

CHAPTER LI.

[S. B. No. 9.]

RELATING TO THE FORECLOSURE OF LIENS FOR LOCAL IMPROVEMENTS.

AN ACT providing for the sale of real property to foreclose liens created for local improvements in cities of the first class, declaring that such liens shall be a first lien, prohibiting vexatious litigation, providing for the confirmation of assessment rolls, the redemption from sale, and declaring an emergency.

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

SECTION 1. All cities of the first class shall have power, by general ordinance, to prescribe the mode in which the charge on respective lots or tracts of land shall be assessed and determined for the purpose of special assessments, to pay the costs and expenses of any and all street improvements; such charge, when assessed, and the assessment roll confirmed by the legislative body of such city, in the manner provided or to be hereafter provided by ordinance or city charter, shall be a lien upon such lots and parcels of land, as shown on such assessment roll, from the time said assessment roll shall be placed in the hands of the county treasurer, as hereinafter provided.

SEC. 2. Whenever any assessment roll for street improvements shall have been prepared, as may be provided by charter or ordinance of any city of the first class, and such assessment roll shall have been confirmed by the legislative body of such city, after due and proper notice to property owners, as may be provided by ordinance, so that said owners of property assessed may have a reasonable opportunity to object to any assessment, the regularity of said assessment cannot in any manner be contested or questioned by any proceeding whatsoever by any person not filing written objections to any such assessment roll prior to the same being confirmed as aforesaid; and, upon any objections being made, as aforesaid, the legislative body at a time set for hearing objections to the confirmation of said roll, shall correct, change or modify such roll, or any part thereof, as to such legislative body shall appear just and equitable, and confirm the same by resolu-

Mode of assessment determined by ordinance.

Assessment a lien.

Property owners may object.

Form of
objection.

tion as corrected. Any objections shall state clearly the grounds of objection, and no objector shall be thereafter allowed to raise objections not made before such legislative body as aforesaid. The decision of the legislative body upon any objections filed as aforesaid may be reviewed by the superior court upon an appeal thereto, taken in the fol-

Objector may
appeal.

lowing manner: The appellant or objector shall within twenty days after the assessment roll shall have been confirmed, as aforesaid, file with the county clerk a transcript of the assessment roll, which shall be furnished by the city clerk, order confirming the same, objections filed, and record of the legislative body of the proceedings had with reference to said objections; which transcript shall be certified to by the city clerk as being a true copy of the original, and when the said transcript is filed the appellant shall

Transcript.

give written notice to the head of the legal department of such city and the city clerk within three days after such transcript is filed, that the same has been filed, and that he appeals to the superior court from the decision of the legislative body in the matter; and the superior court shall hear

Trial.

such appeal without a jury, and such appeal shall take precedence of all civil matters, and be determined at the earliest time possible. The decision of the court shall be transmitted to the county treasurer, and he shall correct or change any such assessment roll according to the decision of such judge, and no sale of any real estate shall be had pending the decision of any court on an appeal hereinbefore provided for.

Judgment.

Appeal bond.

SEC. 3. At the time of filing the transcript on appeal, as hereinbefore mentioned, the appellant shall execute and file with the clerk of the superior court a good and sufficient bond with at least two sureties, to the satisfaction of the county clerk, conditioned to prosecute such appeal without delay, and, if unsuccessful, to pay all costs which the city is put to by reason of such appeal.

Action of leg-
islative body
conclusive.

SEC. 4. The action of the legislative body hereinbefore mentioned in confirming said assessment roll shall be conclusive in all things upon all parties not appealing therefrom, in the manner and within the time hereinbefore mentioned; and no proceedings of any kind shall be com-

menced or prosecuted for the purpose of defeating or contesting any such assessment or the sale of any property to pay such assessment: *Provided*, This section shall not be construed as prohibiting the bringing of injunctive proceedings to prevent the sale of any real estate upon the grounds, *first*, that the property about to be sold does not appear upon the assessment roll; *second*, that said assessment has been paid. Exceptions.

SEC. 5. Within ten days after any assessment roll shall be confirmed, the city clerk shall transmit a copy of the same to the county treasurer, noting thereon any appeals that have been taken, and such county treasurer shall immediately enter such assessments up in a book provided for that purpose, and against the property assessed. In case such assessments are payable in installments, the different installments shall be placed in separate columns, the year being indicated at the top of the column for which said installments are due. Clerk's duty.

SEC. 6. A copy of the ordinance, order or resolution confirming the assessment roll, and the ordinance providing for the improvement for which the assessment is levied, shall be attached to the assessment roll and transmitted to the treasurer with the roll.

SEC. 7. Thirty days preceding the falling due of any assessment or installment, the county treasurer shall publish a notice in the newspaper doing the county printing, showing the amount due, when the same must be paid, and against what lots or parcels of land, and stating that if the same is not paid on the day mentioned in said notice (which time shall conform to the ordinance confirming the roll), the property will be sold to pay said assessment or installment due. Publication notice.

SEC. 8. Ten days after the assessment or any installment is due, if the same be unpaid, the treasurer shall publish notice in the newspaper doing the county printing, in four weekly issues thereof, that on a day named in said notice, which shall not be less than thirty nor more than forty days after the first publication thereof, he will sell the property mentioned in the assessment roll (describing the roll by its title) to pay the assessment.

Sale.

SEC. 9. On the day mentioned for the sale of any such real estate, between the hours of ten o'clock A. M. and four o'clock P. M., the treasurer shall sell the property in the same manner as property is or may be sold for general taxes, but, in no case shall the same be purchased by the city or county otherwise than as trustee for the holders of street grade warrants: *Provided*, That in case there are no bidders for said property, he shall adjourn the sale from day to day until the same is sold. Such adjournment shall be made by oral declaration of the treasurer. The treasurer shall execute a certificate of sale to the purchaser.

Redemption.

SEC. 10. Redemption of any property sold as aforesaid may be had in the same manner, by the same persons, and within the same time as may be provided by law for the redemption of real estate sold upon executions: *Provided*, That the treasurer shall perform the acts now or hereafter provided by law for the sheriff to perform.

Deed.

SEC. 11. When the time for redemption shall have expired, the treasurer shall execute a deed to the person entitled under the law, which deed shall be conclusive of all things pertaining to any and all of the prior proceedings, and convey the entire title to the property therein described, stripped of all prior liens or claims, excepting unpaid installments and general taxes.

Money disbursed.

SEC. 12. The moneys obtained from the sale of the property shall be by the county treasurer transmitted to the city treasurer, who shall use the same to redeem any outstanding warrants or bonds issued to pay for the improvements, and for which the property was sold.

SEC. 13. The lien created by the assessment shall be paramount and superior to any other lien theretofore or thereafter created, whether by mortgage or otherwise.

All existing liens may be foreclosed.

SEC. 14. All and every existing lien which any city of the first class may have, or which may exist in its favor prior to the taking effect of this act, may be foreclosed, and the property sold by the treasurer of such city in the same manner as is herein provided for the county treasurer to foreclose and sell; and the city treasurer shall perform all acts herein provided to be performed by the county treasurer, up to and including the execution of the final deed for

any property sold: *Provided*, That where the treasurer shall sell any property to pay any existing delinquent assessment, he shall publish notice of his intention so to do within one year after the going into effect of this act, and in the same manner, and the several acts herein provided for the county treasurer to perform, and the same intervals of time between the acts, shall apply to sales made or to be made by the city treasurer, in so far as they are applicable.

SEC. 15. Should any property owner or lien holder desire to redeem any property delinquent, which is about to be sold, before the same is sold, he or she may do so by paying in addition to the amount assessed against it and interest, a penalty of ten per cent. of the assessment; whereupon the treasurer shall receipt the assessment roll and the lien be discharged. Redemption.

SEC. 16. Where property is assessed in installments the sale of the property to pay any particular installment shall not prevent a subsequent sale to pay any unpaid installment when the same shall become due; but such subsequent installment shall be collected in the manner herein provided for. Sale of property will not bar subsequent sale.

SEC. 17. This act shall not prevent, or be construed to prohibit the collection or assessment of street improvement assessments in any manner now provided by law, charter or ordinance of any city, but any city of the first class may pursue the means now provided by charter, or may, at its option, follow the provisions of this act; and this act shall not be construed as repealing any existing charter provision, but shall be considered a concurrent remedy.

SEC. 18. An emergency exists, and this act shall take effect immediately.

Passed the Senate January 29, 1897.

Passed the House March 3, 1897.

Approved by the Governor March 10, 1897.