



# WHITMAN COUNTY SHERIFF'S OFFICE

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**BRETT J. MYERS, SHERIFF**

## **EXECUTION/ORDER OF SALE**

### **Real Property**

#### **RCW 6.01 THROUGH 6.23**

#### **EXECUTION**

A writ of execution is an order for the sheriff to seize property of the judgment debtor in a civil action. Usually, there is an order to sell the property "according to law" incorporated in the writ. In the case of real property executions, real property of the judgment debtor is seized and sold to satisfy the judgment, which in this case is a judgment for money. The judgment creditor must show that there is insufficient personal property available to satisfy the judgment before a writ of execution may be issued on real property. A "homestead" exemption may apply if the real property is the debtors' home. Redemption periods may be eight months, one year, or none. Writs expire sixty (60) days from issuance but may be extended 30 days by Plaintiff (or Plaintiff's attorney) endorsing the writ or order itself.

#### **ORDER OF SALE**

An order of sale is an order for the sheriff to seize and sell specific real property to satisfy a judgment foreclosing a mortgage or other secured interest. The homestead exemption does not apply to foreclosures. Redemption periods may be eight months, one year, or none.

#### **DOCUMENTS/ITEMS NEEDED FROM ATTORNEY**

1. Two (2) originals of the Writ of Execution or Order of Sale (one the sheriff records with the auditor, the other is returned to court after sale), plus:
  - a. One copy for our file
  - b. Enough copies to serve each judgment debtor with two (2) copies
2. Legal description of the property.
3. Common address (We must post the property).
4. Name of newspaper to use for publishing; picked by plaintiff (6.21.030(2)(b)). If the location of the debtors is unknown, or an "estate" and/or heirs is involved, a six-week publication is necessary. (4.28.100)
5. Redemption period.
6. Address of judgment debtors.
7. Check made payable to Whitman County Sheriff in the amount of \$250.00.
8. Check made payable to the Whitman County Auditor for recording fees:
  - a. Pricing is per the County Auditor Recording & Filing Fee Schedule for the

first page and \$1.00 for each additional page\*\* plus \$2.00 for the Levy pages we create, (a 3-page writ would need a check for the auditor in the amount of \$307.50).

9. Assessor's Property Tax Parcel/Account number.

10. One copy of the Judgment.

11. Auditor recording number(s) to the Deed of Trust (required by the auditor's office)