

CHAPTER 32.

[S. B. 9.]

PUBLIC HIGHWAYS.

AN ACT relating to public highways and repealing Chapter LVIII of the Laws of 1887/8.

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

SECTION 1. That chapter LVIII (58) of the Laws of 1887/8, page 106, is hereby repealed. Statute repealed.

Passed the Senate January 24, 1929.

Passed the House February 6, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 33.

[S. B. 11.]

CONVEYANCES AND ENCUMBRANCES OF REAL ESTATE.

AN ACT relating to conveyances and encumbrances of real estate, authorizing certain officers to take acknowledgments, prescribing forms, and repealing certain acts relating thereto.

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

SECTION 1. That every conveyance of real estate, or any interest therein, and every contract creating or evidencing any encumbrance upon real estate, shall be by deed: *Provided*, That when real estate, or any interest therein, is held in trust, the terms and conditions of which trust are of record, and the instrument creating such trust authorizes the issuance of certificates or written evidence of any interest in said real estate under said trust, and authorizes the transfer of such certificates or evidence of interest by assignment by the holder thereof by a simple writing or by endorsement on

Conveyance of real estate, interest therein or encumbrance, by deed.

Certificates based on trust deed.

the back of such certificate or evidence of interest or delivery thereof to the vendee, such transfer shall be valid, and all such assignments or transfers hereby authorized and heretofore made in accordance with the provisions of this section are hereby declared to be legal and valid.

SEC. 2. Every deed shall be in writing, signed by the party bound thereby, and acknowledged by the party before some person authorized by this act to take acknowledgments of deeds.

Deed must be in writing, signed and acknowledged.

SEC. 3. Acknowledgments of deeds, mortgages and other instruments in writing, required to be acknowledged may be taken in this state before a judge of the supreme court, or the clerk thereof, or the deputy of such clerk, before a judge of the superior court, or the clerk thereof, or the deputy of such clerk, or a county auditor, or the deputy of such auditor, or a qualified notary public, or a qualified United States commissioner appointed by any district court of the United States for this state.

Acknowledgments, before whom taken.

SEC. 4. Acknowledgments of deeds conveying or encumbering real estate situated in this state, or any interest therein, and other instruments in writing, required to be acknowledged, may be taken in any other state or territory of the United States, the District of Columbia, or in any possession of the United States, before any person authorized to take the acknowledgments of deeds by the laws of the state, territory, district or possession wherein the acknowledgment is taken, or before any commissioner appointed by the governor of this state, for that purpose, but unless such acknowledgment is taken before a commissioner so appointed by the governor, or before the clerk of a court of record of such state, territory, district or possession, or before a notary public or other officer having a seal of office, the instrument shall have attached thereto a certificate of the clerk of a court of record of the

Acknowledgments outside of state, before whom taken.

county, parish, or other political subdivision of such state, territory, district or possession wherein the acknowledgment was taken, under the seal of said court, certifying that the person who took the acknowledgment, and whose name is subscribed to the certificate thereof, was at the date thereof such officer as he represented himself to be, authorized by law to take acknowledgments of deeds, and that the clerk verily believes the signature of the person subscribed to the certificate of acknowledgment to be genuine.

SEC. 5. Acknowledgments of deeds conveying or encumbering real estate situated in this state, or any interest therein, and other instruments in writing, required to be acknowledged, may be taken in any foreign country before any minister plenipotentiary, secretary of legation, charge d'affaires, consul general, consul, vice consul, consular agent, or commercial agent appointed by the United States government, or before any notary public, or before the judge, clerk, or other proper officer of any court of said country, or before the mayor or other chief magistrate of any city, town or other municipal corporation therein.

Acknowledgments taken in foreign countries, before whom.

SEC. 6. The officer, or person, taking an acknowledgment as in this act provided, shall certify the same by a certificate written upon or annexed to the instrument acknowledged and signed by him and sealed with his official seal, if any he has, and reciting in substance that the person, or persons, known to him as the person, or persons, whose name, or names, are signed to the instrument as executing the same, acknowledged before him that he or they, executed the same freely and voluntarily, on the date stated in the certificate. Such certificate shall be *prima facie* evidence of the facts therein recited.

Certificate of acknowledgment, contents.

Certificate prima facie evidence.

SEC. 7. All instruments in writing purporting to convey or encumber real estate situated in this

Deeds heretofore acknowledged under act validated.

state, or any interest therein, or other instrument in writing required to be acknowledged, heretofore executed and acknowledged according to the provisions of this act are hereby declared legal and valid.

Deeds recorded in auditor's office impart notice.

SEC. 8. Every instrument in writing purporting to convey or encumber real estate situated in this state, or any interest therein, which has been recorded in the auditor's office of the county in which such real estate is situated, although such instrument may not have been executed and acknowledged in accordance with the law in force at the time of its execution, shall impart the same notice to third persons, from the date of recording, as if the instrument had been executed, acknowledged, and recorded, in accordance with the laws regulating the execution, acknowledgment and recording of such instrument then in force.

Validated although improperly acknowledged.

Warranty deeds.

SEC. 9. Warranty deeds for the conveyance of land may be substantially in the following form, without express covenants:

Form.

The grantor (here insert the name or names and place or residence) for and in consideration of (here insert consideration) in hand paid, conveys and warrants to (here insert the grantee's name or names) the following described real estate (here insert description), situated in the county of....., State of Washington. Dated this.....day of, 19.....

Covenants implied.

Every deed in substance in the above form, when otherwise duly executed, shall be deemed and held a conveyance in fee simple to the grantee, his heirs and assigns, with covenants on the part of the grantor: 1. That at the time of the making and delivery of such deed he was lawfully seized of an indefeasible estate in fee simple, in and to the premises therein described, and had good right and full power to convey the same; 2. That the same were

then free from all encumbrances; and 3. That he warrants to the grantee, his heirs and assigns, the quiet and peaceable possession of such premises, and will defend the title thereto against all persons who may lawfully claim the same, and such covenants shall be obligatory upon any grantor, his heirs and personal representatives, as fully and with like effect as if written at full length in such deed.

SEC. 10. Bargain and sale deeds for the conveyance of land may be substantially in the following form, without express covenants: The grantor (here insert name or names and place of residence), for and in consideration of (here insert consideration) in hand paid, bargains, sells and conveys to (here insert the grantee's name or names) the following described real estate (here insert description) situated in the county of....., State of Washington.

Deeds of bargain and sale, form of.

Dated this.....day of....., 19.....

Every deed in substance in the above form when otherwise duly executed, shall convey to the grantee, his heirs or assigns an estate of inheritance in fee simple, and shall be adjudged an express covenant to the grantee, his heirs or assigns, to-wit: That the grantor was seized of an indefeasible estate in fee simple, free from encumbrances, done or suffered from the grantor, except the rents and services that may be reserved, and also for quiet enjoyment against the grantor, his heirs and assigns, unless limited by express words contained in such deed; and the grantee, his heirs, executors, administrators and assigns may recover in any action for breaches as if such covenants were expressly inserted.

Covenants implied.

SEC. 11. Quit claim deeds may be in substance in the following form: The grantor (here insert the name or names and place of residence), for and in consideration of (here insert consideration) con-

Quit claim deed.

Form.

veys and quit claims to (here insert grantee's name or names) all interest in the following described real estate (here insert description), situated in the county of....., State of Washington.

Dated this.....day of....., 19.....

Effect.

Every deed in substance in the above form, when otherwise duly executed, shall be deemed and held a good and sufficient conveyance, release and quit claim to the grantee, his heirs and assigns in fee of all the then existing legal and equitable rights of the grantor in the premises therein described, but shall not extend to the after required title unless words are added expressing such intention.

Mortgages.

SEC. 12. Mortgages of land may be made in substantially the following form: The mortgagor (here insert name or names) mortgages to (here insert name or names) to secure the payment of (here insert the nature and amount of indebtedness, showing when due, rate of interest, and whether evidenced by note, bond or other instrument or not) the following described real estate (here insert description) situated in the county of....., State of Washington.

Form.

Dated this day of, 19.....

Effect.

Every such mortgage, when otherwise properly executed, shall be deemed and held a good and sufficient conveyance and mortgage to secure the payment of the money therein specified. The parties may insert in such mortgage any lawful agreement or condition.

Certificate of acknowledgment.

SEC. 13. A certificate of acknowledgment, substantially in the following form shall be sufficient:

State of }
County of } ss

Form of.

On this day personally appeared before me (here insert the name of grantor or grantors) to me known to be the individual, or individuals described in and who executed the within and foregoing instrument,

and acknowledged that he (she or they) signed the same as his (her or their) free and voluntary act and deed, for the uses and purposes therein mentioned. Given under my hand and official seal this day of, 19..... (Signature of officer and official seal)

If acknowledgment is taken before a notary public of this state the signature shall be followed by substantially the following: Notary Public in and for the State of Washington, residing at, (giving place of residence).

SEC. 14. Certificates of acknowledgment of an instrument acknowledged by a corporation shall be in substantially the following form:

Corporate acknowledgment.

State of }
 County of } ss

On this day of, 19....., before me personally appeared, to me known to be the (president, vice president, secretary, treasurer, or other authorized officer or agent, as the case may be) of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

Form.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written. (Signature and title of officer with place of residence of notary public.)

SEC. 15. That chapter CLXXI (171), sections 2311 to 2323, both inclusive, of the Code of Washington Territory; an act entitled "An Act concerning conveyances of real estate and providing a form for deeds, mortgages and certificates of acknowledgments, and declaring the effect thereof" approved

Statutes repealed.

January 21, 1886, Laws of 1885-6, pages 177 to 180; chapter I (1) of the Laws of 1887/8, pages 1 and 2; chapter XXV (25) of the Laws of 1887/8, pages 50 and 51; chapter XXVI (26) of the Laws of 1887/8, pages 51 and 52; chapter V (5) of the Laws of 1897, pages 5 and 6; chapter LIII (53) of the Laws of 1901, page 65; chapter 14 of the Laws of 1913, page 29; and chapter 172 of the Laws of 1915, pages 546 and 547, (sections 10550 to 10555, 10558 to 10567 and 10599 of Remington's Compiled Statutes; sections 1909 to 1911, 1914 to 1928 and 4511 of Pierce's Code) are hereby repealed: *Provided*, That such repeal shall not be construed as affecting the validity of any act done, or any rights acquired under said acts or either of them.

Repeal not
to affect
prior acts
done.

Passed the Senate January 28, 1929.

Passed the House February 7, 1929.

Approved by the Governor February 14, 1929.

CHAPTER 34.

[S. B. 13.]

ATTORNEY'S FEES.

AN ACT relating to attorney's fees and repealing certain acts relating thereto.

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

SECTION 1. That an act entitled "An Act to regulate the fees of attorneys in judgments on promissory notes and similar instruments in writing" approved January 29, 1886, Laws of 1885/6, pages 176-177; chapter VIII (8) of the Laws of 1887/8, page 9; and chapter XLIV (44) of the Laws of 1891, page 83, are hereby repealed.

Statutes
repealed.

Passed the Senate January 24, 1929.

Passed the House February 6, 1929.

Approved by the Governor February 14, 1929.