

NEW SECTION. Sec. 6. The rights, obligations, and remedies under this chapter are in addition to any rights, obligations, or remedies under federal statutes or regulations or other state statutes or rules.

NEW SECTION. Sec. 7. Violation of this chapter constitutes a violation of chapter 19.86 RCW, the consumer protection act. It shall be presumed that damages to the consumer are equal to the purchase price of any telephone equipment sold in violation of this chapter up to one hundred dollars. Additional damages must be proved.

NEW SECTION. Sec. 8. This chapter may be known and cited as the telephone buyers' protection act.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 19 RCW.

Passed the Senate March 2, 1984.

Passed the House February 17, 1984.

Approved by the Governor March 28, 1984.

Filed in Office of Secretary of State March 28, 1984.

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## CHAPTER 276

### [Substitute Senate Bill No. 4111] EXECUTION AND REDEMPTION

AN ACT Relating to sales under execution and redemption; amending section 1, chapter 35, Laws of 1935 as amended by section 1, chapter 329, Laws of 1981 and RCW 6.24.010; amending section 2, chapter 329, Laws of 1981 and RCW 6.24.015; amending section 6, chapter 53, Laws of 1899 as amended by section 3, chapter 329, Laws of 1981 and RCW 6.24.100; amending section 8, chapter 53, Laws of 1899 as last amended by section 4, chapter 80, Laws of 1965 and RCW 6.24.140; amending section 6, chapter 329, Laws of 1981 and RCW 6.24.145; amending section 12, chapter 53, Laws of 1899 and RCW 6.24.180; amending section 351, page 91, Laws of 1869 as last amended by section 6, chapter 3, Laws of 1983 and RCW 6.04.100; and creating a new section.

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

Sec. 1. Section 1, chapter 35, Laws of 1935 as amended by section 1, chapter 329, Laws of 1981 and RCW 6.24.010 are each amended to read as follows:

Before the sale of property under execution, order of sale or decree, notice thereof shall be given as follows:

(1) In case of personal property, the sheriff shall post typed or printed notice of the time and place of sale in three public places in the county where the sale is to take place, for a period of not less than thirty days prior to the day of sale. Not less than thirty days prior to the day of sale, the judgment creditor shall cause a copy of the notice of sale to be transmitted by regular and certified mail, return receipt requested, to the judgment debtor at the debtor's last known address, and by mail to the attorney of record for the judgment debtor.

(2) In case of real property, the sheriff shall post a notice as provided in RCW 6.24.015, particularly describing the property for a period of not less than four weeks prior to the day of sale in (~~three~~) two public places in the county, one of which shall be at the court house door, where the property is to be sold, and in case of improved real estate, one of which shall be at the front door of the principal building constituting such improvement. The sheriff shall also publish a (~~copy~~) notice thereof once a week, consecutively, for the same period, in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR ..... COUNTY

	)	
	)	
<u>Plaintiff,</u>	)	<u>CAUSE NO.</u>
	)	
<u>vs.</u>	)	<u>SHERIFF'S PUBLIC NOTICE OF</u>
	)	<u>SALE OF REAL PROPERTY</u>
<u>Defendant,</u>	)	
	)	

TO: [Judgment Debtor]

The Superior Court of ..... County has directed the undersigned Sheriff of ..... County to sell the property described below to satisfy a judgment in the above-entitled action. If developed the property address is: .....

The sale of the above described property is to take place:

Time: .....  
Date: .....  
Place: .....

The judgment debtor can avoid the sale by paying the judgment amount of \$ ....., together with interest, costs, and fees before the sale date. For the exact amount, contact the sheriff at the address stated below:

..... SHERIFF-DIRECTOR, ..... COUNTY, WASHINGTON.

By ....., Deputy  
Address .....  
..... (City)  
Washington 9 .....  
Phone (...) .....

PROVIDED, HOWEVER, That if there (~~be~~) is more than one legal newspaper published in the county, then the plaintiff or moving party in the action, suit or proceeding shall have the exclusive right to designate in

which of such qualified newspapers such notice shall be published: PROVIDED, FURTHER, That if there is no legal newspaper published in the county, then such notice shall be published in ~~((the))~~ a legal newspaper published in ((this state nearest to the place of sale)) a contiguous county. Not less than thirty days prior to the date of sale, the judgment creditor shall cause a copy of the notice as provided in RCW 6.24.015 to be (a) served on the judgment debtor or debtors and each of them in the same manner as a summons in a civil action, ~~((and))~~ or (b) transmitted by both regular and certified mail, return receipt requested, to the judgment debtor or debtors and to each of them separately if there is more than one judgment debtor at the judgment debtor's last known address, and the judgment creditor shall mail a copy of the notice of sale to the attorney of record for the judgment debtor.

(3) The judgment creditor shall file an affidavit with the court that the judgment creditor has complied with the notice requirements of this section.

Sec. 2. Section 2, chapter 329, Laws of 1981 and RCW 6.24.015 are each amended to read as follows:

The notice of sale shall be printed or typed and shall ~~((contain the following information))~~ be in substantially the following form:

~~((1)) That the court has directed the sheriff or other officer to sell the property described in the notice to satisfy a judgment;~~

~~(2) The caption, cause number, and court in which the judgment to be executed upon was entered;~~

~~(3) A legal description of the property to be sold, including the street address;~~

~~(4) The scheduled date, time, and place of the sale;~~

~~(5) An itemized account of the amount required to satisfy the judgment prior to sale, where the debtor can satisfy the judgment to avoid sale, and that failure to pay this amount will result in the sale of the property on the date specified in the notice;~~

~~(6) A statement that the sheriff has been informed that there is not sufficient personal property to satisfy the judgment; that if the debtor does have sufficient personal property to satisfy the judgment, the debtor should contact the sheriff's office immediately. However, this subsection is not applicable if the sale of real property is pursuant to a judgment of foreclosure of a mortgage; and~~

~~(7) Unless redemption rights have been precluded under RCW 61.12-093, the date by which the debtor may redeem the property; that the debtor may redeem the property by paying the amount of the bid at sale, with interest at the rate of eight percent per annum to the time of redemption; together with the amount of any assessment or taxes which may have been paid after purchase, and interest on such amount; that other creditors having a lien against the property by judgment, decree, or mortgage may also have a right to redeem the property and, if they redeem the property, the~~

debtor may be required to pay additional sums in order to redeem; and that if the property to be sold is the permanent residence of the judgment debtor and is occupied by the debtor at the time of sale, the judgment debtor has the right to retain possession during the redemption period, if any, without payment of any rent or occupancy fee. The information contained in this subsection shall be captioned "IMPORTANT NOTICE" and shall be in boldface print or typed in capital letters:))

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR . . . . COUNTY

	)	
	)	
<u>Plaintiff,</u>	)	<u>CAUSE NO.</u>
	)	
<u>vs.</u>	)	<u>SHERIFF'S NOTICE TO</u>
	)	<u>JUDGMENT DEBTOR OF</u>
	)	<u>SALE OF REAL PROPERTY</u>
<u>Defendant.</u>	)	
	)	

TO: [Judgment Debtor]  
The Superior Court of . . . . . County has directed the undersigned Sheriff of . . . . . County to sell the property described below to satisfy a judgment in the above-entitled action. The property to be sold is described on the reverse side of this notice. If developed the property address is: . . . . .

The sale of the above described property is to take place:

Time: . . . . .  
Date: . . . . .  
Place: . . . . .

The judgment debtor can avoid the sale by paying the judgment amount of \$ . . . . , together with interest, costs, and fees before the sale date. For the exact amount, contact the sheriff at the address stated below:

This property is subject to: (check one)

- 1. No redemption rights after sale.
- 2. A redemption period of eight months which will expire at 4:30 p.m. on the . . . . day of . . . . ., 19. . .
- 3. A redemption period of one year which will expire at 4:30 p.m. on the . . . . day of . . . . ., 19. . .

The judgment debtor or debtors or any of them may redeem the above described property at any time up to the end of the redemption period by paying the amount bid at the sheriff's sale plus additional costs, taxes, assessments, and fees. If you are interested in redeeming the property contact the undersigned sheriff at the address stated below to determine the exact amount necessary to redeem.

IMPORTANT NOTICE: IF THE JUDGMENT DEBTOR OR DEBTORS DO NOT REDEEM THE PROPERTY BY 4:30 p.m. ON THE ... DAY OF ....., 19..., THE END OF THE REDEMPTION PERIOD, THE PURCHASER AT THE SHERIFF'S SALE WILL BECOME THE OWNER AND MAY EVICT THE OCCUPANT FROM THE PROPERTY. IF THE PROPERTY TO BE SOLD IS A PERMANENT RESIDENCE AND IS OCCUPIED BY THE JUDGMENT DEBTOR OR DEBTORS AT THE TIME OF SALE, HE, SHE, THEY, OR ANY OF THEM HAVE THE RIGHT TO RETAIN POSSESSION DURING THE REDEMPTION PERIOD, IF ANY, WITHOUT PAYMENT OF ANY RENT OR OCCUPANCY FEE.

..... SHERIFF-DIRECTOR, ..... COUNTY, WASHINGTON.

By ....., Deputy  
Address .....  
..... (City)  
Washington 9 .....  
Phone (...)

If the sale is not pursuant to a judgment of foreclosure of a mortgage, the above notice should also contain a statement that the sheriff has been informed that there is not sufficient personal property to satisfy the judgment and that if the judgment debtor or debtors do have sufficient personal property to satisfy the judgment, the judgment debtor or debtors should contact the sheriff's office immediately.

Sec. 3. Section 6, chapter 53, Laws of 1899 as amended by section 3, chapter 329, Laws of 1981 and RCW 6.24.100 are each amended to read as follows:

Upon the return of any sale of real estate as aforesaid, the clerk shall enter the cause, on which the execution or order of sale issued, by its title, on the motion docket, and mark opposite the same: "Sale of land for confirmation"; notice of the filing of the return of sale shall be mailed by the clerk to all parties (~~appearing~~) who have entered a written notice of appearance in the action and who have not had an order of default entered against them and proof of such mailing shall be filed in the action; and the following proceedings shall be had:

(1) The judgment creditor or successful purchaser at the sheriff's sale at any time after twenty days have elapsed from the mailing of the notice of the filing of such return shall be entitled, on motion with notice given to all parties (~~appearing~~) who have entered a written notice of appearance in the action and who have not had an order of default entered against them, to have an order confirming the sale, unless the judgment debtor, or in case of his death, his representative, shall file with the clerk within twenty days

after the mailing of the notice of the filing of such return, his objections thereto.

(2) If such objections be filed the court shall, notwithstanding, allow the order confirming the sale, unless on the hearing of the motion, it shall satisfactorily appear that there were substantial irregularities in the proceedings concerning the sale, to the probable loss or injury of the party objecting. In the latter case, the court shall disallow the motion and direct that the property be resold, in whole or in part, as the case may be as upon an execution received of that date.

(3) Upon the return of the execution, the sheriff shall pay the proceeds of sale to the clerk, who shall then apply the same, or so much thereof as may be necessary, in satisfaction of the judgment including interest as provided in the judgment. If an order of resale be afterwards made, and the property sell for a greater amount to any person other than the former purchaser, the clerk shall first repay to such purchaser the amount of his bid out of the proceeds of the latter sale together with interest as is provided in the judgment.

(4) Upon a resale, the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken, except for a greater amount. An order confirming a sale shall be a conclusive determination of the regularity of the proceedings concerning such sale as to all persons in any other action, suit or proceeding whatever.

(5) If, after the satisfaction of the judgment, there be any proceeds of the sale remaining, the clerk shall pay such proceeds to the judgment debtor, or his representative, as the case may be, at any time before the order is made upon the motion to confirm the sale: PROVIDED, Such party file with the clerk a waiver of all objections made or to be made to the proceedings concerning the sale; but if the sale be confirmed, such proceeds shall be paid to said party of course; otherwise they shall remain in the custody of the clerk until the sale of the property has been disposed of.

Sec. 4. Section 8, chapter 53, Laws of 1899 as last amended by section 4, chapter 80, Laws of 1965 and RCW 6.24.140 are each amended to read as follows:

Unless redemption rights have been precluded pursuant to RCW 61.12.093 et seq., the judgment debtor or his successor in interest, or any redemptioner, may redeem the property at any time within one year after the sale, on paying the amount of the bid, with interest thereon at the rate (~~of eight percent per annum~~) provided in the judgment to the time of redemption, together with the amount of any assessment or taxes which the purchaser or his successor in interest may have paid thereon after purchase, and like interest on such amount together with any sum paid on a prior lien or obligation secured by an interest in the property to the extent the payment was necessary for the protection of the interest of the judgment debtor, the judgment debtor's successor in interest, or a redemptioner which the

purchaser or the purchaser's successor in interest may have paid thereon with interest upon every payment made by the purchaser or the purchaser's successor in interest at the rate provided in the judgment from the date of payment thereof to the time of redemption; and if the purchaser be also a creditor having a lien, by judgment, decree or mortgage, prior to that of the redemptioner, other than the judgment under which such purchase was made, the amount of such lien with interest: PROVIDED, HOWEVER, That whenever there is an execution sale of property pursuant to judgment and decree of foreclosure of any mortgage executed after June 30, 1961, which mortgage declares in its terms that the mortgaged property is not used principally for agricultural or farming purposes, and in which complaint the judgment creditor has expressly waived any right to a deficiency judgment, the period of redemption shall be eight months after the said sale.

Sec. 5. Section 6, chapter 329, Laws of 1981 and RCW 6.24.145 are each amended to read as follows:

~~((Every two months during the redemption period provided by RCW 6.24.140, the purchaser or his assignee shall send by certified mail, return receipt requested, and by first class mail to the judgment debtor or his successor in interest a notice advising the judgment debtor that the redemption period is expiring, how many months have expired, and how many months remain. The notice shall also state the amount for which the property may be redeemed and shall advise the judgment debtor that if the property is not redeemed he will face eviction at the end of the redemption period. The notice shall be sent to the judgment debtor at the judgment debtor's last known address and, if different, the property address. The notice shall be sent between the first day and tenth day of the second calendar month after the calendar month of the sale and the equivalent days of each succeeding second calendar month thereafter during the redemption period. The sole effect of noncompliance with this section shall be that the redemption period provided by RCW 6.24.140 shall be extended two months for each missed or noncomplying notice.))~~ If the property is subject to a homestead as provided in RCW 6.17.045 or 6.17.050, the purchaser or the purchaser's assignee, or the redemptioner or the redemptioner's assignee if the property has been redeemed shall send a notice at least forty but not more than sixty days before the expiration of the redemption period by certified mail, return receipt requested, and by first class mail to the judgment debtor or debtors and to each of them separately, if there is more than one judgment debtor, at their last known address and to "occupant" at the property address. The notice shall be in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR . . . . COUNTY

	)	
<u>Plaintiff,</u>	)	<u>CAUSE NO.</u>
	)	
<u>vs.</u>	)	<u>NOTICE OF EXPIRATION</u>
	)	<u>OF REDEMPTION PERIOD</u>
<u>Defendant.</u>	)	
	)	

TO: [Judgment Debtor]

THIS IS AN IMPORTANT NOTICE AFFECTING YOUR RIGHT TO RETAIN YOUR PROPERTY.

NOTICE IS HEREBY GIVEN that the period for redemption of the following described real property ("the property") is expiring. The property is situated in the County of . . . . ., State of Washington, to wit:

. . . . . [legal description]  
and commonly known as . . . . ., which was sold by . . . . ., . . . . . County Sheriff, in . . . . . County, Washington on the . . . . day of . . . ., 19.., under and by virtue of a writ of execution and order of sale issued by the court in the above-entitled action.

THE REDEMPTION PERIOD FOR THE PROPERTY IS . . . . MONTHS. THE REDEMPTION PERIOD COMMENCED ON . . . . ., 19.., AND WILL EXPIRE AT 4:30 p.m. ON . . . . ., 19..

If you intend to redeem the property described above you must give written notice of your intention to the . . . . . County Sheriff on or before . . . . ., 19..

Following is an itemized account of the amount required to redeem the property to date:

<u>Item</u>	<u>Amount</u>
<u>Purchase price paid at sale</u>	<u>\$</u>
<u>Interest from date of sale to date of</u>	
<u>  this notice at . . . percent per annum</u>	<u>\$</u>
<u>Real estate taxes</u>	<u>\$</u>
<u>Assessments</u>	<u>\$</u>
<u>Licns or other costs paid during redemption period</u>	<u>\$</u>
<u>TOTAL REQUIRED TO REDEEM AS OF THE DATE OF THIS NO-</u>	
<u>TICE</u>	<u>\$</u>

You may redeem the property by 4:30 p.m. on or before the . . . day of . . . . ., 19.., by paying the amount set forth above and such other amounts as may be required by law. Payment must be in the full amount and in cash, certified check, or cashier's check. Because such other amounts as may be required by law to redeem may include presently unknown expenditures required to operate, preserve, protect, or insure the property, or the amount to comply with state or local laws, or the amounts of prior liens, with interest, held by the purchaser or a redemptioner, it will be necessary



for you to contact the . . . . . County Sheriff at the address stated below prior to the time you tender the redemption amount so that you may be informed exactly how much you will have to pay to redeem the property. . . . . SHERIFF-DIRECTOR, . . . . . COUNTY, WASHINGTON.

By . . . . ., Deputy  
Address . . . . .  
. . . . . (City)  
Washington 9 . . . . .  
Phone (...) . . . . .

IF YOU FAIL TO REDEEM THE PROPERTY BY 4:30 p.m. ON OR BEFORE THE . . . . . DAY OF . . . . ., 19. . ., THE DATE UPON WHICH THE REDEMPTION PERIOD WILL EXPIRE, THE PURCHASER OR THE PURCHASER'S ASSIGNEE WILL BE ENTITLED TO POSSESSION OF THE PROPERTY AND MAY BRING AN ACTION TO EVICT YOU FROM POSSESSION OF THE PROPERTY.

DATED THIS ... DAY OF . . . . ., 19. . .

[Purchaser]  
By  
[Purchaser's attorney]  
Attorneys for

STATE OF WASHINGTON )  
                                  ) ss.  
COUNTY OF )

The undersigned being first duly sworn on oath states: That on this day affiant deposited in the mails of the United States of America a properly stamped and addressed envelope directed to the judgment debtor at the address stated on the face of this document and to "occupant" at the property address, both by certified mail, return receipt requested, and by first class mail, all of the mailings containing a copy of the document to which this affidavit is attached.

SUBSCRIBED AND SWORN TO BEFORE ME THIS . . . . . DAY OF . . . . ., 19. . .

NOTARY PUBLIC in and for the  
State of Washington, residing at:  
. . . . .

In the event that the redemption period is extended no further notice need be sent.

The party who sends the notice shall file a copy of the notice with an affidavit of mailing with the clerk of the court and deliver or mail a copy to the sheriff. Failure to comply with this section extends the redemption period for six months.

Sec. 6. Section 12, chapter 53, Laws of 1899 and RCW 6.24.180 are each amended to read as follows:

The mode of redeeming shall be as provided in this section. The person seeking to redeem shall give the sheriff at least five days written notice of his intention to apply to the sheriff for that purpose. It shall be the duty of the sheriff to notify the purchaser or redemptioner, as the case may be, or his attorney, of the receipt of such notice, if such person be within such county. At the time and place specified in such notice the person seeking to redeem may do so by paying to the sheriff the sum required. The sheriff shall give the person redeeming a certificate stating therein the sum paid on redemption, from whom redeemed, the date thereof and a description of the property redeemed. A person seeking to redeem shall submit to the sheriff the evidence of his right thereto, as follows:

(1) If he be a lien creditor, a copy of the docket of the judgment or decree under which he claims the right to redeem, certified by the clerk of the court where such judgment or decree is docketed; or if he seeks to redeem upon mortgage, the certificate of the record thereof; also an affidavit, verified by himself or agent, showing the amount then actually due thereon.

(2) A copy of any assignment necessary to establish his claim, verified by the affidavit of himself or agent, showing the amount then actually due on the judgment, decree or mortgage.

(3) If the redemptioner or purchaser has a lien prior to that of the lien creditor seeking to redeem, such redemptioner or purchaser shall submit to the sheriff the evidence thereof, and the amount due thereon, or the same may be disregarded.

(4) If the purchaser or the purchaser's successor in interest has paid a sum on a prior lien or obligation secured by an interest in the property, he or she shall submit to the sheriff an affidavit, verified by the purchaser or the purchaser's successor in interest or an agent showing the amount paid on the prior lien or obligation or the prior lien or obligation may be disregarded.

Sec. 7. Section 351, page 91, Laws of 1869 as last amended by section 6, chapter 3, Laws of 1983 and RCW 6.04.100 are each amended to read as follows:

When the writ of execution is against the property of the judgment debtor, the sheriff shall set the date of sale and serve on the debtor, in the same manner as service of a summons in a civil action, a copy of the writ, together with copies of RCW 6.12.010, 6.12.045, 6.12.050, 6.16.020, and 6.16.090, each as now existing or hereafter amended, shall at the time of service notify the judgment debtor of the date of sale, and shall execute the writ as follows:

(1) If property has been attached, he shall indorse on the execution, and pay to the clerk forthwith the amount of the proceeds of sales of perishable property or debts due the defendant received by him, sufficient to satisfy the judgment.

(2) If the judgment is not then satisfied, and property has been attached and remains in his custody, he shall sell the same, or sufficient thereof to satisfy the judgment.

(3) If then any portion of the judgment remains unsatisfied, or if no property has been attached or the same has been discharged, he shall levy on the property of the judgment debtor, sufficient to satisfy the judgment.

(4) Property shall be levied on in like manner and with like effect as similar property is attached.

(5) Until a levy, personal property shall not be affected by the execution. When property has been sold or debts received by the sheriff on execution, he shall pay the proceeds thereof, or sufficient to satisfy the judgment, as commanded in the writ.

(6) When property has been attached and it is probable that such property will not be sufficient to satisfy the judgment, the execution may be levied on other property of the judgment debtor without delay. If after satisfying the judgment any property, or the proceeds thereof, remain in the custody of the sheriff, he shall deliver the same to the judgment debtor.

NEW SECTION. Sec. 8. The 1984 amendments to RCW 6.04.100, 6.24.010, 6.24.015, 6.24.100, 6.24.140, 6.24.145, and 6.24.180 shall apply to all executions under chapter 6.24 RCW commenced after the effective date of this act.

Passed the Senate March 2, 1984.

Passed the House February 15, 1984.

Approved by the Governor March 28, 1984.

Filed in Office of Secretary of State March 28, 1984.

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## CHAPTER 277

[Second Substitute House Bill No. 1174]

### ACID RAIN

AN ACT Relating to acid rain; adding new sections to chapter 70.94 RCW; creating a new section; making appropriations; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature recognizes that:

(1) Acid deposition resulting from commercial, industrial or other emissions of sulphur dioxide and nitrogen oxides pose a threat to the delicate balance of the state's ecological systems, particularly in alpine lakes that are known to be highly sensitive to acidification;