

CHAPTER 136.

[S. B. 44.]

BUSINESS AND OCCUPATION TAX—PRODUCTION CREDIT ASSOCIATION EXEMPTED.

AN ACT relating to revenue and taxation; and amending section 82.04.400, chapter 15, Laws of 1961 and RCW 82.04.400.

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

RCW 82.04.400 amended.

SECTION 1. Section 82.04.400, chapter 15, Laws of 1961 and RCW 82.04.400 are each amended to read as follows:

B & O tax—Exemptions—Financial institutions.

This chapter shall not apply to national banks, state banks, trust companies, production credit associations organized under the Farm Credit Act of 1933, mutual savings banks, building and loan and savings and loan associations with respect to their banking, trust, or savings and loan business but shall apply with respect to their engaging in any other business taxable hereunder, even though such other business is conducted primarily for the purpose of liquidating the assets thereof.

Passed the Senate February 22, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 137.

[S. B. 62.]

REAL PROPERTY—NOTICE OF PENDENCY OF ACTION IN UNITED STATES DISTRICT COURT.

AN ACT relating to notice of the pendency of an action in a United States district court affecting the title to real property in the state of Washington; and adding a new section to chapter 4.28 RCW.

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

New section.

SECTION 1. There is added to chapter 4.28 RCW a new section to read as follows:

In an action in a United States district court for any district in the state of Washington affecting the title to real property in the state of Washington, the plaintiff, at the time of filing the complaint, or at any time afterwards, or a defendant, when he sets up an affirmative cause of action in his answer, or at any time afterwards, if the same be intended to affect real property, may file with the auditor of each county in which the property is situated a notice of the pendency of the action, containing the names of the parties, the object of the action and a description of the real property in that county affected thereby. From the time of the filing only shall the pendency of the action be constructive notice to a purchaser or encumbrancer of the property affected thereby, and every person whose conveyance or encumbrance is subsequently executed or subsequently recorded shall be deemed a subsequent purchaser or encumbrancer, and shall be bound by all proceedings taken after the filing of such notice to the same extent as if he were a party to the action. For the purpose of this section an action shall be deemed to be pending from the time of filing such notice: *Provided, however,* That such notice shall be of no avail unless it shall be followed by the first publication of the summons, or by personal service thereof on a defendant within sixty days after such filing. And the court in which the said action was commenced may, in its discretion, at any time after the action shall be settled, discontinued or abated, on application of any person aggrieved and on good cause shown and on such notice as shall be directed or approved by the court, order the notice authorized in this section to be canceled of record, in whole or in part, by the county auditor of any county in whose office the same may have been filed or recorded, and such cancellation shall be made by

Lis pendens in actions in U. S. district court affecting title to real estate.

Proviso.

an indorsement to that effect on the margin of the record.

Passed the Senate February 1, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 138.

[S. B. 64.]

INDUSTRIAL DEVELOPMENT DISTRICTS—SALES OF PROPERTY.

AN ACT relating to port districts; validating certain sales made under sections 12 and 18, chapter 73, Laws of 1955; amending section 12, chapter 73, Laws of 1955 and RCW 53.25.120; and repealing section 18, chapter 73, Laws of 1955 and RCW 53.25.180.

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

RCW 53.25.120 amended.

SECTION 1. Section 12, chapter 73, Laws of 1955 and RCW 53.25.120 are each amended to read as follows:

Industrial development districts. Sales by, notice of hearing on—Hearings.

The port commission shall give notice of the proposed sale by publication in two newspapers published in the county, if there are two such newspapers, and by posting in three public places in the port district at least ten days before the date fixed for the hearing thereon.

The notice shall describe the property to be sold and state that at the time and place specified therein, the commission will meet at its usual meeting place, designating it, to hear and determine the advisability of the sale.

The hearing shall be held not more than twenty days from the publication of notice. At the hearing the commission shall hear the reasons of any taxpayer in the port district, for or against the sale.

No sales shall be made, however, of the property of any industrial development district until the