

CHAPTER 98.

[H. B. 09.]

PURCHASE, SALE AND TRANSFER OF STOCKS OF
GOODS.

AN ACT relating to and regulating the purchase, sale and transfer of stocks of goods, wares and merchandise, and fixtures and equipment in bulk, and amending section 1, chapter 122, Laws of 1939 (section 5832 of Remington's Revised Statutes, Supplement).

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

Amendments. SECTION 1. That section 1, chapter 122, Laws of 1939 (section 5832 Remington's Revised Statutes, Supplement), is amended to read as follows:

Must receive
list of
creditors.

Section 1. It shall be the duty of every person who shall bargain for or purchase all or substantially all of any stock of goods, wares or merchandise, or any restaurant, cafe, beer parlor, tavern, hotel, club or gasoline service station, and/or all or substantially all of the fixtures and equipment used in and about the business carried on by the vendor, in bulk, for cash or on credit, before paying the vendor, or his agent or representative, or delivering to the vendor, or his agent, any of the purchase price thereof, or any promissory note or other evidence of indebtedness therefor, to demand of and receive from such vendor, or his agent, or, if the vendor or agent be a corporation, then from the president, vice-president, secretary, treasurer, or managing agent of such corporation, a statement in writing, sworn to substantially as hereinafter provided, giving the names and addresses of all of the creditors of the vendor, to whom the vendor may be indebted, for or on account of any services, commodities, goods, wares or merchandise, and/or fixtures and equipment, used in or about or furnished to the business of the vendor, or for or on account

of money borrowed to carry on the business of the vendor, or for or on account of labor employed in the course of the business of the vendor, of which the goods, wares and merchandise, and/or fixtures and equipment, bargained for or purchased, are a part, together with the amount of indebtedness due and owing and to become due and owing, by the vendor, to each of said creditors; and it shall be the duty of said vendor, or agent, to furnish such statement together with a statement of the consideration to be paid which shall be verified under oath, to the following effect:

State of Washington }
 County of } ss.

Form of statement.

....., being first duly sworn, on oath says: I am the vendor or the agent of, the vendor, or the officer (naming him, of the corporation vendor, as the case may be) of that certain stock of goods, wares and merchandise (or restaurant, cafe, beer parlor, tavern, hotel, club or gasoline service station, as the case may be), and/or fixtures and equipment, situated at No., street, in the city (or town) of, County of, State of Washington, this day bargained to be sold to, the vendee, for and in consideration of \$.....; that the foregoing statement contains the names of all the creditors of said....., the vendor, to whom the vendor is indebted, for or on account of any services, commodities, goods, wares or merchandise, and/or fixtures and equipment, used in and about or furnished to the business of the vendor, or for or on account of money borrowed to carry on the business of the vendor, or for or on account of labor employed in the course of the business of the vendor, of which the goods, wares and merchandise, and/or fixtures

and equipment, bargained for or purchased, are a part, together with their addresses, and that the amounts set opposite the names of said creditors are the correct amounts now due and owing and which shall become due and owing by said, the vendor, to such creditors respectively; that there are no creditors holding claims for or on account of any such services, commodities, goods, wares or merchandise, and/or fixtures and equipment, or for or on account of money so borrowed, to carry on the business of the vendor, or for or on account of labor employed in the course of the business of the vendor, due or to become due from said vendor, other than as set forth in said statements; and that the matters set forth in said statements and in this affidavit are within my personal knowledge.

Subscribed and sworn to before me this day of, 19.....

(Title of officer taking oath)

File with
county
auditor.

The verified statements above provided for shall be made in duplicate and the vendee shall file one of such statements in the office of the County Auditor of the county in which the stock and/or fixtures proposed to be purchased are situated, at least five days before the consummation of such purchase, and the same shall be indexed as chattel mortgages are indexed, the name of the vendor being indexed as mortgagor and the name of the intending purchaser as mortgagee.

Passed the House February 4, 1943.

Passed the Senate March 6, 1943.

Approved by the Governor March 16, 1943.