

1 MOTION #2
2 (申請 #2)

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6 **Notice: You must complete this form in English.**
7 (請注意：務必以英文填寫此表。)

8 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
9 IN AND FOR THE COUNTY OF _____
10 (於 _____ 郡的
11 華盛頓州高等法院)

12 _____
13 Plaintiff
14 (原告)
15 (*landlord*)
16 ((房東))

17 v.
18 (訴)

19 _____
20 Defendant(s)
21 (被告)
22 (*tenant*)
23 ((租戶))

Case No.: _____
(案件編號：) _____

MOTION TO STAY ENFORCEMENT OF
WRIT OF RESTITUTION AND FOR
PAYMENT PLAN UNDER RCW
59.18.410(3)
(根據 RCW 59.18.410(3)申請中止執行歸
還令和申請制定付款計劃)

Defendant moves the Court to stay the writ of restitution and order a payment
plan under RCW 59.18.410(3):

1 (被告向法院申請根據 RCW 59.18.410(3)中止執行歸還令並制定付款計劃：)

2
3 I. Relief Requested

4 I. (已要求救濟)

5
6 I ask the Court to stay enforcement of the writ of restitution and allow me to
7 continue living in my rental unit under the fair and just terms of the payment plan below
8 because there is good cause based on the evidence below.

9 (本人請求法院中止執行歸還令，並允許本人透過執行下方公平公正的付款計劃條款，
10 以繼續住在租賃單元中，提出此要求的正當理由請見下方證據。)

11
12 I also want the Court to (check all that apply):

13 (本人也希望法院能夠 (請勾選所有適用項目)) :

14 Order a fair and just payment plan according to these terms:

15 (根據以下條款，簽發公平公正的付款計劃：)

16
17 Payment of total amount _____ . Consisting of

18 (付款總金額) _____ 。 (包含)

19 Rent due _____

20 (應付房租) _____

21 Court costs _____

22 (法院費用) _____

- 1 Late fee _____
- 2 (滯納金) _____
- 3
- 4 Attorneys' fees _____
- 5 (律師費用) _____
- 6 Payment due under a deposit installment plan _____
- 7 (押金分期付款計劃下的款項) _____
- 8
- 9 Other _____
- 10 (其他) _____
- 11
- 12 Payment of total by date _____.
- 13 (總費用付清日期) _____。
- 14 First payment of _____ due _____.
- 15 (_____ 應付第一筆款項) _____。
- 16 2nd payment of _____ due _____.
- 17 (_____ 應付第二筆款項) _____。
- 18 3rd payment of _____ due _____.
- 19 (_____ 應付第三筆款項) _____。
- 20 4th payment of _____ due _____.
- 21 (_____ 應付第四筆款項) _____。
- 22
- 23

1 Additional payments:

2 (其他款項 :)

3
4
5
6
7 AND/OR

8 (和/或)

9
10 Stay enforcement of the writ of restitution as necessary (under RCW
11 59.18.410(3)(c)(iv)) to afford me an equal opportunity to comply with the terms of the
12 payment plan by relying on an emergency rental assistance program. I am relying on
13 an emergency rental assistance program provided by this government or nonprofit
14 entity: _____

15 (視需要根據 RCW 59.18.410(3)(c)(iv)中止歸還令，讓本人獲得平等機會來依靠緊急
16 租金援助計劃遵循付款計劃。本人靠此政府或非營利實體提供的緊急租金援助計劃：)

17
18
19
20 AND/OR

21 (和/或)

1 Find that I am low-income, limited resourced, or experiencing hardship (under RCW
2 59.18.410(3)(e)(i)) and am eligible for disbursement through the Landlord Mitigation
3 Program established under RCW 43.31.605(1)(c).

4 (裁定本人是低收入者、資源有限、或者面臨困難 (根據 RCW 59.18.410(3)(e)(i)) ,
5
6 且符合資格透過依 RCW 43.31.605(1)(c)設立的房東緩解計劃(Landlord Mitigation
7 Program)進行支付。)

8
9
10 II. Declaration

11 II. (聲明)

12 *(Check the factors that apply and write a description)*

13 *((請勾選適用因素，並寫下說明))*

14 (i) Any non-payment or late payment of rent or failure to make a payment on a
15 deposit installment plan was not willful or intentional because:

16 ((i) 並非刻意或蓄意不付房租或遲交房租或無法支付押金分期付款計劃之款項，原
17
18 因如下：)

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1 (ii) Any non-payment or late payment of rent or failure to make a payment on a
2 deposit installment plan was caused by exigent circumstances outside my control and
3 not likely to recur, specifically:

4 ((ii) 無法支付房租或遲交付房租，無法支付押金分期付款計劃之款項是因為出現了
5 掌控之外的緊急情況，且再次發生的概率很小，具體情況如下：)
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7

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11 (iii) I am currently able to pay timely according to the payment plan because:

12 ((iii) 本人目前可根據付款計劃準時付款，原因如下：)
13
14

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16

17 (iv) I had a positive and timely payment history up until recently, specifically:

18 ((iv) 直到最近為止，本人的付款記錄一向十分良好且及時，具體情況如下：)
19
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23 (v) I am in substantial compliance with my rental agreement, specifically:

1 ((v) 本人在實質上遵循租賃合約，具體情況如下：)
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6 (vi) An eviction would cause me great hardship because:
7 ((vi) 若遭到驅逐，本人生活會陷入困境，原因如下：)
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12 (vii) I have shown good conduct related to other notices served within the last 6
13 months, specifically:
14 ((vii) 本人對近 6 個月收到的通知所採取的行為均相當良好，具體情況如下：)
15
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19 I am currently low-income, limited-resourced or experiencing hardship. Specifically:
20 (本人目前是低收入者、資源有限，或者面臨困難。具體情況如下：)
21
22
23

1 I am relying on an emergency rental assistance program provided by this
2 government or nonprofit entity: _____.

3 (本人靠此政府或非營利實體提供的緊急租金援助計劃：)
4 _____。

5
6 I have attached an offer of proof of the emergency rental assistance from the
7 government or nonprofit entity. (See attached document.)


8 (本人已附上政府或非營利實體的緊急作金援助的供給證明。(請見隨附文件。))

9
10 I declare under penalty of perjury of the laws of the state of Washington that the
11 forgoing is true and correct.

12 (本人特此聲明上述資訊真實準確，若有不實，願按華盛頓州法律以偽證罪論處。)

13 Signed at (*city and state*): _____ Date: _____

14 (簽署地點 (城市與州) :) _____ (日期 :) _____

16
17  _____
Defendant signs here

(被告請在此簽名)

Print name
(正楷姓名)

18
19 III. Evidence Relied Upon

20 III. (相關證據)

21 This motion is based on Defendant's declaration above and the filings and pleadings in
22 this case, including documents attached to this motion.

23 (此申請的依據為被告前述聲明以及本案例中提交的文件訴狀，包括此申請的隨附文件。)

1 IV. Argument

2 IV. (論據)

3 A. A tenant may move to stay the writ of restitution under RCW 59.18.410(3) at the
4 show cause hearing or trial or at any time before execution of the writ.

5 A. (租戶可在正當理由聽證會上或審判中或在歸還令執行前隨時根據 RCW
6 59.18.410(3)申請中止歸還令。)

7
8 Under RCW 59.18.410(3)(a), "the court, at the time of the show cause hearing
9 or trial, or upon subsequent motion of the tenant but before the execution of the writ of
10 restitution, may stay the writ of restitution upon good cause and on such terms that the
11 court deems fair and just for both parties."

12
13 (根據 RCW 59.18.410(3)(a) , 「 在正當理由聽證會上或審判中 , 或在收到租戶
14 提出後續申請但尚未執行歸還令之前 , 法院可出於正當理由及法院認為對雙方均公平公
15 正的條款 , 中止歸還令。 」)

16
17 Under RCW 59.18.410(3)(a), "the court shall consider evidence of the following
18 factors" in making this decision: the tenant's willful or intentional default or intentional
19 failure to pay rent; whether non-payment of the rent was caused by exigent
20 circumstances that were beyond the tenant's control and that are not likely to recur; the
21 tenant's ability to timely pay the judgment; the tenant's payment history; whether the
22

1 tenant is otherwise in substantial compliance with the rental agreement; hardship on the
2 tenant if evicted; and conduct related to other notices served within the last six months.

3 (根據 RCW 59.18.410(3)(a) , 「法院應將以下因素納入考量」以進行裁判：租
4 戶故意或蓄意不繳納房租或刻意不繳納房租；未繳房租之舉是否是由於租戶掌控之外的
5 緊急情況且不太可能會再次發生；租戶準時支付判決款項的能力；租戶的付款歷史記錄；
6 租戶是否在實質上遵循租賃合約；若遭驅逐，租戶是否會面臨的困境；與過去六個月內
7 送達的其他通知相關的行為。)

10 Under RCW 59.18.410(3)(c)(iv), the court shall stay the writ as necessary to
11 afford a tenant an equal opportunity to comply with the terms of a payment plan if a
12 tenant is relying on an emergency rental program provided by a government or nonprofit
13 entity and provides an offer of proof.

14 (根據 RCW 59.18.410(3)(c)(iv) , 若租戶依靠由政府或非營利實體的緊急租金援
15 助計劃且可提供供給證明，則法院應視需要中止該令狀，讓租戶獲得遵循付款計劃的平
16 等機會。)

19 Under recently amended RCW 59.18.283, a tenant may move to stay a writ of
20 execution if a tenant defaulted in payment owed under a deposit installment plan. RCW
21 59.18.283 now includes the provision that "When, at the commencement of the
22 tenancy, the landlord has provided an installment payment plan for nonrefundable fees
23 or deposits for the security of the tenant's obligations and the tenant defaults in payment,

1 the landlord may treat the default in payment as rent owing. Any rights the tenant and
2 landlord have under this chapter with respect to rent owing equally apply under this
3 subsection.” RCW 59.18.283 (3).

4
5 (根據近期修訂的 RCW 59.18.283 , 若租戶未能 支付押金分期付款費用 , 租戶
6 可申請中止執行令狀。 RCW 59.18.283 現納入以下條款 : 「 房東在租賃之初 針對租戶
7 承諾履行義務而須支付的不可退還費用或保證金提供了分期付款計劃 , 且 租戶未能及時
8 繳納該等費用 , 則房東可將未及時繳納款項一事視為拖欠房租。租戶與房東在本章中就
9 房租拖欠事宜具備的所有權利 同等適用於此目」。 RCW 59.18.283 (3).)

10
11
12
13 Under RCW 59.18.410(3)(e)(i), the court shall issue a finding as to whether the
14 tenant is low-income, limited resourced, or experiencing hardship to determine if the
15 parties may be eligible for disbursement through the landlord mitigation program
16 account established within RCW 43.31.605(1)(c).

17 (根據 RCW 59.18.410(3)(e)(i) , 法院應就租戶是否為低收入戶、資源有限 , 或
18 者面臨困難作出裁定 , 以此裁定相關方是否符合資格透過 RCW 43.31.605(1)(c)設立的
19 房東緩解計劃進行支付。)

20
21 A recently added provision to RCW 43.31.605, provides that unpaid judgments
22 resulting from the tenant's failure to comply with an installment payment
23

1 ORDER #2 [Use this form if you asked for a plan to pay off the amount you owe within
90 days of the writ]

2 (命令 #2 [若請求獲得在令狀簽發 90 天內付清您所積欠金額的付款計劃，請使用此表。])

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8 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF _____

9 (於 _____ 郡的

10 華盛頓州高等法院)

11 _____
12 Plaintiff
(原告)
13 (landlord)
14 ((房東))

15 v.
16 (訴)

17 _____
18 Defendant(s)
(tenant)
19 (被告)
20 ((租戶))

Case No.: _____

(案件編號 :) _____

[PROPOSED] ORDER STAYING
ENFORCEMENT OF WRIT OF
RESTITUTION AND ESTABLISHING
PAYMENT PLAN UNDER 59.18.410(3)
FOR CONTINUATION OF TENANCY

([擬議]命令根據 59.18.410(3)中止執行歸
還令並制定付款計劃，以延續租約)

21 Defendant(s) _____ has moved this Court for an
22 order under RCW 59.18.402(3) staying a writ of restitution upon a showing of good
23 cause and on such terms that this court deems fair and just for both parties.

1 (被告 _____ 向此法院申請根據 RCW 59.18.402(3) ·

2 在提出正當理由且本法院認為對雙方均公平公正的情況下 · 中止歸還令。)

3
4 Additionally, Defendant(s) has/have has/have not moved this court to Stay
5 enforcement of the writ of restitution as necessary (under RCW 59.18.410(3)(c)(iv)) to
6 afford them an equal opportunity to comply with the terms of the payment plan by relying
7 on an emergency rental assistance program.

8 (此外 · 被告 已經 尚未 向此法院申請視需要中止歸還令 (根據 RCW
9 59.18.410(3)(c)(iv)) · 以便被告獲得平等機會 · 依靠緊急租金援助計劃遵循付款計劃。)

10
11 Defendant(s) has/have has/have not proven they are relying on an
12 emergency rental assistance program provided by this government or nonprofit entity:

13 (被告 已經 尚未證明其依靠此政府或非營利實體提供的緊急租金援助計劃：)

14
15
16 After making the findings above and after consideration of the evidence of the
17 factors stated in RCW 59.18.410(3)(a), the Court finds that the tenant has shown good
18 cause to stay the writ upon the fair and just terms below.

19 (法院瞭解上述事項並考量到 RCW 59.18.410(3)(a)中所述的證明因素後 · 法院
20 裁定租戶具備正當理由 · 可根據以下公平公正的條款中止令狀。)

21 It is now therefore ORDERED that:

22 (因此 · 在此下令：)

1 1. Defendant(s) shall pay a total amount of _____.

2 Consisting of

3 1. (被告應付總金額為 _____ 。 包含)

4 Rent due _____

5 (應付房租) _____

6 Court costs _____

7 (法院費用) _____

8 Late fee _____

9 (滯納金) _____

10 Attorney's fees _____

11 (律師費用) _____

12 Payment due under a deposit installment plan _____

13 (押金分期付款計劃下的款項) _____

14 Other _____

15 (其他) _____

16 Defendant(s) shall pay the total within 90 days of this order, by

17 (date) _____.

18 (被告應該在此令狀簽發 90 天內付清總金額，截止日期為) _____。

19 First payment of _____ due _____.

1 (_____ 應付第一筆款項) _____ 。

2 [if this order is entered before the 15th of the month, the first payment must be for one
3 month's rent, and must be paid within five court days of the entry of this order. RCW
4 59.18.410(3). If after the 15th of the month, then the following month's rental payment
5 may be included in the total amount.]

6 ([若此命令在當月 15 日以前生效，則首筆款項必須為一個月的房租，且必須在此命令
7 生效後五個開庭日內付清。RCW 59.18.410(3)。若是在當月 15 日以後生效，則下個月
8 的房租款項可納入總金額之中。])

11 2nd payment of _____ due _____。

12 (_____ 應付第二筆款項) _____ 。

13 3rd payment of _____ due _____。

14 (_____ 應付第三筆款項) _____ 。

15 4th payment of _____ due _____。

16 (_____ 應付第四筆款項) _____ 。

17 Additional payments/requirements:

18 (其他款項/要求：)

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2. Defendant(s) _____ are hereby reinstated to the tenancy at
the address: _____.

2. (特此恢復被告 _____ 在以下地址的租賃：)
_____。

3. Any Writ of Restitution previously ordered in this action is hereby stayed. Either
Plaintiff(s) or Defendant(s) may deliver an uncertified copy of this Order to the Sheriff
for purposes of stopping the enforcement of any Writ of Restitution.

3. (先前此訴訟中簽發的任何歸還令在此撤銷。原告和被告均可向警長遞交此命
令未經認證的副本，以阻止實施任何歸還令。)

DATED: _____ JUDGE/COURT COMMISSIONER
(日期：) _____
(法官/法院專員)

PRESENTED BY: APPROVED BY:
(提出者：) (核准者：)

Defendant(s)
(被告)

1 ORDER #3 [Use this form if you are asking the court to find you eligible for assistance
2 to pay off your judgment and reinstate your tenancy.]

3 (命令 #3 [若您要求法院判決您符合資格接受關於支付判決款項和恢復租賃的援助，請
4 使用此表。])

5
6
7
8 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
9 IN AND FOR THE COUNTY OF _____

10 (於 _____ 郡的

華盛頓州高等法院)

11 _____
12 Plaintiff
13 (原告)
14 (landlord)
15 ((房東))

16 v.
17 (訴)

18 _____
19 Defendant(s)
20 (被告)
21 (tenant)
22 ((租戶))

Case No.: _____
(案件編號 :) _____

[PROPOSED] ORDER STAYING
ENFORCEMENT OF WRIT OF
RESTITUTION AND ESTABLISHING
ELIGIBILITY FOR TENANCY
PRESERVATION PROGRAM UNDER
59.18.410(3)

([擬議] 根據 59.18.410(3)中止執行歸還
令和 確定租賃保留計劃資格之命令)

23 Defendant(s) _____ has moved this Court for an order
under RCW 59.18.402(3) staying a writ of restitution upon a showing of good cause
and on such terms that this court deems fair and just for both parties.

1 (被告 _____ 向此法院申請根據 RCW 59.18.402(3) · 在提
2 出正當理由且本法院認為對雙方均公平公正的情況下 · 中止歸還令。)
3

4 Additionally, Defendant(s) has/have has/have not moved this court to
5 Stay enforcement of the writ of restitution as necessary (under RCW
6 59.18.410(3)(c)(iv)) to afford them an equal opportunity to comply with the terms of the
7 payment plan by relying on an emergency rental assistance program.

8 (此外 · 被告 已經 尚未 向此法院申請視需要中止歸還令 (根據 RCW
9 59.18.410(3)(c)(iv)) · 以便被告獲得平等機會 · 依靠緊急租金援助計劃遵循付款計劃。)
10

11 Defendant(s) has/have has/have not proven they are relying on an
12 emergency rental assistance program provided by this government or nonprofit entity:
13 _____

14 (被告 已經 尚未證明其依靠此政府或非營利實體提供的緊急租金
15 援助計劃：) _____
16

17 Finally, Defendant(s) have moved this court to find that they are low-income,
18 limited resourced, or experiencing hardship (under RCW 59.18.410(3)(e)(i)) and are
19 eligible for disbursement through the Landlord Mitigation Program established under
20 RCW 43.31.605(1)(c) to satisfy the judgment owed to Plaintiff and reinstate the
21 tenancy.
22
23

1 (最後，被告向此法院申請判決其為低收入者、資源有限，或者面臨困難 (根據
2
3 RCW 59.18.410(3)(e)(i)) 且符合資格透過依 RCW 43.31.605(1)(c)設立的房東緩解計劃
4 進行支付，以履行應給予原告之判決款項並恢復租賃。)

5 The Court finds that the Defendant(s) is/are is not/are not low-income,
6 limited resourced, or experiencing hardship (under RCW 59.18.410(3)(e)(i)) and
7 is/are is not/are not eligible for disbursement through the Landlord Mitigation
8 Program established under RCW 43.31.605(1)(c).

9 (法院判決被告 是 不是低收入者、資源有限，或者面臨困難 (根據 RCW
10 59.18.410(3)(e)(i)) 且 符合 不符合資格透過依 RCW 43.31.605(1)(c)設立的房東
11 緩解計劃進行支付。)

12
13
14 IT IS HEREBY ORDERED that:

15 (在此下令：)

16 1. Enforcement of the Plaintiff's Judgment entered on _____ is
17 stayed pending satisfaction of the Judgment by the Department of Commerce'
18 s TPP;

19 1. (原告於_____生效之判決應在商務部 TPP 停止履行該判決後
20 執行；)

21
22 2. The Order for Writ of Restitution issued on _____ in favor of the
23 Plaintiff is hereby STAYED; Plaintiff or Defendant may present an uncertified
copy of this Order to the Sheriff to stay any eviction;

1 2. (於 _____ 簽發的有利於原告之歸還令在此中止；原告或被告可
2 向警長出示此命令未經認證之副本，以中止驅逐；)

3
4 3. The Clerk of the Court is hereby directed without further order of this court to
5 remit any future payments made by the Defendant(s) in order to reimburse the
6 Department of Commerce pursuant to RCW 43.31.605(1)(c)(iii);

7 3. (在此法院無進一步命令的情況下，特此指示法院書記官根據 RCW
8 43.31.605(1)(c)(iii)將被告之後的任何付款款項匯出，作為商務部之補償；)

9 4. If the Department of Commerce fails to pay the Plaintiff its full Judgment
10 amount within thirty days of the date the TPP application is submitted to the
11 Department of Commerce, or the tenant fails to pay ongoing rental obligations
12 as they come due, then the Plaintiff may renew an application for Writ of
13 Restitution pursuant to RCW 59.18.410 (3)(e)(iii) and for other rent owed by the
14 Defendant since the time of entry of the prior Judgment, and for an order
15 extending the Writ up to an additional twenty days from the date of obtaining
16 such an order.

17 4. (若商務部未能在 TPP 申請提交至商務部之日起三十天內向原告支付全額判決
18 款項，或租戶無法按時履行持續的租金支付義務，則原告可根據 RCW 59.18.410
19 (3)(e)(iii)更新針對歸還令和被告自前次判決生效後所積欠房租的申請，以及申請
20 延長令狀之命令，將其從取得該等命令起額外延長二十天。)

21 5. If requested, and this box is checked, additional rent or payment due under a
22 deposit installment plan that comes due after entry of the judgment and before
23 entry of this order may be added to the judgment submitted to Commerce. The
following amount of additional rent due or payment owed under a deposit

1 installation plan is \$_____ for the following
2 months:_____.

3 5. (一經申請且勾選此方塊，則在判決生效之後和此命令履行前，在押金分期付款
4 款計劃中應付的額外房租或款項，可添加至向商務部提交的判決。針對
5 _____ 月份，押金分期付款計劃中應付的額外房租或款項為
6 \$_____。)

7
8 6. If the Department of Commerce satisfied the Plaintiff's Judgment, and the
9 Defendant has made the payments set forth in paragraph 3 above the tenancy
10 which is the subject of this action shall be restored. The Plaintiff shall file a
11 Satisfaction of Judgment with the Clerk of the Court within thirty days of receipt
12 of the payment.

13 6. (若商務部履行原告的判決，且被告已支付以上第 3 段中所述的款項，則此訴訟
14 的租賃應予以恢復。原告可在收到款項後三十天內，向法院書記官提出履行判決
15 的要求。)

16
17 DATED: _____ JUDGE/COURT COMMISSIONER

18 (日期：) _____
19 (法官/法院專員)

20 PRESENTED BY: APPROVED BY:
21 (提出者：) (核准者：)

22 _____ Plaintiff
23 (被告) (原告)