

Emergency. SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed the House February 8, 1927.

Passed the Senate March 3, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 275.

[H. B. 255.]

LOCAL IMPROVEMENTS—FORECLOSURE OF ASSESSMENTS.

AN ACT relating to local improvements and providing for the foreclosure of assessments therefor and sale of property acquired thereby, amending sections 9376, 9382, 9383, 9384 and 9386 of Remington's Compiled Statutes of Washington, and repealing sections 9377, 9378, 9379, 9381, 9385, 9389, 9391 and 9392 thereof.

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

SECTION 1. That section 9376 of Remington's Compiled Statutes of Washington be amended to read as follows:

§ 1012,
Pierce's
Code.

When
assessments
to be paid.

Interest.

Delinquent.

Penalty.

Lien collec-
tible by
treasurer.

Section 9376. Any city or town shall prescribe by ordinance within what time such assessments, or installments thereof, shall be paid; and shall provide for the payment and collection of interest thereon, at a rate not to exceed eight per cent per annum. Assessments or installments thereof, when delinquent, in addition to such interest shall bear such penalty not less than five per cent as shall be by general ordinance prescribed. Interest and penalty shall be included in, and shall be a part of, the assessment lien. All local assessments becoming a lien upon any property in any city or town after this act shall become effective, shall be collected by the treasurer of such city or town, and all such liens shall be enforced in the manner herein prescribed.

SEC. 2. That section 9382 of Remington's Compiled Statutes of Washington be amended to read as follows:

§ 1018,
Pierce's
Code.

Section 9382. Whenever before the sale of any property the amount of any assessment thereon, with interest, penalty, costs and charges accrued thereon, shall be paid to the treasurer, he shall thereon mark the same paid, with the date of payment thereof on the assessment roll.

Record on
assessment
roll of
payment.

SEC. 3. That section 9383 of Remington's Compiled Statutes of Washington be amended to read as follows:

§ 1019,
Pierce's
Code.

Section 9383. Whenever any property shall be bid in by any city or town or be stricken off to any city or town under and by virtue of any proceeding or proceedings provided in this act said property shall be held in trust by said city or town for the fund of the improvement district for the creation of which fund said assessment was levied and for the collection of which assessment said property was sold; *Provided*, Such city or town may at any time after the procuring of a deed pay in to such fund the amount of the delinquent assessment for which said property was sold and all accrued interest and interest to the time of the next call for bonds or warrants issued against such assessment fund at the rate provided thereon, and thereupon shall take and hold said property discharged of such trust.

Property bid
in by city
held in trust
for improve-
ment district.

City may
pay delin-
quency and
discharge
trust.

SEC. 4. That section 9384 of Remington's Compiled Statutes of Washington be amended to read as follows:

§ 1020,
Pierce's
Code.

Section 9384. Any city or town may at any time after deed is issued to it under and by virtue of any proceedings mentioned in this act lease or sell or convey any such property at public or private sale for such price and on such terms as may be determined by resolution of the city or town council or

City may
lease or
sell such
property.

Distribution
of proceeds
of sale.

other legislative body, any provisions of law, charter or ordinance to the contrary notwithstanding, and all proceeds resulting from such sales shall ratably belong to and be paid into the fund or funds of the local improvement district or districts concerned after first reimbursing any fund or funds having advanced any moneys on account of said property.

§ 1022,
Pierce's
Code.

SEC. 5. That section 9386 of Remington's Compiled Statutes of Washington be amended to read as follows:

Delinquent
local im-
provement
assessments.

Section 9386. Whenever in any city or town on the first day of January of any year two installments of any local improvement assessment shall be delinquent, or the final installment thereof shall have been delinquent for more than one year, such city or town shall, on or before the first day of March of such year or on or before such other date in such year as may be fixed by general ordinance of such city or town, proceed with the foreclosure of all such delinquent assessments or installment or installments thereof, as the case may be, by proceedings in court therefor in an action brought in its own name in the superior court in the county in which such city or town is situate. It shall not be necessary to bring a separate suit for each separate lot, tract or parcel of land or other property or for each separate local improvement district, but all or any part of the property so delinquent under any and all assessment rolls or local improvement districts in such city or town may be proceeded against in the same action and all or any of the owners or persons interested in any of the property so delinquent may be joined as parties defendant in a single action to foreclose, and all or any liens for such delinquent assessments or installment or installments thereof may be foreclosed in such proceeding.

May fore-
close.

Proceedings.

All joined
as parties
defendant.

Tried to the
court.

Every such proceeding shall be tried before the court without a jury and shall be initiated by filing

with the clerk of the court a certificate of the treasurer of such city or town setting forth a description of each such separate lot, tract or parcel of land or other property upon which such assessment or installment or installments is delinquent, the date of the delinquency and the amount thereof including penalty and interest thereon, the name of the owner thereof or that such owner is unknown as appears upon the assessment roll, the number and the date of passage of the ordinance authorizing the improvement, the number and date of passage of the ordinance confirming such assessment roll, and the number of such local improvement district. All such lots, tracts or parcels of land or other property may be included in one certificate. Such certificate shall be *prima facie* evidence of the regularity and legality of the proceedings connected therewith, and the burden of proof shall be upon the defendants.

Procedure.

Certificate of treasurer as evidence of legality of proceedings.

Upon the filing of such certificate the treasurer of such city or town shall, with such legal assistance as the city council may provide, proceed with such foreclosure by summons served exclusively by publication in one general notice describing the property as the same is described upon the assessment rolls. Said summons shall be published once each week for four successive weeks in the official newspaper of such city or town, or if such city or town has no official newspaper in any weekly newspaper published in the county in which such city or town is situate, and shall require the defendants and each of them to appear and answer said summons within sixty days from the date of the first publication thereof. The publication of such summons shall be sufficient service thereof on all persons interested in the property described therein. The person or persons whose name or names appear on the rolls as the owner or owners of such property shall be considered and treated as the owner or owners thereof

Certificate filed.

Summons by publication.

for the purpose of said foreclosure, and if upon said assessment roll it appears that the owner or owners of said property are unknown, then said property shall be proceeded against as belonging to an unknown owner or owners, and all persons owning or claiming to own, having or claiming to have an interest therein, are hereby required to take notice of said proceeding and of any and all steps thereunder.

In any such proceeding where the owner or parties interested in any particular lot, tract or parcel of land or other property included therein shall suffer a default the court may enter judgment of foreclosure and sale as to such parties and properties so in default and order sale thereof, and the action may proceed as to the remaining defendants and property. The judgment shall specify separately the amount of the assessment or installment or installments thereof, including interest, penalty or costs, chargeable to the several lots, tracts or parcels of land or other property in such proceeding. Such judgment shall have the effect of a separate judgment as to each such lot, tract or parcel of land or other property described in such judgment, and any appeal from such judgment shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In entering judgment the court shall decree that such lots, tracts or parcels of land or other property be sold by the treasurer of such city or town to enforce such judgment. Judgment may be entered as to any one or more separate lots, tracts or parcels of land or other property involved in such proceeding, and the court shall retain jurisdiction of the proceedings as to the balance.

All sales shall be held at the front door of the city or town hall (or building in which the city treasurer's office is located) and shall be made on Saturday between the hours of nine o'clock in the

Default
judgment.

Sale
ordered.

Judgment
specify
separately
assessments,
interest, etc.,
against
properties.

May sell
parts of
tracts.

Public sale.

morning and four o'clock in the afternoon and shall continue from day to day (Sundays and holidays excepted) during the same hours until all lots, tracts or parcels of land or other property are sold. Notice containing a description of the property to be sold shall be given of the time and place where such sale is to take place by publication once each week for two successive weeks in the official newspaper of such city or town, or if such city or town has no official newspaper, in a weekly newspaper published in the county in which such city or town is situate. The date fixed for such sale shall be not less than ninety days after the first publication of said notice. Said notice shall be substantially in the following form:

Notice of sale.

LOCAL IMPROVEMENT ASSESSMENT SALE.

Public notice is hereby given that pursuant to local improvement assessment judgment of the superior court of the county of..... in the State of Washington, entered the.....day of,, in proceedings for foreclosure of local improvement assessment liens upon real property, as per provisions of law, that I shall on the.....day of,, at.....o'clock.....at the front door of the city or town hall (or building in which the city or town treasurer's office is located) in the city or town ofin the county of....., State of Washington, sell the following described lots, tracts or parcels of land or other property to satisfy the full amount of local improvement assessments, interest, penalty and costs adjudged to be due thereon as follows, to-wit:

Form of notice.

(Description of property) (Amount due)

IN WITNESS WHEREOF, I have hereunto set my hand this.....day of.....

Treasurer of.....county
of....., State of Washington.

At such sale each lot, tract or parcel of land or other property shall be sold to the person offering to pay therefor not less than the full amount of the assessments, interest, penalty and costs adjudged to be due thereon, and if no such offer is received shall be sold to the city for such amount. If any bidder to whom any property is stricken off at such sale does not pay the amount of his bid before ten o'clock a. m. on the day following the day of such sale, such property shall then be resold, or if the sale is closed, be deemed to have been sold to such city or town. Any amount received upon such sale in excess of the amount of such assessment, penalty, interest and costs, shall be paid by the treasurer of such city or town to the clerk of the court for the benefit of the owner or owners of such property.

Sale only to one offering full amount due, otherwise sold to city.

Bidder fails to pay.

Resale.

Proceeds exceeding costs payable to owner.

Purchaser takes subject to lien of taxes and assessments.

The purchaser of such property shall take the same subject to the lien of all unpaid general taxes and local improvement assessments other than the particular installment or installments thereof for which said lot, tract or parcel of land or other property was sold.

Deed by treasurer.

The treasurer of such city or town shall execute to the purchaser of any such lot, tract or parcel of land or other property a local improvement assessment deed. All property conveyed to any such city or town may be included in one deed. Such deed shall be *prima facie* evidence that the property therein described was assessed according to and as required by law, that the assessment was not paid, that the property was sold as required by law, that it was not redeemed, that the person executing the deed was the proper officer, and shall be conclusive evidence of the regularity of all other proceedings from the assessment, up to and including the execu-

tion of the deed, and shall be recorded in the same manner as other conveyances of real property and shall vest in the grantee, his heirs and assigns, the fee simple title to the property therein described without further acknowledgment or evidence of such conveyance, and shall be substantially in the following form:

LOCAL IMPROVEMENT ASSESSMENT DEED.

State of Washington, }
County of..... } ss.

Form of deed.

THIS INDENTURE, Made this.....day of.....
....., between.....as
treasurer of the city (or town) of.....,
.....county, State of Washing-
ton, party of the first part, and.....,
party of the second part.

WITNESSETH, That, whereas, at a public sale of
real property held on the.....day of.....,
....., pursuant to a real property local improve-
ment assessment judgment entered in superior court
in the county of....., on the.....
day of....., in proceedings to
foreclose local improvement assessment liens upon
real property, the party of the second part duly pur-
chased in compliance with the laws of the State of
Washington the real property hereinafter described,
and that said party of the second part has complied
with the laws of the State of Washington to entitle
him to a deed to said real property.

NOW, THEREFORE, KNOW YE, That the party of the
first part, in consideration of the premises and by
virtue of the statutes of the State of Washington in
such cases provided, does hereby grant and convey
unto the party of the second part, his heirs and
assigns forever, the following described real prop-
erty in the county of....., State of
Washington, to-wit:

(Here insert description of real property conveyed).

This deed is subject to the lien of all unpaid general taxes and local improvement assessments, other than the particular installment or installments thereof for which the judgment aforesaid was entered.

Given under my hand this.....day of.....,

.....
Treasurer of.....
county, State of Washington.

All proceedings supplemental to judgment, including appeal and period of redemption shall be had and conducted as near as may be in accordance with the law now or hereafter in force relating to property sold under or upon foreclosure of general tax liens.

Proceedings supplemental to judgment.

SEC. 6. Actions to set aside or cancel any deed heretofore or hereafter issued after and upon the sale of property for local improvement assessments or for the recovery of property sold for delinquent local improvement assessments must be brought within three years from and after date of the issuance of such deed; *Provided*, That this section shall not apply to actions not otherwise barred on deeds heretofore issued or property heretofore sold if the same be commenced within one year after the passage of this act.

Limitation of action to set aside or cancel deed.

SEC. 7. That sections 9377, 9378, 9379, 9381, 9385, 9389, 9391 and 9392 of Remington's Compiled Statutes of Washington are hereby repealed.

§§ 1013-1015, 1017, 1021, 1024, 1026, 1027, Pierce's Code.

SEC. 8. All local improvement initiated or proceedings commenced by any city or town before the taking effect of this act, relating to the making of any local improvement, or the collection and foreclosure of local improvement assessments, and the

Present rights not affected.

sale of property therefor, shall proceed without being in any manner affected by the passage of this act; *Provided*, That any city or town may at its option foreclose in the manner provided in this act the lien of any local improvement assessment created prior to the effective date of this act, and cause deed to issue, but as to any such property purchased by such city or town at such foreclosure the same shall be held and sold by such city or town under and pursuant to the provisions of law in force and effect prior to the taking effect of this act.

Option as to
foreclosure
under this
act.

SEC. 9. If any section or part of this act shall be held or adjudged to be void or unconstitutional, such holding or adjudication shall not affect any other section or part not held or adjudged to be void or unconstitutional.

Partial
invalidity.

Passed the House February 21, 1927.

Passed the Senate March 3, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 276.

[H. B. 136.]

ADMISSION TO SOLDIERS' HOME AND COLONY.

AN ACT relating to the State Soldiers' Home, the Washington Veterans' Home and the Colony of the State Soldiers' Home, and amending sections 3 and 4 of Chapter 106 of the Laws of 1915.

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

SECTION 1. That section 3 of chapter 106 of the Laws of 1915, page 306, (section 10731 of Remington's Compiled Statutes; section 6236 of Pierce's 1919 Code) be amended to read as follows:

Statute
amended.

Section 3. The members of the colony established in the preceding section shall, to all intents and purposes, be members of the state soldiers'