

Costs of
repair and
maintenance
of diking
system.

be paid by the proper authorities of such public corporations at the times and in the same manner as assessments are called and paid in case of private persons out of any general fund of such corporation; and also all costs of repair and maintenance of such diking system shall be levied against and apportioned to such lands of such public corporations, whether owned at the time of the original improvement or subsequently acquired either by deed through delinquent tax foreclosure or otherwise, in the same manner as such costs of repair and maintenance are levied against and apportioned to lands belonging to private persons, and the same shall also be paid out of any general fund of such corporation.

Passed the House February 18, 1927.

Passed the Senate March 7, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 278.

[H. B. 143.]

RECORDING OF REAL PROPERTY INSTRUMENTS.

AN ACT relating to the recording of instruments concerning real property and repealing section 10596 of Remington's Compiled Statutes of Washington.

Be it enacted by the Legislature of the State of Washington:

Terms
defined:

Real
property.

Purchaser.

SECTION 1. (1) The term "real property" as used in this act includes lands, tenements and hereditaments and chattels real and mortgage liens thereon except a leasehold for a term not exceeding two years.

(2) The term "purchaser" includes every person to whom any estate or interest in real property is conveyed for a valuable consideration and every

assignee of a mortgage, lease or other conditional estate.

(3) The term "conveyance" includes every written instrument by which any estate or interest in real property is created, transferred, mortgaged or assigned or by which the title to any real property may be affected, including an instrument in execution of a power, although the power be one of revocation only, and an instrument releasing in whole or in part, postponing or subordinating a mortgage or other lien; except a will, a lease for a term of not exceeding two years, an executory contract for the sale or purchase of lands, and an instrument granting a power to convey real property as the agent or attorney for the owner of the property. "To convey" is to execute a "conveyance" as defined in this subdivision.

Conveyance.

To convey.

(4) The term "recording officer" means the county auditor of the county.

Recording officer.

SEC. 2. A conveyance of real property, when acknowledged by the person executing the same (the acknowledgment being certified as required by law), may be recorded in the office of the recording officer of the county where the property is situated. Every such conveyance not so recorded is void as against any subsequent purchaser or mortgagee in good faith and for a valuable consideration from the same vendor, his heirs or devisees, of the same real property or any portion thereof whose conveyance is first duly recorded. An instrument is deemed recorded the minute it is filed for record.

Real property conveyance may be recorded.

Effect.

Recorded when filed.

SEC. 3. An executory contract for the sale or purchase of real property or an instrument granting a power to convey real property as the agent or attorney for the owner of the property, when acknowledged (with the acknowledgment certified) in the manner to entitle a conveyance to be recorded, may

Recording executory contract for sale of real property, or power to convey real property.

Effect. be recorded in the office of the recording officer of any county in which any of the real property to which it relates is situated, and when so recorded shall be notice to all persons of the rights of the vendee under the contract.

Recordation of U. S. letters patent. Effect. SEC. 4. Letters patent from the United States or the State of Washington granting real property may be recorded in the office of the recording officer of the county where such property is situated in the same manner and with like effect as a conveyance that is entitled to be recorded.

Instrument affecting real property filed in state or land departments. SEC. 5. A copy of a conveyance of or other instrument affecting real property recorded or filed in the office of the secretary of state or the commission of public lands, or of the record thereof, when certified in the manner required to entitle the same to be read in evidence, may be recorded with the certificate in the office of any recording officer of the state.

Certified copy of record may be filed. Effect. Copy of record of conveyance affecting lands in more than one county may be recorded. SEC. 6. A copy of a record, when certified or authenticated to entitle it to be read in evidence, may be recorded in any office where the original instrument would be entitled to be recorded. Such record has the same effect as if the original were so recorded. A copy of the record of a conveyance of or other instrument affecting separate parcels of real property situated in more than one county, when certified or authenticated to entitle it to be read in evidence may be recorded in the office of the recording officer of any county in which any such parcel is situated with the same effect as though the original instrument were so recorded.

Recording of assignment of mortgage. Effect. SEC. 7. The recording of an assignment of a mortgage is not in itself notice to the mortgagor, his heirs, assigns or personal representatives, to invalidate a payment made by any of them to a prior holder of the mortgage.

SEC. 8. A power of attorney or other instrument recorded pursuant to this act is not deemed revoked by any act of the party by whom it was executed unless the instrument of revocation is also recorded in the same office in which the instrument granting the power was recorded.

Power of attorney.

Revocation to be filed.

SEC. 9. A recording officer is not liable for recording an instrument in a wrong book, volume or set of records if the instrument is properly indexed with a reference to the volume and page where the instrument is actually of record.

Recording in wrong book.

Liability.

SEC. 10. A recording officer, upon payment or tender to him of the lawful fees therefor, shall record in his office any instrument authorized or permitted by this act to be so recorded.

Instruments recorded upon payment of fees.

SEC. 11. Sec. 10596 of Remington's Compiled Statutes of Washington is hereby repealed.

§ 1914. Pierce's Code.

Passed the House February 11, 1927.

Passed the Senate March 3, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 279.

[H. B. 191.]

ELECTIONS IN OTHER THAN CLASS A AND FIRST CLASS COUNTIES.

AN ACT relating to elections and amending sections 1 and 3 of Chapter 170 of the Laws of 1921, and declaring that this act shall take effect immediately.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 1 of chapter 170 of the Laws of 1921, page 665, section 5150 of Remington's Compiled Statutes be amended to read as follows:

§ 2120-3. Pierce's Code.

Section 1. All city, school district and port district elections, other than in class A and first class