

RCW 60.90.090 Wage lien extinguished—Form. (1) A wage lien is extinguished:

(a) If an action for the underlying wage claim is not brought within eight months of the date the wage lien was recorded or if the notice required by RCW 60.90.060 was not recorded within eight months of the date the wage lien was recorded;

(b) If the action for the underlying wage claim is dismissed with prejudice and no appeal is filed within the applicable appeals period. If an appeal is filed, the wage lien continues in force until final judgment is rendered;

(c) Upon payment and acceptance of payment for the employee's wage claim; or

(d) Upon proper recording or notice of a bond meeting the requirements of RCW 60.90.140 and, if applicable, notification of the lien claimant as required under RCW 60.90.140.

(2) (a) When the wage lien has been extinguished, the lien claimant shall release the lien in writing within 15 days. For liens on real property and titled goods, the lien claimant shall file a release of the wage lien at the place where the wage lien was recorded and pay a filing fee established by the agency where the notice is filed. For liens on personal property filed pursuant to RCW 60.90.030(2), the lien claimant shall file a termination statement of the type used pursuant to chapter 62A.9A RCW with the department of licensing and pay a filing fee established by the department.

(b) If a lien claimant fails to release the wage lien, upon demand and 15 days' notice by the employer or any affected party, mailed to the lien claimant's address as indicated on the notice of the wage lien by certified mail with return receipt requested, the employer or affected party may petition the court in which foreclosure is authorized under RCW 60.90.070, for an order releasing the wage lien. If no action to foreclose the lien claim has been filed, the clerk of the court shall assign a cause number to the application and obtain from the applicant a filing fee pursuant to RCW 36.18.016(18). If an action has been filed to foreclose the lien claim, the application shall be made a part of that action.

(c) If the lien claimant acted unreasonably and in bad faith in refusing to file a release of the wage lien, the employer or affected party shall be entitled to recover its attorneys' fees and costs incurred in the action, and the court in its discretion may also issue a fine not to exceed \$1,000.

(d) For liens on real property and titled goods, the release must include:

(i) The name, telephone number, address, and relationship to the wage lien of the person filing the notice;

(ii) The name, telephone number, and address of the lien claimant;

(iii) The name of the employer;

(iv) A description of the property subject to the wage lien;

(v) The amount for which the wage lien was claimed;

(vi) The signature of the lien claimant, the lien claimant's assignor, or a person authorized to act on the lien claimant's behalf;

(vii) A certified acknowledgment as set forth in subsection (4) of this section; and

(viii) The reference number of the original or amended wage lien.

(3) The person filing the release or termination statement shall mail a copy of the release or termination statement to the person

against whom the lien claim was made by first-class mail within 10 days of filing the notice of release or termination.

(4) (a) A release of wage lien on real property must comply with the recording standards established in RCW 65.04.045 and the county auditor shall record the release in the same manner as deeds and other instruments of title are recorded under chapter 65.08 RCW.

(b) For liens on real property and titled goods, a release of wage lien substantially in the following form is sufficient, provided it complies with the formatting requirements of RCW 65.04.045 (1) (a) and (b), (2), and (3):

When Recorded Return to:

RELEASE OF WAGE LIEN

., claimant, vs., name of person indebted to claimant:

Notice is hereby given that the wage lien described below is released.

1. NAME OF PERSON FILING RELEASE:

RECORDED LIEN NUMBER IF THE LIEN WAS RECORDED AGAINST REAL PROPERTY:

TELEPHONE NUMBER:

ADDRESS:

RELATIONSHIP TO WAGE LIEN (lien claimant, representative of lien claimant, assignee of lien claimant):

IF THE PERSON SIGNING THIS NOTICE IS NOT THE CLAIMANT, BUT IS AUTHORIZED TO ACT ON BEHALF OF THE CLAIMANT, STATE THE PERSON'S NAME AND REPRESENTATIVE CAPACITY (e.g., officer or employee of claimant; attorney or agent; representative of lien filing service; administrator, representative, or agent of trustees of employee benefit plan):

2. NAME OF LIEN CLAIMANT:

TELEPHONE NUMBER:

ADDRESS:

3. NAME OF EMPLOYER:

4. DESCRIPTION OF THE PERSONAL PROPERTY AGAINST WHICH THE LIEN IS CLAIMED OR FOR A LIEN ON REAL PROPERTY: (1) THE REFERENCE NUMBER OF PREVIOUSLY FILED LIEN, (2) AN ABBREVIATED LEGAL DESCRIPTION OF THE PROPERTY AS DESCRIBED IN RCW 65.04.045, AND (3) THE PARCEL NUMBER OF THE REAL PROPERTY:

5. NAME OF REGISTERED OR LEGAL OWNER OR REPUTED OWNER (If not known, state "Unknown").

6. AMOUNT OF WAGE LIEN CLAIM:

ACKNOWLEDGMENT

FOR AN ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

STATE OF WASHINGTON, COUNTY OF

., SS.

., being sworn, says: I, . . . (name of person) . . ., am the (claimant/assignee of the claimant). I have read the foregoing release of wage lien and believe the notice to be true and correct under penalty of perjury.

.Dated:.

(Signature)

FOR AN ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

STATE OF WASHINGTON, COUNTY OF

., SS.

., being sworn, says: I, . . . (name of person) . . ., am authorized to act on behalf of (claimant/assignee of the claimant). I have read the foregoing release of wage lien and believe the notice to be true and correct under penalty of perjury.

.Dated:.

(Signature)

CERTIFICATE

FOR A CERTIFICATE OF ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

I certify that I know or have satisfactory evidence that . . . (name of person) . . . is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

.Dated:.
.
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(Signature)

(Seal or stamp)

. Title.
. My appointment.
. Expires.

FOR A CERTIFICATE OF ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

I certify that I know or have satisfactory evidence that
(name of person) is the person who appeared before me, and said
person acknowledged that he/she signed this instrument, on oath stated
that he/she was authorized to execute the instrument and acknowledged
it as the (type of authority, e.g., officer or employee,
etc.) of (name of party on behalf of whom instrument was
executed) to be the free and voluntary act of such party for the
uses and purposes mentioned in the instrument.

. Dated:.
.
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(Signature)

(Seal or stamp)

. Title.
. My appointment.
. Expires. [2021 c 102 s 10.]