

LOCAL COURT RULES

SEPTEMBER, 2020 – SEPTEMBER 2021

Changes Only

PART II LOCAL GENERAL RULES (SCLGR)

Rule 8 CORRECTING OBVIOUS ERRORS

- (a) The Clerk is authorized to correct obvious errors in cause numbers and captions when the error is of a clerical nature. [Adopted September 1, 2020]

PART III LOCAL CIVIL RULES (SCLCR)

Rule 7 JUDGES COPIES

(e)(4) *Judge's Copies.* Judges copies of pertinent filings are not required and will not be accepted unless they are being filed within four (4) business days of the trial or pre-trial proceeding addressed in said filings. Judges copies of all affidavits, declarations, briefs and legal memoranda meeting this criteria shall be delivered to Court Administration. The date and time of the scheduled hearing shall be listed on the upper right corner of the first page. [Amended, September 1, 2020]

Rule 8 UNLAWFUL DETAINER ACTIONS

- (a) Complaints for writs of restitution, money judgments, and other orders in residential, post-foreclosure, and manufactured and mobile home unlawful detainer actions will be granted only under the following conditions:

- (1) Owners or lessors of real property, or any duly appointed Attorney in fact, may properly be a plaintiff in an unlawful detainer action. All complaints must include the following:
- (i) A copy of the rental agreement or lease upon which the tenancy is based, if any, shall be filed with the complaint. A complaint that involves a month-to-month tenancy that is the result of a conversion from a lease shall include a copy of the underlying lease.
 - (ii) Plaintiff owners of the real property must state ownership in the complaint.
 - (iii) Plaintiff lessors and sublessors must state their status as lessor or sublessor in their complaint.
 - (iv) Duly appointed attorneys-in-fact of the property owners must state their status in the complaint and must file with the complaint a copy of the power of attorney so designating them.
 - (v) If the action is based upon a facility rules violation, a copy of the rules shall be attached.
 - (vi) If the property or housing unit is federally, state or tribally subsidized in any manner (including but not limited to Section 8 housing, Public Housing, Rural Development housing, or Low Income Tax Credit Program) the name of the program and nature of the subsidy shall be included in the complaint.
- (2) A plaintiff seeking a writ of restitution must either schedule the matter for trial or schedule a Show Cause Hearing on the issuance of the writ, with proper notice to the defendant of the hearing and notice that failure to attend may result in a default judgment and writ of restitution. Notice of the hearing must be by an Order to Show Cause which may be served with the Summons and Complaint or at any time thereafter. The Plaintiff shall attach the Attachment A, which is attached to this rule and incorporated herein, as to all Orders to Show Cause issued in all residential, post-foreclosure and manufactured and mobile home unlawful detainer actions. The Court will not issue an order of default or an order for writ of restitution until the hearing has occurred. A properly served defendant's failure to appear at the show cause hearing will be treated as a default. Nothing contained in this section precludes the practice of serving unfiled Summons and Complaints in unlawful detainer actions.

- (3) A plaintiff seeking the entry of a writ of restitution in any residential post-foreclosure, manufactured or mobile home unlawful detainer action shall cause to be served with the Order to Show Cause a copy of Attachment A which is attached to this rule.
- (b) The following procedure shall be followed during the Unlawful Detainer calendar:
- (1) At the commencement of each unlawful detainer court calendar a representative of a Qualified Legal Services Provider shall be permitted to announce to the parties present the availability of free legal services for those who desire legal assistance and who financially qualify.
 - (2) The Court will defer calling the case of any defendant to a time later on the calendar for any defendant who indicates to the court the desire to consult with an attorney associated with the Qualified Legal Services Provider. Plaintiff's counsel is encouraged to meet with and negotiate resolution of matters during this time as appropriate.

- (3) In the event the show cause hearing is conducted using telephonic or virtual appearance systems, the court will, at the commencement of the hearing, advise the parties that the defendant may seek a continuance of the hearing to a later date if the defendant wishes to seek an attorney to represent them or if they need more time for some other valid reason. The defendant must exercise this option at the very start of the hearing.

ATTACHMENT A TO ORDER TO SHOW CAUSE
IMPORTANT NOTICE TO TENANTS

This notice contains legal rights that you have under the law and Skagit County Superior Court Rules.

- You have the right to appear at the Show Cause hearing and present your side to the Court.
- If you do not participate in your Show Cause hearing, the Sheriff could evict you.
- Your landlord is required to give you this addendum if they give you an "Order to Show Cause."

Legal Help

You may qualify for a free lawyer to help you with your case. If you desire legal assistance, please call the CLEAR Advice and Referral line at 1-888-201-1014 or CLEAR Senior line at 1-888-381-7111. You will be screened for eligibility: legal representation is not guaranteed. If you are unable to contact CLEAR, you may contact the Housing Justice Project operated by the Skagit Volunteer Lawyer Program. The clinic operates each Friday on the third floor of the courthouse commencing at 9:00 AM until 11:30 AM on a first-come, first-served basis. You may also visit WashingtonLawHelp.org for up to date information on landlord/tenant law.

Individuals with Disabilities

If you have a disability and need assistance in order to fully and equally participate in your Show Cause hearing, you should promptly contact the Superior Court Administrator's office and follow the instructions provided by that office. Applicants should request the accommodation that will allow them to best participate in court programs, services, or activities. A reasonable accommodation could be, but is not limited to, an interpreter, a sign language interpreter; large print or high contrast documents and forms; hearings held by teleconference; extended time for hearings and recesses; or assistive listening and seeing devices; personal assistance or someone who can help present the case or claim to the Court. [Adopted September 1, 2020]

Rule 9 LAND AND REGISTRATION ACT PETITIONS (RCW 65.12)

- (a) Any application for Land Registration under RCW 65.12 shall contain the following notice in the heading:
- LAND REGISTRATION ACT APPLICATION. CLERK'S ACTION REQUIRED
- (b) On the occasion of a Land Registration Act under RCW 65.12 being filed with the clerk, the clerk will forward said application and accompanying documents to the Presiding Judge. The presiding judge will

review said documents to ensure that they are complete and in compliance with RCW 65.12. If they are complete and in compliance, the court shall so note on the application and return them to the Clerk for further processing.

- (c) No bond shall be required of the county auditor with respect to his or her performance of duties as registrar of titles provided that said auditor is insured against errors and omissions in connection with performance of his or her duties as auditor/registrar of titles in a sum no less than one hundred thousand dollars. In the event the county auditor is not so insured, then, in that event, the county auditor must obtain a bond in a sum no less than one hundred thousand dollars conditioned for the faithful discharge of those duties identified in RCW 65.12.055.
- (d) Upon determining that an application for Land Registration forwarded to the Presiding Judge is complete and in compliance with RCW 65.12, the Presiding Judge will appoint an Examiner of Titles as required by RCW 65.12.090. The Examiner of Titles shall be appointed with reference to the specific case for which the Presiding Judge has appointed the examiner. In appointing said examiner, the Presiding Judge shall take into consideration the apparent complexity of the condition of title as revealed by the abstract of title filed with the petition as required by RCW 65.12.085. No bond shall be required of the examiner appointee provided said examiner is insured against malpractice in connection with the performance of duties required as examiner of titles in a sum no less than five hundred thousand dollars. In the event the examiner appointee is not so insured, he or she must obtain a bond in a sum no less than five hundred thousand dollars conditioned on faithful performance of his or her duties as Examiner of Titles. The examiner appointee shall provide proof of such insurance or a copy of said bond prior to commencing his or her duties under the appointment provided for herein.
- (e) The costs and compensation of the Examiner of Titles shall be borne by the applicant for land registration. Upon appointment, the examiner appointee shall estimate the anticipated costs and compensation in connection with his or her duties herein based upon an estimate of hours to complete the Examination and the hourly compensation of attorneys of the examiner appointee's level of experience commonly charged in Skagit County. After review and approval by the Presiding Judge, the Court Administrator shall advise the applicant to deposit the estimated amount of anticipated costs and compensation into the registry of the court. The Examiner shall not be required to commence his or her duties as examiner until he or she is notified by the administrator that said funds have been so deposited. The disbursement of said funds to the Examiner shall be made from time to time upon request of the Examiner of Titles, provided that the applicant shall receive notice of the requested disbursement no less than ten days prior to approval by the Presiding Judge. In the event the applicant makes timely objection to the requested disbursement, the Presiding Judge shall promptly convene a hearing with notice to both the applicant and the Examiner to determine whether a disbursement in a sum determined by the court should be ordered.
- (f) Entry of Judgments by default may be granted in the manner specified in RCW 65.12.155. If any named defendant responds to the summons, then any party may bring a motion before the civil motions judge for hearing pursuant to RCW 65.12.160. Said motions shall be scheduled on the Court's summary judgment calendar. If, in the determination of the civil motions judge, the matter should be set for a trial or evidentiary hearing, the civil motions judge shall set the matter to an available date on the Court's trial calendar.
- (g) The Examiner of Title shall not serve as a referee as permitted under RCW 65.12.160. The Examiner's duties shall be complete and his or her automatic discharge shall occur upon the happening of any one of the following events: 1.) Applicant's failure to deposit the Examiner's anticipated costs and compensation into the registry of the court within thirty days of notice to deposit same; 2) Applicant's failure to notify the court of applicant's decision to proceed further or withdraw his or her application within thirty days of notice of the filing of the Examiner's report as provided in RCW 65.12.110; 3.) *The court's entry of a decree of registration.*
- (h) The Examiner of Titles shall submit his or her final request for reimbursement of costs or compensation within sixty days of his or her discharge. If the funds deposited in the registry of court are inadequate to fully pay the Examiner's approved costs and compensation, the applicant shall deposit enough funds to make up the shortfall into the registry of the court. If any of the funds deposited into the registry of the court to pay the Examiner of Title's costs and compensation remain in the court registry after satisfying the Examiner's final request for reimbursement, said funds shall be refunded to the applicant.

[Adopted September 1, 2020]

Rule 40 CONFLICT DATES

(b)(3) *Conflict Dates.* Counsel shall file with the clerk of the court, and a copy to Court Administration, a notice of conflict dates at least four (4) business days before the date set for the trial assignment. Conflict dates shall be limited to previously scheduled vacations, trial dates, arbitrations and mediations. Counsel is to include the name of the trial, arbitration or mediation in conflict and the location of the conflict. The form Notice of Conflict Dates may be found in the Forms Appendix. [Amended September 1, 2020]

PART IV LOCAL CIVIL ARBITRATION RULES (SCLCAR)

[Update to reflect new title from Local Mandatory Arbitration Rules (LMAR) to Local Civil Arbitration Rules (SCLCAR) per Supreme Court Order.

PART V LOCAL SPECIAL PROCEEDINGS RULES (SCLSPR)

(k) FINAL PAPERS IN UNCONTESTED DISSOLUTION MATTERS. Final papers in uncontested dissolution matters may be presented ex parte if accompanied by an affidavit of one of the parties setting forth jurisdictional facts and signed by at least one attorney or party. Final papers in pro se dissolution matters must be set on a Monday calendar after being reviewed the Courthouse Facilitator, and may be presented ex parte without appearance required if accompanied by an affidavit of one of the parties setting forth jurisdictional facts and signed by the family law facilitator and one party, or signed by both parties before a Notary Public. [Effective September 1, 2003; amended September 1, 2004; amended September 1, 2009; amended September 1, 2011; amended September 1, 2012; amended September 1, 2020]

PART VII LOCAL CRIMINAL RULES (SCLCrR)**Rule 8.4 JUDGES COPIES**

(b) Judge's copies of legal memoranda are not required and will not be accepted unless they are being filed within four (4) business days of trial or pre-trial proceedings in said filings.

The date and time of the scheduled hearing shall be listed on the upper right corner of the first page. [Amended, September 1, 2020]