plaintiff or someone on plaintiff's behalf shall apply for a writ of attachment by affidavit, alleging that the attachment is not sought and the action is not prosecuted to hinder, delay, or defraud any creditor of the defendant and also alleging that affiant has reason to believe and does believe the following, together with specific facts on which affiant's belief in the allegations is based: (a) That the defendant is indebted to the plaintiff (specifying the nature of the claim and the amount of such indebtedness over and above all just credits and offsets), and (b) that one or more of the grounds stated in RCW 6.25.030 for issuance of a writ of attachment exists.

(2) If the action is based on a debt not due, the ground alleged under subsection (1)(b) of this section must be one stated in RCW 6.25.040 for attachment on a debt not due, and affiant shall also allege reason to believe and belief that nothing but time is wanting to fix an absolute indebtedness due from defendant, together with specific facts on which the affiant's belief in the allegations is based. [1987 c 442 s 806.]

RCW 6.25.070 Issuance of writ—Notice—Hearing—Issuance without notice—Forms for notice. (1) Except as provided in subsection (2) of this section, the court shall issue a writ of attachment only after prior notice to defendant, given in the manner prescribed in subsections (4) and (5) of this section, with an opportunity for a prior hearing at which the plaintiff shall establish the probable validity of the claim sued on and that there is probable cause to believe that the alleged ground for attachment exists.

(2) Subject to subsection (3) of this section, the court shall issue the writ without prior notice to defendant and an opportunity for a prior hearing only if:

(a)(i) The attachment is to be levied only on real property, or (ii) if it is to be levied on personal property, the ground alleged for issuance of attachment is one appearing in RCW 6.25.030 (5) through (7) or in RCW 6.25.040(1) or, if attachment is necessary for the court to obtain jurisdiction of the action, the ground alleged is one appearing in RCW 6.25.030 (1) through (4); and

(b) The court finds, on the basis of specific facts alleged in the affidavit, after an ex parte hearing, that there is probable cause to believe the allegations of plaintiff's affidavit.

(3) If a writ is issued under subsection (2) of this section without prior notice to defendant, after seizure of property under the writ the defendant shall be entitled to prompt notice of the seizure and of a right to an early hearing, if requested, at which the plaintiff shall establish the probable validity of the claim sued on and that there is probable cause to believe that the alleged ground for attachment exists. Such notice shall be given in the manner prescribed in subsections (4) and (5) of this section.

(4) When notice and a hearing are required under this section, notice may be given by a show cause order stating the date, time, and place of the hearing. Notice required under this section shall be jurisdictional and, except as provided for published notice in subsection (5) of this section, notice shall be served in the same manner as a summons in a civil action and shall be served together with: (a) A copy of the plaintiff's affidavit and a copy of the writ if already issued; (b) if the defendant is an individual, copies of homestead statutes, RCW 6.13.010, 6.13.030, and 6.13.040, if real property is to be attached, or copies of exemption statutes, RCW 6.15.010 and 6.15.060, if personal property is to be attached; and (c) if the plaintiff has proceeded under subsection (2) of this section, a copy of a "Notice of Right to Hearing" in substantially the following form:

NOTICE OF RIGHT TO HEARING

In a lawsuit against you, a Washington court has issued or will issue a Writ of Attachment against your property. Under the writ a sheriff or sheriff's deputy has or will put a lien against your real estate or has seized or will seize other property of yours to hold until the court decides the lawsuit.

Delivery of this notice of your rights is required by law.

YOU HAVE THE RIGHT TO A PROMPT HEARING. If notice of a hearing date and time is not served with this notice, you have a right to request the hearing. At the hearing, the plaintiff must give evidence that there is probable cause to believe that the statements in the enclosed affidavit are true and also that the claim stated in the lawsuit is probably valid, or else your property will be released.

If the defendant is an individual, the following paragraph shall be added to the notice:

YOU MAY ALSO HAVE A RIGHT TO HAVE YOUR PROPERTY RELEASED if it is exempt property as described in the copies of statutes included with this notice and if you claim your exemptions in the way described in the statutes.

(5) If service of notice on the defendant must be effected by publication, only the following notice need be published under the caption of the case:

To Defendant:

A writ of attachment has been issued in the above-captioned case, directed to the Sheriff of County, commanding the Sheriff as follows:

"WHEREAS, . . . [Quoting body of writ of attachment]"

YOU HAVE A RIGHT TO ASK FOR A HEARING. At the hearing, the plaintiff must give evidence that there is probable cause to believe that the ground for attachment alleged in an affidavit filed with the court exists and also that the claim stated in the lawsuit is probably valid, or else the attachment will be discharged.

If the defendant is an individual, the following paragraph shall be added to the published notice:

YOU MAY ALSO HAVE A RIGHT TO HAVE YOUR PROPERTY RELEASED if it is exempt property as described in Washington exemption statutes, including sections 6.13.010, 6.13.030, 6.13.040, 6.15.010, and 6.15.060 of the Revised Code of Washington, in the manner described in those statutes.

[1988 c 231 s 15; 1987 c 442 s 807.]

Reviser's note: As to the constitutionality of certain applications of subsection (2) of this section, see *Tri-State Dev. v. Johnston*, 160 F.3d 528 (9th Cir. 1998) and *Van Blaricom v. Kronenberg*, 112 Wn. App. 501, 50 P.3d 266 (2002).

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

RCW 6.25.080 Issuance of writ—Attachment bond. (1) Except as provided in subsection (2) of this section, before the writ of attachment shall issue, the plaintiff, or someone in the plaintiff's behalf, shall execute and file with the clerk a surety bond or undertaking in the sum in no case less than three thousand dollars, in the superior court, nor less than five hundred dollars in the district court, and double the amount for which plaintiff demands judgment, or such other amount as the court shall fix, conditional that the plaintiff will prosecute the action without delay and will pay all costs that may be adjudged to the defendant, and all damages that the defendant may sustain by reason of the writ of attachment or of additional writs issued as permitted under RCW 6.25.120, not exceeding the amount specified in such bond or undertaking, as the penalty thereof, should the same be wrongfully, oppressively or maliciously sued out.

(2) If it is desired to attach real estate only, and such fact is stated in the affidavit for attachment, and the ground of attachment is that the defendant is a foreign corporation or is not a resident of the state, or conceals himself or herself or has absconded or is absent from his or her usual place of abode so that the ordinary process of law cannot be served upon him or her, the writ of attachment shall issue without bond or undertaking by or on behalf of the plaintiff.

(3) If the plaintiff sues on an assigned claim and the plaintiff's immediate or any other assignor thereof retains or has any interest in the claim, then the plaintiff and every assignor who retains or has any interest therein shall be jointly and severally liable for all costs that may be adjudged to the defendant and for all damages that the defendant may sustain by reason of the attachment, should the same be wrongfully, oppressively or maliciously sued out. [1988 c 231 s 16. Prior: 1987 c 442 s 808; 1987 c 202 s 128; 1957 c 51 s 1; 1903 c 41 s 1; 1886 p 40 s 6; RRS s 652; prior: Code 1881 ss

174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.060.]

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

Intent—1987 c 202: See note following RCW 2.04.190.

Corporate surety—Insurance: Chapter 48.28 RCW.

Court may fix amount of bond in civil actions: RCW 4.44.470.

RCW 6.25.090 Bond—Additional security. The defendant may, at any time before judgment, move the court or judge for additional security on the part of the plaintiff, or for security if none was required under RCW 6.25.080, and if, on such motion, the court or judge is satisfied that security or additional security should be required or that the surety in the plaintiff's bond has removed from this state or is not sufficient, the attachment may be vacated, and restitution directed of any property taken under it, unless in a reasonable time, to be fixed by the court or judge, further security is given by the plaintiff in form as provided in RCW 6.25.080. [1987 c 442 s 809; 1886 p 40 s 7; RRS s 653. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.070.]

RCW 6.25.100 Action on bond—Damages and attorney's fees. In an action on such bond, if it is shown that the attachment was wrongfully sued out, the defendant may recover the actual damages sustained and reasonable attorney's fees to be fixed by the court. If it is shown that such attachment was sued out maliciously, the defendant may recover exemplary damages, and the defendant need not wait until the principal suit is determined before suing on the bond. [1987 c 442 s 810; 1886 p 41 s 8; RRS s 654. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.080.]

RCW 6.25.110 Contents of writ—Levy of attachment. The writ of attachment shall be directed to the sheriff of any county in which property of the defendant may be, and shall require the sheriff to attach and safely keep the property of such defendant within the county, to the requisite amount, which shall be stated in conformity with the affidavit. The sheriff shall in all cases attach the amount of property directed, if sufficient property not exempted from execution be found in the county, giving that in which the defendant has a legal and unquestionable title a preference over that in which title is doubtful or only equitable, and the sheriff shall as nearly as the circumstances of the case will permit, levy upon property fifty percent greater in valuation than the amount that the plaintiff in the affidavit claims to be due. When property is seized on attachment, the court may allow to the officer having charge thereof such compensation for the trouble and expenses in keeping the same as shall be reasonable and just. [1987 c 442 s 811; 1886 p 41 s 9; RRS s 655.]

Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.090.]

RCW 6.25.120 Writs to different counties—Successive writs. If issuance of a writ of attachment has been ordered by the court in a case, other writs of attachment may be issued in the same case from the court to different counties, and several may, at the option of the plaintiff, be issued at the same time, or in succession and subsequently, until sufficient property has been attached; but only those executed shall be taxed in the costs, unless otherwise ordered by the court, and if more property is attached in the aggregate than the plaintiff is entitled to have held, the surplus must be abandoned and the plaintiff pay all costs incurred in relation to such surplus. After the first writ has issued, it shall not be necessary for the plaintiff to file any further affidavit or bond unless the court otherwise directs, but the plaintiff shall be entitled to as many writs as may be necessary to secure the amount claimed. [1988 c 231 s 17; 1987 c 442 s 812; 1886 p 41 s 10; RRS s 656. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.100.]

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

RCW 6.25.130 Writ—Notation of time received—Order of execution. The sheriff or other officer shall indorse upon the writ of attachment in ink the day, hour, and minute when the writ first came into the officer's hands. Where there are several attachments against the same defendant, they shall be executed in the order in which they were received by the sheriff. [1987 c 442 s 813; 1886 p 41 s 11; RRS s 657. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.110.]

Rules of court: Cf. CR 64.

RCW 6.25.140 Manner of levy. The sheriff shall levy on property to be attached in the same manner as provided for execution in RCW 6.17.160, 6.17.170, and 6.17.180. [1987 c 442 s 814.]

RCW 6.25.150 Property may be followed to adjoining county. If, after an attachment has been placed in the hands of the sheriff, any property of the defendant is moved from the county, the sheriff may pursue and attach the property in an adjoining county within twenty-four hours after removal. [1987 c 442 s 815; 1886 p 42 s 12; RRS s 658. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.120.]

RCW 6.25.160 Sheriff's inventory—Return. The sheriff shall make a full inventory of the property attached and return the inventory with the writ of attachment within twenty days of receipt of the writ, with a return of the proceedings indorsed on or attached to the writ. If the writ was issued at the same time as the summons, the sheriff shall return the writ with the summons. [1987 c 442 s 816; 1927 c 100 s 2; 1886 p 43 s 21; RRS s 666. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.200.]

RCW 6.25.170 Examination of defendant as to property. Whenever it appears by the affidavit of the plaintiff that the plaintiff has probable cause to believe that a ground for attachment exists and it appears by the plaintiff's affidavit or by the return of the attachment that no property is known to the plaintiff or officer on which the attachment can be executed, or not enough to satisfy the plaintiff's claim, and it being shown to the court or judge by affidavit that the defendant has property within the state not exempted, the defendant may be required by such court or judge to attend before the court or judge or referee appointed by the court or judge and give information on oath respecting the property. [1987 c 442 s 817; 1886 p 42 s 14; RRS s 660. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.140.]

RCW 6.25.180 Motion to discharge attachment—Affidavits in opposition—Discharge. (1) The defendant may at any time, after appearing in the action and before giving bond as provided in RCW 6.25.190, apply on motion, upon reasonable notice to the plaintiff, to the court in which the action is brought or to the judge thereof, that the writ of attachment be discharged on the ground that it was improperly or irregularly issued.

(2) If the motion is made on affidavits on the part of the defendant, the plaintiff may oppose the same by affidavits in addition to those on which the attachment was issued or by other evidence, unless otherwise ordered by the court.

(3) If upon application it satisfactorily appears that the writ of attachment was improperly or irregularly issued, it must be discharged.

(4) Whenever an order has been made discharging or releasing an attachment upon real property, a certified copy of such order may be recorded with the recording officer of the county in which the writ of attachment has been recorded. [1987 c 442 s 818; 1927 c 131 s 1; 1886 p 45 s 31; RRS s 673. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.270.]

Rules of court: CR 7(b), 64.

RCW 6.25.190 Discharge of attachment—Bond—Judgment on bond. If the defendant, at any time before judgment, causes a bond to be executed to the plaintiff with sufficient sureties, to be approved by

the officer having the attachment or after the return thereof by the clerk, conditional on the performance of the judgment of the court, the attachment shall be discharged and restitution made of property taken or proceeds thereof. The execution of such bond shall be deemed an appearance of such defendant to the action. The bond shall be part of the record and, if judgment goes against the defendant, the judgment shall be entered against the defendant and the sureties. [1987 c 442 s 819; 1886 p 45 s 29; RRS s 671. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.250.]

RCW 6.25.220 Sale of property before judgment. If any property attached be perishable or in danger of serious and immediate waste or decay, the sheriff shall sell the same in the manner in which such property is sold on execution. Whenever it shall be made to appear satisfactorily to the court or judge that the interest of the parties to the action will be subserved by a sale of any attached property, the court or judge may order such property to be sold in the same manner as like property is sold under execution. Such order shall be made only upon notice to the adverse party or that party's attorney in the action. [1987 c 442 s 822; 1957 c 51 s 2; 1886 p 42 s 16; RRS s 662. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.160.]

RCW 6.25.230 Custody of property or proceeds. All moneys received by the sheriff under the provisions of this chapter shall be paid to the clerk of the court that issued the writ, to be held to be applied to any judgment that may be recovered in the action, and all other attached property shall be retained by the sheriff to be applied to any judgment that may be recovered in the action. [1987 c 442 s 823; 1886 p 43 s 17; RRS s 663. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.170.]

RCW 6.25.240 Subjection of attached property to judgment. If judgment is recovered by the plaintiff, it shall be paid out of any proceeds held by the clerk of the court and out of the property retained by the sheriff if it is sufficient for that purpose as follows:

(1) By applying on the execution issued on said judgment the proceeds of all sales of perishable or other property sold, or so much as shall be necessary to satisfy the judgment.

(2) If any balance remains due, the sheriff shall sell under the execution so much of the personal property attached as may be necessary to satisfy the balance and, if there is not sufficient personal property to satisfy the balance, the sheriff shall sell so much of any real property attached as is necessary to satisfy the judgment.

Notice of sale shall be given and sale conducted as in other cases of sales on execution. [1987 c 442 s 824; 1957 c 51 s 4; 1886 p 44 s 25; RRS s 667. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873

pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.210.]

RCW 6.25.250 Procedure when attached property insufficient. If, after the proceeds of all the property attached have been applied to the payment of the judgment, any balance remains due, the sheriff shall proceed as upon an execution in other cases. Whenever the judgment has been paid, the sheriff, upon reasonable demand, shall deliver to the defendant the attached property remaining and the clerk shall pay to the defendant any remaining proceeds of the property attached that have not been applied on the judgment. [1987 c 442 s 825; 1957 c 51 s 5; 1886 p 44 s 26; RRS s 668. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.220.]

RCW 6.25.260 Procedure where execution unsatisfied. If the execution is returned unsatisfied, in whole or in part, the plaintiff may proceed as in other cases upon the return of an execution. [1987 c 442 s 826; 1886 p 45 s 27; RRS s 669. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.230.]

RCW 6.25.270 Procedure when judgment is for defendant. If the defendant recovers judgment against the plaintiff, all the proceeds of sales and money collected by the sheriff and deposited with the clerk and all the property attached and retained by the sheriff shall be delivered to the defendant or the defendant's agent. The order of attachment shall be discharged and the property released therefrom. [1987 c 442 s 827; 1886 p 45 s 28; RRS s 670. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.240.]

RCW 6.25.280 Chapter to be liberally construed—Amendments. This chapter shall be liberally construed, and the plaintiff, at any time when objection is made thereto, shall be permitted to amend any defect in the complaint, affidavit, bond, writ or other proceeding, and no attachment shall be quashed or dismissed, or the property attached released, if the defect in any of the proceedings has been or can be amended so as to show that a legal cause for the attachment existed at the time it was issued, and the court shall give the plaintiff a reasonable time to perfect such defective proceedings. [1987 c 442 s 828; 1886 p 46 s 35; RRS s 677. Prior: Code 1881 ss 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162. Formerly RCW 7.12.310.]