



King County Law Library

HOW TO GET YOUR STUFF BACK BY COURT ORDER IN SUPERIOR COURT (REPLEVIN)

In King County

These instructions are for informational purposes only and are not legal advice. If you do not understand this information, contact an attorney.

About This Packet:

This packet is intended to be used in King County Superior Court. The minimum value of the personal property you are trying to get back must be \$300.

The process to get a court order to make a person or business to return a specific piece of personal property to you is called “replevin”. In this type of case, the term “personal property” has a specific meaning: it is something that belongs to you which is not land or a building. In a replevin case, the person who is suing to have their personal property returned is called the Plaintiff. The person who currently has possession of the property is the Defendant.

You will need evidence to show that you are the owner of the property you are trying to recover.

A lawsuit is expensive. There will be costs to file the lawsuit, clerk’s fees, copying costs, the cost of posting multiple bonds, and other unforeseeable costs. While some of these costs may be waived by the Court, most other costs will not.

A replevin case has three main parts:

- **Starting the Case:** The Plaintiff sues the Defendant to get back personal property wrongfully taken by the Defendant, plus money damages (if any) for the Defendant’s unlawful possession of the property. This is done by filing and serving

a Summons and a Complaint. The purpose of the case is for the Court to decide who the true owner is.

- **Show Cause Hearing:** The Plaintiff asks the Court for a show cause hearing. This is done by making a Motion. If the Motion is granted the Court will issue an Order requiring the Defendant to show up at the show cause hearing. At the hearing the Defendant will be required to explain to the Court why they should be allowed to keep the property until the case is over. The purpose of the hearing is for the Court to decide who should have the property until the case is over.
- **Finishing the Case:** The case can be finished in two ways: trial or default judgment. A trial is the normal way a case will end. Under special circumstances the Plaintiff will have the option to ask the Court for a default judgment. The default judgment makes the Plaintiff the winner of the case before a trial happens. The default judgement finishes the case.

A replevin case requires bonds. A bond is like an insurance policy; it is money paid as collateral which is paid out if something goes wrong. (e.g., I need a \$10,000 bond. I buy the bond from a surety company for \$100. I fail to do what I was supposed to, and the other party claims the \$10,000 bond. The surety company pays the other party \$10,000 and I now owe the surety company \$9,900.)

There are three types of bonds in this case: Delivery Bond (also called Replevin Bond), Re-Delivery Bond, and Sheriff Indemnity Bond.

- **Delivery Bond:** This is paid by the Plaintiff to have possession of the property for the duration of the case. The amount of the bond is up to the judge, but it could range from \$100 to double the value of the property. It is for the Defendant to collect if the Plaintiff's claims of owning and having rightful possession of the property are wrong. It is bought from a surety company and filed with the Court. The Court can waive this bond.
- **Re-Delivery Bond:** This is paid by the Defendant to keep possession of the property for the duration of the case. The amount of the bond is the same as the Delivery Bond. (If the Delivery Bond is waived the Court will say what the Delivery Bond would have been and that will be the value used for the Re-Delivery Bond.) It is for the Plaintiff to collect if the Defendant's claims of owning and having rightful possession of the property are wrong. It is bought from a surety company and filed with the Court.
- **Sheriff Indemnity Bond:** This is paid by the Plaintiff. The amount of the bond is generally twice the value of the property. It is for the Sheriff to collect if the Defendant sues the Sheriff after the Sheriff legally took the property away from the

Defendant to give to the Plaintiff. The Court cannot waive this bond. It is bought from a surety company and filed with the Sheriff's Office.

Most surety companies are listed online. A simple internet search on Google for “surety company Seattle” will bring up a list of companies in the Seattle area. Change the search term to match your location. The rules about bonds vary between states, so use Washington surety companies.

The instructions and forms in this packet will help you do the following things:

- Start a case for the Court to decide who owns the property
- Ask the Court to have the property given to you for the duration of the case
- Set a hearing for the Court to decide if you should have the property for the duration of the case
- Ask the Court to give you a default judgment (if you qualify)
- Ask the Sheriff to take the property from the other person and deliver it to you, if the Court decides you should have the property

To help decide if using the replevin process of recovering property is right for your situation, review [Chapter 7.64 of the Revised Code of Washington](#) for information on the replevin process, or contact an attorney.

If, after reviewing the Revised Code of Washington and/or consulting an attorney, you believe the replevin process is right for you, then you can use this packet to complete the process.

Forms Included in This Packet:

- A - Summons (20 Day)
- B - Complaint for Possession of Personal Property and Damages
- C - Case Information Cover Sheet
- D - Ex Parte via the Clerk Cover Sheet
- E - Motion for Order to Show Cause
- F - Declaration for Delivery of Personal Property
- G - Order to Show Cause
- H - Notice of Court Date (Judges)—Seattle
- I - Notice of Court Date (Judges)—Kent
- J - Notice re: Military Dependent

K - Proof of Personal Service

L - Motion for Order to Waive Replevin Bond

M - Declaration in Support of Motion to Waive Replevin Bond

N - Order Waiving Replevin Bond

O - Order for Immediate Possession of Property to Plaintiff

P - Motion for Order of Default

Q - Declaration in Support of Motion for Order of Default

R - Declaration Re: Service Members Civil Relief Act

S - Order of Default

T - Default Judgment

U - King County Sheriff Intake Sheet for Order Awarding Possession or Writ of Replevin

V - Letter of Instruction to Sheriff for Execution of Order Awarding Possession

WARNING

- **MAKE AN EXTRA COPY OF THE BLANK FORMS IN THIS PACKET.** You may need to re-file some of the forms. Having a spare set of blank forms will be helpful. The law library cannot replace individual forms.
- **DO YOU HAVE ADDITIONAL QUESTIONS?** If you are unsure what your next steps should be or have difficulty understanding the instructions in this packet, contact an attorney for help.
- **IS THE VALUE OF THE PROPERTY LESS THAN \$300?** If the value of the property is less than \$300 the case must be heard in District Court. This packet is meant only for Superior Court.
- **ARE YOU TRYING TO COLLECT A DEBT OR RECOVER COLLATERAL?** This packet cannot be used for debt collection or claiming collateral.
- **ARE YOU TRYING TO RECOVER REAL ESTATE, SUCH AS A HOUSE OR LAND?** The replevin process cannot be used to recover real estate.
- **DO YOU NEED HELP UNDERSTANDING SERVICE OF PROCESS?** The King County Law Library has a helpful video summarizing and explaining what service of process is, and how it can be done. It is on the Law Library's website, located here: <https://kcll.org>.