

1 MOTION #1

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

9
10 _____
Plaintiff
(landlord)

11 v.

12 _____
13 Defendant(s)
14 (tenant)

Case No.: _____

MOTION TO REINSTATE TENANCY
UNDER RCW 59.18.410(2)
and
MOTION FOR ORDER OF LIMITED
DISSEMINATION
UNDER RCW 59.18.367.

15
16 Defendant moves the Court to reinstate the tenancy after unlawful detainer
17 pursuant to RCW 59.18.410(2):

18 I. Relief Requested

19 I ask the Court to reinstate my tenancy and allow me to continue living in my
20 rental unit because I paid \$_____ (amount of rent, late fees, court costs, and
21 attorneys' fees owed **or** amount owed under a deposit installment plan, court costs, and
22 attorneys' fees owed) to my landlord or their attorney or to the court, OR

1 I offered to pay \$_____ to my landlord or their attorney and they did not
2 accept it.


3 I also want the Court to Issue an Order for Limited Dissemination under RCW
4 59.18.367 Quash any Writ of Restitution

6 II. Declaration

7 I paid \$_____ to my landlord or the court on _____ (date) OR
8 I offered to pay \$_____ on _____ (date) but my landlord or their
9 attorney would not accept the payment. This amount was the total of any rent due or
10 payment due under deposit installment plan, any court costs incurred at the time of
11 payment, late fees (if such fees are due under the lease and do not exceed \$75.00 in
12 total), and attorneys' fees if awarded.

13 I declare under penalty of perjury of the laws of the state of Washington that the
14 forgoing is true and correct.

15 Signed at (city and state): _____ Date: _____

17  _____
18 *Defendant signs here* *Print name*

19 III. Evidence Relied Upon

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

23

1 IV. Argument

- 2 A. A tenant may reinstate their tenancy under RCW 59.18.410 (2) at any time prior
3 to five court days after a hearing, including prior to the hearing.

4 Under RCW 59.18.410(2), a tenant may reinstate the tenancy at any time
5 up to 5 court days after a hearing. To reinstate, they must pay the rent owed, a
6 late fee of up to \$75.00 (if provided for in the lease), any court costs incurred at the
7 time of payment, and any attorneys' fees (if awarded under RCW 59.18.410(1) as
8 provided in RCW 59.18.290).

9 The relevant paragraph of RCW 59.18.410(2) states:

10 (2) When the tenant is liable for unlawful detainer after a default in the
11 payment of rent, execution upon the judgment shall not occur until the
expiration of five court days after the entry of the judgment.

12 Before entry of a judgment or until five court days have expired after entry
13 of a judgment, the tenant [...] or other party interested in the continuance of
14 the tenancy, may pay into the court or to the landlord the amount of the rent
15 due, any court costs incurred at the time of payment, late fees if such fees
are due under the lease and do not exceed seventy-five dollars in total, and
attorneys' fees if awarded, in which event any judgment entered shall be
satisfied and the tenant restored to his or her tenancy.

16 Under RCW 59.12.030(3), a tenant is "liable for unlawful detainer" when "he or
17 she continues in possession [...] after a default in the payment of rent", and after notice
18 in writing requiring payment of the rent or surrender of the premises, and after "the period
19 of fourteen days after service for tenancies under chapter 59.18 RCW."

20 Thus, the tenant's liability for unlawful detainer after a default in the payment of
21 rent begins just after the period of 14 days after service of a "Fourteen-Day Notice to
22 Pay Rent or Vacate the Premises." This date would also be the first date available for
23 the tenant to be restored to his or her tenancy under RCW 59.18.410(2), so long as the

1 tenant pays the amount of the rent due and any late fees (if such fees are due under the
2 lease and do not exceed seventy-five dollars in total).

3 After court costs have been incurred (but before any judgment is entered), the
4 tenant may pay the amount of rent due, plus any court costs incurred at the time of
5 payment, plus late fees (up to \$75.00) and then be restored to his or her tenancy.

6 After a judgment has been entered, the tenant still has five court days to pay the
7 amount of the rent due, plus any court costs incurred, plus late fees (up to \$75.00), plus
8 attorneys' fees if awarded, and then the tenant shall be restored to his or her tenancy.
9 Additionally, any judgment entered shall be satisfied and the landlord shall file a
10 satisfaction of judgment with the court. RCW 59.18.410(2).

11 Under recently amended RCW 59.18.283, a tenant may reinstate the
12 tenancy if a tenant defaulted in payment owed under a deposit installment plan.
13 RCW 59.18.283 now includes the provision that "When, at the commencement
14 of the tenancy, the landlord has provided an installment payment plan for
15 nonrefundable fees or deposits for the security of the tenant's obligations and
16 the tenant defaults in payment, the landlord may treat the default in payment
17 as rent owing. Any rights the tenant and landlord have under this chapter with
18 respect to rent owing equally apply under this subsection." RCW 59.18.283 (3).

19 Because the Defendant has tendered the appropriate amount of rent, costs
20 and/or fees to the Plaintiff, this court should order the Defendant's tenancy reinstated
21 under RCW 59.18.410(2).


22 B. As Defendant Has Reinstated the Tenancy Under RCW 59.18.410, the Court
23 Should Issue an Order of Limited Dissemination.

1 Under RCW 59.18.367(1)(b), a court may order an unlawful detainer action to
2 be of limited dissemination if the tenancy was reinstated under RCW 59.18.410 or
3 other law. As Defendant has reinstated under RCW 59.18.410(2), the Court should
4 issue an Order barring the disclosure of the existence of this unlawful detainer action
5 in a tenant screening report or using it as a factor in determining any score or
6 recommendation in a tenant screening report.

7 V. Conclusion

8 For the reasons stated herein, Defendant seeks an Order reinstating the tenancy,
9 quashing any Writ of Restitution and an Order of Limited Dissemination.

10
11 Signed at (*city and state*): _____ Date: _____

12
13  _____
14 *Defendant signs here*

_____ *Print name*

1 ORDER #1

2
3
4
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6
7
8 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF _____

9
10 _____
Plaintiff
(*landlord*)

11 v.

12
13 _____
Defendant(s)
(*tenant*)

Case No.: _____

[PROPOSED] ORDER REINSTATING
TENANCY UNDER 59.18.410(2) AND
LIMITING DISSEMINATION
UNDER RCW 59.18.367

14
15
16 Defendant(s) _____ has moved this Court for an Order to
17 Reinstatement tenancy under RCW 59.18.410(2) and for an Order Limiting Dissemination
18 of this action under RCW 59.18.367. The Court finds the tenant has paid the amount
19 required to reinstate the tenancy under RCW 59.18.410(2). Further, the Court finds
20 that, having reinstated the tenancy under 59.18.410, there is good cause to limit
21 dissemination of this unlawful detainer action for the Defendant(s)

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It is now therefore ORDERED that:

1. Defendant(s) _____are hereby reinstated to the tenancy at the address: _____.
2. Any Writ of Restitution previously ordered in this action is hereby quashed. 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. Any judgment entered in this action has been satisfied and the court clerk shall modify this record to indicate that the judgment has been satisfied.
4. Dissemination of this unlawful detainer case record is hereby limited with respect to the Defendant _____.
5. Construction and enforcement of this order shall be consistent with RCW 59.18.367 and other applicable law.

DATED: _____ JUDGE/COURT COMMISSIONER

PRESENTED BY: _____ APPROVED BY: _____
Defendant(s)