

# Eviction and Your Defense



## Instructions and Forms



Northwest Justice Project

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- ❖ Washington's laws affecting renters have changed as of July 23, 2023. Please read [2023 changes to Washington State's laws affecting renters](#).
  
  - ❖ Renters with low incomes may be appointed a lawyer free of charge before a court may proceed with an eviction. Call our **Eviction Defense Screening line** at **1-855-657-8387** or apply online at [nwjustice.org/apply-online](https://nwjustice.org/apply-online) to find out if you qualify.
  
  - ❖ You can find all the fact sheets we link to here at [WashingtonLawHelp.org](https://WashingtonLawHelp.org).
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## Part 1. Introduction

### Should I use this?

Yes, if you rent the place where you live in Washington State. Landlords must follow certain rules when they want a tenant to move out. We explain here:

- when and why your landlord can evict you
- how the eviction process works
- what to do if your landlord tries to evict you
- how to defend yourself in court against an eviction

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❖ In Washington State, an eviction case is called an **Unlawful Detainer Action**.

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### Important Information

It is illegal for your landlord to lock you out, turn off your utilities, or take your property. If your landlord does any of these things, you may have a case for wrongful eviction. Read [My landlord locked me out](#) to learn more and talk to a lawyer right away.

### What if I live in housing run by a Housing Authority or HUD, or I have Section 8?

You have other rights. It may be harder for your landlord to evict you. Read [HUD Housing Evictions](#) to learn more.

### What if I live in a mobile home park and own my mobile home?

You may also have other rights. Read [Tenant Rights under the Manufactured/Mobile Home Landlord-Tenant Act](#) to learn more.

### If I live in a certain city, do I have more protections?

Possibly. Certain cities have their own laws that give tenants additional rights. Check with a lawyer to find out if your city has more specific laws for landlords and tenants. You can also visit WashingtonLawHelp.org to learn more and search for

your city.

## **Will the landlord try to get back at me for exercising my legal rights?**

The landlord cannot “retaliate” (take revenge) against you for taking legal action against them. Read [Can My Landlord Do That?](#) to learn more.

## Part 2. Getting a Notice that the landlord wants to evict you or not renew your rental agreement

### A landlord must give you a proper written notice to start the eviction process.

Under Washington State law, your landlord must have a “good” or **legal** reason for not renewing your rental agreement, ending (terminating) your tenancy, or evicting you. **The law lists what counts as a “good” reason** to ask a tenant to leave the rental unit or to evict a tenant. Read [Landlords must give a “good” reason to end certain tenancies](#) to learn more about those reasons and what type of notice a landlord must give you depending on which reason the landlord is using.

### Does it count if the landlord texts or emails me that the landlord wants me to move?

No. A notice must be in writing, **on paper**. A notice that is by text, voicemail, email or in person is not a proper notice. It does not start the eviction process.

### Does the written notice have to be delivered in a certain way?

Yes. Your landlord (or their employee or another adult) can “personally serve” you at home by handing you the notice.

The landlord can also hand it to another adult or older teenager living with you. If your landlord does this “substitute service,” your landlord must also send a copy of the notice to you.

If the landlord tries but fails to have you personally served, the landlord can then “serve” the notice by taping it on your door, but then they must also mail a copy to you.

### I moved out before the deadline in the eviction notice. Can my landlord still take me to court?

Your landlord should not file an eviction lawsuit against you if you move out (if you *vacate*) before the end of the time the notice gives you (for example, 3 days to vacate).

But the landlord may still sue you for rent or other damages they think you owe.

They can try to start a case in small claims court if they think they are owed under \$10,000, or they could try and send your information to a debt collector. Your landlord has 6 years after you move out to sue you for rent owed.

**The deadline in the notice has passed. What if I am still living in the unit?**

The landlord can file an eviction case, called an “Unlawful Detainer Action.” To start the eviction lawsuit, the landlord must deliver to you an “Eviction Summons” and a “Complaint for Unlawful Detainer.”



## Part 3. Starting an eviction case (Unlawful Detainer Action)

### My landlord gave me an “Eviction Summons” and “Complaint for Unlawful Detainer.”

Your landlord has started an eviction lawsuit against you. You must respond in writing by the deadline in the Summons or you will lose automatically.

1. First, try to get legal help. The Eviction Summons has information about how to find a lawyer at low or no cost.
2. Next, you must prepare and deliver a “Notice of Appearance” by the deadline in the Summons. You do not have much time to do this. It is very important to submit this document on time even if you do not have legal help.

The Eviction Summons will state the deadline for submitting your “Notice of Appearance.” You will usually have 7 days to respond in writing. **If you don’t submit a “Notice of Appearance,” the landlord or their lawyer can try to evict you without a court hearing or without telling you when the court hearing will take place.**

Your landlord must follow certain rules for serving the Summons and Complaint. They must first try to give you the Summons and Complaint in person at home. If they try 3 times over a few days to hand you the papers, but you aren’t home, they can post the papers on your door and mail them to you.

### I got an Eviction Summons and Complaint. What if I move out now?

**That may not stop the eviction lawsuit.** If you do not respond to the Complaint, you will lose automatically. If you disagree with any of the Complaint, you **must** still write at least a “Notice of Appearance.” You may get an “Order to Show Cause” which will tell you the date and time of the eviction hearing. The hearing may be online. If you don’t go to the hearing, you will probably lose automatically.

If you received a “Summons” and “Complaint” with a **case number**, this means your case is filed with the court. Even if you move out, your tenant record may still show that an eviction was started against you. Talk to a lawyer about seeking an “Order of Limited Dissemination.” It can keep an eviction case out of your tenant record. Read

[Why your rental applications keep getting denied—and how to fix it](#) to learn more.

## What is a “Notice of Appearance”?

When you get a Summons and Complaint, you must respond in writing by the deadline in the Summons. If you are not sure what to put in your Answer, or you need more time to get legal help, you can submit a “Notice of Appearance” instead. It just tells the landlord and court you want to get notice about when the eviction hearing will be scheduled.

**If you do not submit at least a Notice of Appearance, your landlord will probably win the case automatically.** The court will order you to move out. It will probably also order you to pay the amount the landlord asked for in the Complaint. This may include the landlord’s lawyer fees.

**Use the blank Notice of Appearance form at the end of this packet.** At the top, put the county where the landlord filed the lawsuit. (It is listed on the Eviction Summons and Complaint.) Put your landlord’s name as “plaintiff” and your name as “defendant.” If the Eviction Summons and Complaint form has a case number, copy that number into the space next to the word “No.” (for Number.) If not, leave the case number space blank. Even if there is no case number, you must still submit your Notice of Appearance (or “Answer”) by the deadline in the Summons.

Put the name of your landlord’s lawyer in the space for “Attorney for Plaintiff.” Put the date. Sign the form and put your name, address, and phone number.

## What is an “Answer”?

If you get an Eviction Summons and Complaint, you can, but do not have to, submit a written “Answer.”

You should **not** file an Answer if any of these is true:

- If you do not have a legal or factual defense to the eviction and are just asking the judge for sympathy or more time.
- If you do not have time, or you won’t be able to do it before your deadline to file something.
- You don’t want to let your landlord know in advance what your defense to the eviction is.

**You might want to file an Answer** if you have a legal or factual defense to the

eviction **and** at least one of these is true:

- You will feel afraid and unable to communicate effectively at your hearing.
- If you are worried the judge will not give you enough (or any) time to raise your legal defenses to the eviction at the hearing. Filing a written answer that outlines some defenses may be helpful to put the judge on notice.

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❖ If you decide to file an Answer, try to talk to a lawyer first.

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## How do I submit my Notice of Appearance?

**Step 1. Make at least 2 copies of all forms after you fill them out.**

**Step 2. Take one copy to your landlord's lawyer.**

(The lawyer's address should be on the lower right-hand side of your Eviction Summons and Complaint.) You should deliver the form in person. The landlord's lawyer must get your Notice of Appearance by the deadline on the Summons. **If your landlord does not have a lawyer, take the form to the landlord.**

When you deliver the form, ask the landlord's lawyer or their receptionist to stamp the original and one copy of the form with a **copy received** stamp and the date. If the Eviction Summons says you must deliver the form by a certain time, ask the lawyer or receptionist to put the time you delivered it. Keep the stamped copy for your file. This is your proof that you delivered the form before the deadline listed on the Eviction Summons.

If you cannot deliver the form in person by the deadline, you can mail it. If there is a fax number in the Eviction Summons, you can fax it. If you fax the form, print out and keep your confirmation that the fax went through.

**Step 3. If there is already a case number on the Eviction Summons and Complaint, you must file the original Notice of Appearance at the courthouse.**

**Along with the original Notice of Appearance, you should file a "Certificate of Service" at the courthouse.** It proves that you served the landlord (or their lawyer) with a copy of your Notice of Appearance by the deadline. You can use the blank **Certificate of Service** form at the end this packet.

If there is no case number on the Summons and Complaint, keep the original for

now. Wait until you get the case number by mail or in person. Then take the original **Notice of Appearance** to the courthouse in the county listed on the Eviction Summons.

When you file the original at the court, ask the Clerk to stamp your copy with a stamp showing the date. This will prove you filed the form on time. You can also call the Clerk to ask if they will let you email the Notice of Appearance to them.

## Part 4. Going to court

### Do I have to go to a hearing?

**Maybe.** If you have to go to an eviction hearing, you should get a notice called an “Order to Show Cause” with or after the Summons and Complaint. This means the landlord has scheduled a court hearing.

If you want to defend yourself against the eviction, **you must go to the hearing.**

It is not enough to

- deliver your Notice of Appearance
- deliver your rent to the Superior Court Clerk

The date and time of the “Show Cause Hearing” will be on the “Order to Show Cause”. You should try to be early to the hearing. You may lose automatically if you are even a few minutes late.

### What happens at a “Show Cause Hearing”?

A judge or commissioner will decide if you have a good defense to the eviction. If they think you do, the judge may dismiss the case. Or the judge may grant you a full trial to defend yourself.

If the judge thinks you do not have strong enough arguments against the eviction, they may decide that you should be evicted within a few days and decide how much money you owe the landlord.

Your landlord’s lawyer will have a chance to argue why you should be evicted. Then you can argue why you should not.

### How do I get ready for the hearing?

You should gather all the important papers and documents you will need to argue your case. You should bring everything that has to do with your rental. This may include:

- your lease or rental agreement, including the move-in condition checklist
- your deposit installment payment plan and receipts
- rent receipts, deposit receipts or cancelled checks or bank statements

- your eviction notices and the Eviction Summons and Complaint
  - your copies of your Notice of Appearance (or “Answer”) (they should be stamped with the date you delivered them to the landlord’s lawyer and the court)
  - any written estimates for repairs to damages in the rental unit
  - your list of things wrong with the rental unit
  - photos of any problems with the rental unit
  - receipts for repairs you had done
- 
- ❖ Bring originals if you can. Bring an extra copy in case the court wants to keep anything you have.
- 
- ❖ If you are not sure if you will need something, bring it with you anyway!

Ask any witnesses who could support your case to come to the hearing. Witnesses must have personal information about why you should not be evicted. They must have witnessed **in person** the damage or disputes between you and your landlord.

See how the system works before your hearing. Ask the court clerk when the court holds “show cause” hearings. Ask to sit in on a hearing to get an idea of how yours will go.

Before the hearing, practice what you want to say. Your presentation should be organized and short. Try to write down a list of important points you want to make.

Let your witnesses know beforehand what you plan to ask them.

## Where do I go for my hearing?

Check in with the court clerk when you arrive at the courthouse. The clerk will tell you which courtroom to go to. The list of cases to be heard that day may be posted outside the courtroom **or** read aloud at the start of the session. If they do not list or read your case name, see the court clerk.

Some court hearings may now be online. If you are confused about where to go for your hearing, call the clerk at your local superior (not district) court. Ask them if your hearing will be in person or online.

## What happens at the hearing?

The judge will usually begin by describing the court's procedure. When the judge announces your case, go forward with your evidence and witnesses. Usually, all plaintiffs, defendants and witnesses must swear to tell the truth before testifying.

## Who are the “plaintiff” and “defendant”?

Your landlord is the “plaintiff.” You are the “defendant.” You are defending yourself against the landlord.

## What if I do not speak English?

If you do not speak English or have a speech or hearing impairment, you have the right to an interpreter in court. **You must let the court know as far beforehand as you can** that you want an interpreter or an accommodation of your disability.

## What happens when they call my case?

Your landlord’s lawyer will speak first. The judge will then ask any questions they have for the lawyer and any witnesses for the landlord. The judge may let you ask the lawyer and the witnesses’ questions as well. Then it will be your turn.

## What should I say when it is my turn?

First, explain why you think you should not be evicted. You may have many arguments. You should tell the court if your landlord did not make repairs they should have, or if you don’t owe the money that the landlord claims.

Show the judge any evidence you brought with you. If you have witnesses, tell the judge you would like them to testify. When the judge tells you to question your witnesses, ask them the questions you prepared about why you should not be evicted.

**If your landlord is evicting you because you owe rent money or money from a deposit installment plan**, you can ask the judge for a payment plan to get more time to pay. State law at [RCW 59.18.410\(3\)](#) explains what things the judge can consider when deciding if you should get a payment plan. Be ready to explain to the judge why you fell behind in rent or payments on your deposit installment plan, how soon you could pay the back-rent or deposit money, what kind of payment plan might work, if you have fallen behind before and how much hardship you will suffer

if you are evicted.

The judge may ask about your income, bank accounts, and other facts about your life. The judge may order you to pay over 3 months and may set a strict schedule on when to make payments to the landlord.

The judge may also allow you to get financial help from a charity or a government agency that can give or lend you money to pay your landlord.

## When will the judge announce their decision?

After hearing both sides, the judge may decide that:

- **You lose the case.** If the judge decides you do not have a good defense to the eviction lawsuit, the judge will sign an order directing the sheriff to evict you. They may also decide you owe your landlord money.

or

- **You win the case.** The judge may decide you have presented a good defense to the eviction and dismiss the case. You do not have to move out, at least for now. Sometimes the judge will make this decision simply because the landlord did not follow the right procedures for the eviction. This is why you should keep track of how and when eviction documents were given to you. The landlord may still be able to evict you later, after first fixing any mistakes they made in the eviction process.

or

- **The judge needs a full trial to decide the case.** You and your landlord should get a trial date. If you are still living on the property, your landlord has the right to a trial within 30 days.

## Will a jury hear my case?

You do not have the right to a jury at a “show cause hearing.” You do have the right to a jury if the judge orders a full trial. If you want a jury to hear your case at trial:

- You must file a written request for a jury **before** you get a trial date.
- Go to the Superior Court Clerk to file this request.
- There is a fee. A 6-person jury costs \$125. A twelve-person jury costs \$250. If you cannot afford the jury fee, you can ask the court to cancel (to *waive*) it.



You should ask the judge to order waiver of the fee before you file the request for a jury.

### **Do I get a lawyer for my case?**

If you have a low income, the judge should give you the chance to apply for a lawyer. At your show cause hearing, ask the judge to reschedule (continue) the hearing so you can get a lawyer appointed to your case. You should insist on this right even if the judge wants the case to proceed without you having a lawyer.

## **Part 5. Missing a court hearing**

### **What if I miss my “Show Cause Hearing”?**

If you do not go, or are even a few minutes late, you will probably lose automatically. The judge will allow the eviction. The sheriff will be able to force you to leave the property. You may have to pay most of the amount the landlord asked for in the Complaint. This may include rent, damages, court costs, and some attorneys' fees.

### **Can my landlord physically force me to leave the property?**

Only the sheriff can physically move you off the property. The landlord must go to court to get the sheriff involved. “What is a writ of restitution,” below, explains how the sheriff delivers an eviction order.

## Part 6. Trial and alternatives to trial

### The judge ordered the case to full trial. How do I get a trial date?

This may depend on which county you're in. Usually, the judge or commissioner signs an order instructing the Superior Court Clerk to schedule (to *set*) the case for trial on a specific date. Ask the judge or commissioner, or contact the Clerk about how to get a trial date in your county.

### Can I settle the case without going to court?

**Maybe**, if you and your landlord can come to an agreement, called a "stipulation." You can also try to reach an agreement before the first hearing, called the "show cause hearing." Any agreement must be in writing. It should say:

- If you may stay in the unit or must move
- The date you will move out by, if you are agreeing to move
- If you are responsible for paying any rent, damages, late charges, fees, court costs, or lawyer fees
- What will happen if you do not move out by the agreed date or do not pay the agreed amount

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❖ If you and your landlord make a written agreement, try to get legal help before you sign it.

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## Part 7. The Writ of Restitution

### What if I do not answer the Eviction Summons and Complaint, or I lose at the show cause hearing?

You will generally have to:

1. Move out soon
2. Pay what the judge says you owe the landlord. Usually, if you do not answer the Eviction Summons and Complaint, you must pay nearly everything your landlord asked for in the Complaint.
3. Pay your landlord back for the landlord's court fees and lawyer fees. Court fees can cost over \$200. Lawyer fees can cost \$1,000 or more.

### What is a “writ of restitution”?

The sheriff can deliver a “writ of restitution” to you personally or post it on your door. This document is what the judge signs to order an eviction. It will usually say the date by which you must move out.

If you do not move out on your own before this date, the sheriff

- will come to order you off the property
- may physically remove you and your things from the property
- will change the locks on the home

If you have questions about the right of the sheriff to force you to leave the property, call the sheriff's office. The number is usually listed on the writ of restitution.

### I received a writ of restitution. What if I cannot move my belongings myself?

If you can, you should move your things out of the unit before the sheriff returns.

Your landlord must store your belongings only if **you give the landlord a written request for storage of your things within 3 days after getting the writ of restitution**. The writ should have come with a “Request for Storage of Personal Property” form you can fill out and give the landlord. The landlord may also have to store your things if they know you have a disability that interferes with your ability

to ask for storage.

- 
- ❖ You will probably have to pay your landlord storage costs to get your property back.
- 

If the landlord does not store your things, they will usually put the property on the sidewalk or parking strip. If your property is not stored, your landlord and the sheriff do not have to protect your property from theft, weather, or other damage.

If you need more time to move because of a disability, you can request a “reasonable accommodation.” You must write to your landlord and tell them that you need more time and how much more time because of a disability.

### **I did not move out by the deadline in the writ of restitution. I asked the landlord to store my things. Now what?**

The landlord must store the property until they sell it or dispose of it following appropriate notice to you of the proposed sale. You can read the state law about this at [RCW 59.18.312](#).

**If your belongings are worth more than \$250:** the landlord may sell the property after giving you 30 days’ notice of the sale. The landlord may sell all your things, including personal papers and family keepsakes. The landlord may dispose of any items that did not sell.

**If your belongings are worth \$250 or less:** the landlord has to give you only seven days’ notice before selling **or** disposing of all your things.

The landlord may keep some of the sale proceeds to pay the actual or reasonable costs of storage of your things. The landlord must give you the rest.

### **I got a “writ of restitution.” Can I still stop my eviction?**

**Maybe.** You might be able to stop an eviction after the sheriff drops off the “writ of restitution,” or eviction order, but it can be hard. You may be able to stop it if the landlord did something wrong in the eviction process. **Find legal help as soon as you can.**

If you were evicted because you owed rent, you may also be able to restore (to *reinstate*) your lease if you can pay everything you owe (back rent, court costs and attorneys’ fees) within 5 days of the court entering the judgment against you. You must file a court request (file a *motion*) about this before the sheriff comes to put

you out. You may also be able to file a motion asking for a payment plan. **These motions are complicated. Find legal help as soon as you can.**

You can read more about these motions at [WashingtonLawHelp.org](https://www.washingtonlawhelp.org).

## Part 8. Learn more

### Can I get more information about my rights?

Yes. [Your Rights as a Tenant in Washington](#) and many more resources and free legal forms are available at [WashingtonLawHelp.org](http://WashingtonLawHelp.org).

### Get Legal Help

- **Apply online:** [nwjustice.org/apply-online](http://nwjustice.org/apply-online)
- **Facing Eviction?** Call 1-855-657-8387
- **Facing Foreclosure?** Call 1-800-606-4819
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 211 (or toll-free 1-877-211-9274) weekdays 8:00 am to 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am and 12:15 pm or apply online at [nwjustice.org/apply-online](http://nwjustice.org/apply-online).
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR\*Sr at 1-888-387-7111

**Deaf, hard of hearing or speech impaired callers** can call any of these numbers using the relay service of your choice.

Interpreters provided.

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Superior Court of Washington, County of \_\_\_\_\_

_____	Case No. _____
Plaintiff/s	Notice of Appearance and Certificate of Service
vs.	
_____	
Defendant/s	

To Plaintiff / Plaintiff's Attorney (name): \_\_\_\_\_  
And to: Clerk of the Superior Court

**Notice of Appearance**

My name is: \_\_\_\_\_. I am filing this notice to appear in this case. I must be notified of any court hearings and receive copies of any papers filed in this case.  
I agree to accept legal papers for this case at the following address:

\_\_\_\_\_ *street address or PO box* *city* *state* *zip*

(Optional email) I also agree to accept legal papers for this case at the following email address: \_\_\_\_\_

**Certificate of Service**

On (date) \_\_\_\_\_, I served a true copy of this Notice of Appearance to the Plaintiff or Plaintiff's Attorney named above by (check all that apply):

**hand-delivering**  **mailing** (regular US Mail, postage pre-paid) a copy to this address:

\_\_\_\_\_ *Plaintiff / Attorney's address* *city* *state* *zip*

**faxing** to this fax number: \_\_\_\_\_

I certify under penalty of perjury under the laws of the State of Washington that the facts I have provided on this form are true.

Signed at: \_\_\_\_\_ *city* *state*

▶ \_\_\_\_\_ *Defendant signs here* *print name* *date*