

CHAPTER 196.

[H. B. 107.]

CONDITIONAL SALES CONTRACTS.

AN ACT relating to conditional sale contracts and the assignment thereof and amending sections 3790 and 3791-1 of Remington's Revised Statutes of Washington.

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

Amends
§ 3790, Rem.
Rev. Stat.
(§ 9767, P. C.)

SECTION 1. That section 3790 of Remington's Revised Statutes of Washington be amended to read as follows:

Contracts
to be filed,
when.

Section 3790. That all conditional sales of personal property, or leases thereof, containing a conditional right to purchase, where the property is placed in the possession of the vendee, shall be absolute as to all *bona fide* purchasers, pledgees, mortgagees, encumbrancers and subsequent creditors, whether or not such creditors have or claim a lien upon such property, unless within ten days after the taking of possession by the vendee, a memorandum of such sale, stating its terms and conditions, including the rate of interest and the purchase price exclusive of interest, insurance and all other charges, and signed by the vendor and vendee, shall be filed in the auditor's office of the county, wherein, at the date of the vendee's taking possession of the property, the vendee resides. Every such contract for the conditional sale or lease of any personal property, except machinery, apparatus or equipment to be used for manufacturing or industrial purposes, attached or to be attached to a building, whether a fixture at common law or not, shall be absolute as to all subsequent *bona fide* purchasers or encumbrancers of such building and the land on which it stands, unless such contract or lease shall also contain a sufficient legal description of the real estate which said building occupies, and shall be filed and

recorded as provided in section 3791 of this act: *Provided, however,* That nothing in this section contained shall be construed to require such filing or recording of any conditional sale of personal property or lease thereof containing a conditional right to purchase, wherein the total designated unpaid purchase price does not exceed the sum of fifty dollars (\$50) and such contracts or leases shall be valid as to all *bona fide* purchasers, pledgees, mortgagees, encumbrancers and subsequent creditors: *Provided, further,* That in computing said "total designated unpaid purchase price" there shall be added to said purchase price designated in any such contract the designated unpaid purchase price set forth in any other contract of conditional sale executed between the same vendor and vendee as a part of the same transaction and if the total of all exceeds said sum of fifty dollars (\$50) each of said contracts of conditional sale shall be absolute as hereinabove provided unless filed or filed and recorded as hereinabove provided.

SEC. 2. That section 3791-1 of Remington's Revised Statutes of Washington be amended to read as follows:

Amends
§ 3791-1 Rem.
Rev. Stat.
(§ 9743-1,
P. C.)

Section 3791-1. If a written contract for the conditional sale of personal property be assigned by the vendor or an assignee thereof by written instrument to secure a debt or other obligation the assignee, in the absence of a contrary intent expressed in the assignment, and whether or not the same be upon its face absolute, shall have the right to enforce all the vendor's remedies under the contract and said assignee shall have a lien upon the property covered thereby as against the vendor and any subsequent assignee thereof, the creditors and subsequent purchasers and encumbrancers of either, which lien may be enforced as a chattel mortgage is enforced, no filing of said assignment being necessary. No such as-

Assignments,
rights of
assignee.

signment shall be deemed invalid as against creditors and subsequent purchasers, pledgees, mortgagees and encumbrancers of assignor by reason of failure of any assignee to assume dominion and control over any such contract so assigned or the proceeds thereof, or to contract against or to prevent the mingling by assignor of the proceeds thereof or collections therefrom amongst his funds or placement of the same in his bank account.

Passed the House March 11, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 17, 1937.

CHAPTER 197.

[H. B. 130.]

COUNTY OFFICERS.

AN ACT fixing the compensation of county officers, providing for the election of an auditor and assessor in counties of the sixth, seventh, eighth, and ninth classes and prescribing their duties, and amending sections 4200-3a, 4200-4a, and 4200-5a of Remington's Revised Statutes of Washington.

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

SECTION 1. That section 4200-3a of Remington's Revised Statutes of Washington be amended to read as follows:

Section 4200-3a. At the general county election in the year 1938 and quadrennially thereafter, there shall be elected in each county of the sixth, seventh, and eighth classes a county auditor who shall exercise all the powers and perform all the duties, now, or that may be, by law vested in or imposed upon the county auditor of such county.

Amends
§ 4200-3a,
Rem. Rev.
Stat. (§ 1567-
13, P. C.)

County
auditor,
election of.