

## CHAPTER 194.

[S. B. 146.]

## TITLE TO LANDS DEEDED TO IRRIGATION DISTRICTS.

AN ACT relating to the determination of title to lands deeded to irrigation districts for delinquent irrigation assessments and to redemption in such cases and providing that this act shall take effect immediately.

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

SECTION 1. In any and all instances in this state in which a treasurer's irrigation assessment deed to real property has been or shall be issued to an irrigation district pursuant to statute and the district still retains the title or an interest in the real property thus acquired, and for any reason a defect in title exists or adverse claims against the same have not been legally determined, the irrigation district shall have authority to institute an action in the superior court in the county where the land is located to quiet title against any and all such defects; and to determine such adverse claims and the priority thereof as in this act provided.

Defect in title.

Quiet title action.

Several tracts may be included in one action.

Possession.

SEC. 2. The irrigation district shall have authority to include in one action any and all tracts of land located in one county and owned by said district. Such action shall be one in rem as against every right and interest in and claim against any and every part of the real property involved, except so much thereof as may be at the time the summons and notice is filed with the clerk of the superior court, in the actual, open and notorious possession of any person or corporation, and then except only as to the interest claimed by such person so in possession: *Provided*, That the possession required under the provisions of this act shall be construed to be that by personal occupancy only, and not

merely by representation or in contemplation of the law. No person, firm or corporation claiming an interest in or to such lands need be specifically named in the summons and notice, except as in this act provided, and no pleadings other than the summons and notice and the written statements of those claiming a right, title and interest in and to the property involved shall be required.

SEC. 3. Upon filing a copy of summons and notice in the office of the county clerk, service thereof as against every interest in and claim against any and every part of the property described in such summons and notice, and every person or corporation, except one who is in actual, open and notorious possession of any of said properties as herein defined, shall be had by publication in a newspaper published in the district, or if no newspaper is published in the district, then a newspaper published in the county where the land is located for six consecutive weeks. Service.

The summons and notice in such action shall contain the title of the court; specify in general terms the year for which the irrigation assessment was levied and the amount of the assessment and the costs for which each tract of land was sold; give the legal description of each tract of land involved, and the name of the owner or reputed owner appearing on the roll on which assessments for which the property was sold were levied; and state that the purpose of the action is to foreclose all adverse claims of every nature in and to the property described, and to have all claims of title and all existing liens and claims of every nature against said described real property, except that of the county for taxes levied prior to the date the district acquired title, forever barred. Summons and notice : contents.

Said summons and notice shall also summon all persons, firms and corporations claiming any right,

Date of  
appearance.

In open and  
notorious  
possession.

Subscribed.

title and interest in and to said described real property to appear within sixty days after the date of the first publication, specifying the day and year thereof, and state in writing what right, title and interest they have or claim to have in and to the property described, and file the same with the clerk of the court above named; and shall notify them that in case of their failure so to do, judgment will be rendered determining that the title to said real property is in the irrigation district free and clear from all existing adverse interests, rights or claims whatsoever, save and except county and state taxes as herein mentioned: *Provided*, That in case any of the land involved is in the actual, open and notorious possession of any one at the time the summons and notice is filed, as herein provided, a copy of the same modified as herein specified shall be served personally upon such person in the same manner as summons is served in civil actions generally. Such summons shall be substantially in the form above outlined, except that in lieu of the statement relative to the time for appearance it shall require the person served to appear within twenty days after the day of service, exclusive of the day of service, which need not be specified therein, and except further that the recitals regarding the amount of irrigation assessments and costs and the year the same were levied, the legal description of the land and the owner or reputed owner thereof as herein defined may be omitted, except with respect to the land occupied by the person or persons served.

Every summons and notice provided for in this act shall be subscribed by the attorney for the district, followed by his post office address.

SEC. 4. Any person, firm or corporation who or which may have been entitled to redeem the property involved prior to the issuance of the treasurer's deed to the irrigation district, and his or its

successors in interest, shall have the right, at any time after the commencement of, and prior to the judgment in the action authorized herein, and not thereafter, to redeem such property by paying the county treasurer the amount of the irrigation assessment for which the property was sold to the district, and the amount of any other irrigation assessments which may have been levied prior to the date of such redemption, together with interest on all such irrigation assessments from the date of delinquency thereof, respectively, at the rate of ten per cent per annum and by paying such proportional part of the cost of foreclosure proceedings and of the action herein authorized as the county treasurer shall determine.

Right of redemption.

Upon redemption of any property before judgment as herein provided, the county treasurer shall issue to the redemptioner a certificate specifying the amount of the irrigation assessments, and costs charged, describing the land and stating that said irrigation assessments have been fully paid and the lien thereof discharged. Such certificate shall clear the land described therein from the claim of the irrigation district based on any treasurer's deed previously issued and all assessments, interest and costs included in such redemption.

Certificate of redemption.

SEC. 5. At any time after the return day named in the summons and notice the irrigation district shall be entitled to apply for judgment. In case any person has appeared in such action and claimed any interest in the real property involved, adverse to that of the irrigation district, notice of the time when application for judgment will be made shall be given in the manner required by general statute in civil actions. The court shall hear and determine the matter in a summary manner and shall enter judgment according to the rights of the parties and persons concerned in the action. No order of sale

Judgment of court.

shall be made nor shall any sale on execution be necessary to determine the title of the irrigation district to the real property involved in such action.

Presump-  
tion.

SEC. 6. In any action brought under this act the amount of the irrigation assessment for which said property was sold and set forth in the summons and notice shall be prima facie correct and all the presumptions in favor of an irrigation assessment sale and issuance of treasurer's deed existing by law shall obtain.

Appear-  
ance fee.

SEC. 7. Any person filing a statement in such action shall pay to the clerk of the court an appearance fee in the amount required by the county for appearances in civil action, and shall be required to deposit in the registry of the court, subject to the judgment of the court, the amount of all irrigation assessments, interests and costs and charges aforesaid against the real property to which he lays claim, and no further costs in such action shall be required or recovered.

Costs.

Appeal to  
supreme  
court.

SEC. 8. Any person aggrieved by the judgment rendered in such action shall have the right to appeal from the part of said judgment objectionable to him to the supreme court of the state in the manner and within the time prescribed for appeals in civil actions generally.

Judgment  
conclusive.

SEC. 9. The final judgment in such action shall be conclusive upon and against every person who may or could claim any lien or any right, title or interest in or to any of the properties involved in said action, including minors, insane persons, those convicted of crime, as well as those free from disability, and against those in actual, open and notorious possession of any of said properties.

Such judgment shall be conclusive as to those who may appeal therefrom, except as to the particular property to which such appellant laid claim in

the action and concerning which he appealed, and shall be conclusive as to those in possession and who were not served, except as to any property of which such person is in the actual, open and notorious possession, and in any case where it is asserted that the judgment was not conclusive because of such possession, the burden of showing such actual, open and notorious possession shall be on the one asserting such possession.

SEC. 10. This act is necessary for the immediate support of the state government and its existing public institutions, and shall take effect immediately.

Effective  
immediately.

Passed the Senate February 6, 1933.

Passed the House March 1, 1933.

Approved by the Governor March 21, 1933.