

mon school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

The interest accruing on the permanent common school fund together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

Sec. 4. This act is necessary for the immediate Emergency preservation of the public peace, health and safety, and for the support of state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 23, 1967.

Passed the House March 3, 1967.

Approved by the Governor March 15, 1967.

CHAPTER 30.

[Senate Bill No. 259.]

DEEDS OF TRUST.

AN ACT relating to real property and the use of deeds of trust and the foreclosure thereof; amending section 4, chapter 74, Laws of 1965 and RCW 61.24.040; amending section 6, chapter 74, Laws of 1965 and RCW 61.24.060; amending section 8, chapter 74, Laws of 1965 and RCW 61.24.080; and amending section 9, chapter 74, Laws of 1965 and RCW 61.24.090.

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

Section 1. Section 4, chapter 74, Laws of 1965 and RCW 61.24.040 are each amended to read as follows: RCW 61.24.040 amended.

A deed of trust may be foreclosed in the following manner:

Deeds of trust
—Foreclosure
and sale.
Notice.

(1) At least one hundred and twenty days before sale, notice thereof shall be recorded by the trustee in the office of the auditor in each county in which the deed of trust is recorded. At least one hundred twenty days prior to sale copies of the notice shall be transmitted by first class and by certified mail, return receipt requested, to each person who has an interest in or lien or claim of lien against the property or some part thereof, provided such interest, lien or claim is of record at the time the notice is recorded, and provided the address of such person is stated in the recorded instrument evidencing his interest, lien or claim or is otherwise known to the trustee. If a court action to foreclose a lien or other encumbrance on all or any part of the property is pending and a lis pendens in connection therewith is on file on the date the notice is recorded in the office of the auditor pursuant to subdivision (1) of this section, a copy of the notice shall also be transmitted by first class and by certified mail, return receipt requested, to the plaintiff or his attorney of record. The copy of the notice shall be transmitted to the address to which such person shall have in writing requested the trustee to transmit the notice and if there has been no such request, to the address appearing in the recorded instrument evidencing his interest, lien or claim, and if there be neither such request nor record address, to the address otherwise known to the trustee. In addition, at least one hundred twenty days prior to sale, a copy of the notice shall be posted in a conspicuous place on said premises; or in lieu of posting, a copy of the notice may be served upon any occupant of said real property in the manner in which a summons is served, said service to be at least one hundred twenty days prior to sale.

(2) The notice aforesaid shall indicate the names of the grantor, trustee and beneficiary of the deed of

trust, the description of the property which is then subject to the deed of trust, the book and page of the book of record wherein the deed of trust is recorded, the default for which the foreclosure is made and the date by which the default must be cured in order to cause a discontinuance of the sale, the amount or amounts in arrears if a default is for failure to make payment, the sum owing on the obligation secured by the deed of trust, and the time and place of sale.

(3) A copy of the notice aforesaid shall be published in a legal newspaper in each county in which the property or any part thereof is situated, once weekly during the four weeks preceding the time of sale.

(4) The trustee shall sell the property in gross or in parcels as it shall determine, at the place and during the hours directed by statute for the conduct of sales of real estate at execution, at auction to the highest bidder.

(5) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value.

(6) The sale as authorized under this chapter shall not take place less than six months from the date of default in the obligation secured.

Sec. 2. Section 6, chapter 74, Laws of 1965 and RCW 61.24.060 are each amended to read as follows:

The purchaser at the trustee's sale shall be entitled to possession of the property on the twentieth day following the sale, as against the grantor under

RCW 61.24.060
amended.

Deeds of
trust.

the deed of trust or anyone claiming through him, and shall have a right to the summary proceedings to obtain possession of real property provided in chapter 59.12 RCW.

RCW 61.24.090 amended.

Sec. 3. Section 8, chapter 74, Laws of 1965 and RCW 61.24.080 are each amended to read as follows:

Deeds of trust—Foreclosure and sale—Disposition of proceeds of sale.

The trustee shall apply the proceeds of the sale as follows:

(1) To the expense of sale, including a reasonable charge by the trustee and by his attorney: *Provided*, That the aggregate of the charges by the trustee and his attorney, for their services in the sale, shall not exceed the amount which would, by the superior court of the county in which the trustee's sale occurred, have been deemed a reasonable attorney fee, had the trust deed been foreclosed as a mortgage in a noncontested action in the said court;

(2) To the obligation secured by the deed of trust; and

(3) The surplus, if any, less the clerk's filing fee may be deposited together with a copy of the recorded notice of sale with the clerk of the superior court of the county in which the sale took place. The clerk shall index such funds under the name of the grantor as set out in the recorded notice. Upon depositing such surplus, the trustee shall be discharged from all further responsibilities therefor. Interests in, or liens or claims of liens against the property eliminated by sale under this section shall attach to such surplus in the order of priority that it had attached to the property. The clerk shall not disburse such surplus except upon order of the superior court of such county.

RCW 61.24.090 amended.

Sec. 4. Section 9, chapter 74, Laws of 1965 and RCW 61.24.090 are each amended to read as follows:

At any time prior to the time set by the trustee for the sale in the recorded notice of sale, the gran-

tor or his successor in interest, any beneficiary under a subordinate deed of trust or any person having a subordinate lien or encumbrance of record on the trust property or any part thereof, shall be entitled to cause a discontinuance of the proceedings by curing the default or defaults set forth in the notice, which in the case of a default by failure to pay, shall be by paying to the trustee a sum sufficient to cure all defaults other than such portion of principal as would not then be due had no default occurred, plus the costs of the trustee incurred and the trustee's fee accrued, which accrued fee shall not exceed fifty dollars. Upon receipt of such payment the proceedings shall be discontinued, the deed of trust shall be reinstated and the obligation shall remain as though no acceleration had taken place. Any person having a subordinate lien of record on the trust property and who has cured the default or defaults pursuant to this section shall thereafter have included in his lien all payments made to cure any defaults, including interest thereon at six percent per annum, payments made for trustees' costs and fees incurred as authorized herein, and his reasonable attorney's fees and costs incurred resulting from any judicial action commenced to enforce his rights to advances under this section.

Deeds of trust
—Foreclosure
and sale—Curing
defaults
before sale—
Discontinuance
of proceedings.

If the default is cured and the obligation and the deed of trust reinstated in the manner hereinabove provided, the trustee shall properly execute, acknowledge and cause to be recorded a notice of discontinuance of trustee's sale under such deed of trust. A notice of discontinuance of trustee's sale when so executed and acknowledged is entitled to be recorded and shall be sufficient if it sets forth a record of the deed of trust and the book and page upon which the deed of trust is recorded and a reference to the notice of sale and the book and

page on which the name is recorded, and a notice that such sale is discontinued.

Passed the Senate February 25, 1967.

Passed the House March 3, 1967.

Approved by the Governor March 15, 1967.

CHAPTER 31.

[Senate Bill No. 53.]

HUMANE SLAUGHTER OF ANIMALS.

AN ACT relating to the humane slaughter of animals; regulating slaughtering practices; repealing chapter 101, Laws of 1959 and RCW 16.50.010 through 16.50.070; and providing penalties.

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

Section 1. The legislature of the state of Washington finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economy in slaughtering operations; and produces other benefits for producers, processors and consumers which tend to expedite the orderly flow of livestock and their products. It is therefore declared to be the policy of the state of Washington to require that the slaughter of all livestock, and the handling of livestock in connection with slaughter, shall be carried out only by humane methods and to provide that methods of slaughter shall conform generally to those authorized by the Federal Humane Slaughter Act of 1958, and regulations thereunder.

Sec. 2. For the purpose of this act:

(1) "Department" means the department of agriculture of the state of Washington.

Animals.
Humane
slaughter of
animals.

Definitions.