

CHAPTER 80.

[Senate Bill No. 109.]

FORECLOSURE OF REAL PROPERTY MORTGAGES.

AN ACT relating to foreclosure of real estate mortgages; amending sections 1, 2, and 3, chapter 34, Laws of 1963, and RCW 61.12.093, RCW 61.12.094, and RCW 61.12.095; amending section 8, chapter 53, Laws of 1899, as amended by section 1, chapter 196, Laws of 1961, and RCW 6.24.140; and amending section 16, chapter 53, Laws of 1899, and RCW 6.24.220.

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

RCW 61.12.093 amended.

SECTION 1. Section 1, chapter 34, Laws of 1963 and RCW 61.12.093 are each amended to read as follows:

Foreclosure of real property mortgages. Abandonment of ownership rights by mortgagor may result in loss of redemption rights.

In actions to foreclose mortgages on real property improved by structure or structures, if the court finds that the mortgagor or his successor in interest has abandoned said property for six months or more, the purchaser at the sheriff's sale shall take title in and to such property free from all redemption rights as provided for in RCW 6.24.130 et seq. upon confirmation of the sheriff's sale by the court. Lack of occupancy by, or by authority of, the mortgagor or his successor in interest for a continuous period of six months or more prior to the date of the decree of foreclosure, coupled with failure to make payment upon the mortgage obligation within the said six month period, will be prima facie evidence of abandonment.

RCW 61.12.094 amended.

SEC. 2. Section 2, chapter 34, Laws of 1963 and RCW 61.12.094 are each amended to read as follows:

—Deficiency judgment precluded—Intent to deprive mortgagor of redemption rights must be alleged.

When proceeding under RCW 61.12.093 through 61.12.095 no deficiency judgment shall be allowed. No mortgagee shall deprive any mortgagor, his successors in interest, or any redemptioner of redemption rights by default decree without alleging such

intention in the complaint: *Provided, however,* That such complaint need not be served upon any person who acquired the status of such successor in interest or redemptioner after the recording of lis pendens in such foreclosure action.

SEC. 3. Section 3, chapter 34, Laws of 1963 and RCW 61.12.095 are each amended to read as follows: amended.

RCW 61.12.093 and 61.12.094 shall not apply to property used primarily for agricultural purposes. —Not applicable to agricultural property.

SEC. 4. Section 8, chapter 53, Laws of 1899, as amended by section 1, chapter 196, Laws of 1961 and RCW 6.24.140 are each amended to read as follows: amended.

Unless redemption rights have been precluded pursuant to RCW 61.12.093 et seq., the judgment debtor or his successor in interest, or any redemptioner, may redeem the property at any time within one year after the sale, on paying the amount of the bid, with interest thereon at the rate of eight percent per annum to the time of redemption, together with the amount of any assessment or taxes which the purchaser or his successor in interest may have paid thereon after purchase, and like interest on such amount; and if the purchaser be also a creditor having a lien, by judgment, decree or mortgage, prior to that of the redemptioner, other than the judgment under which such purchase was made, the amount of such lien with interest: *Provided, however,* That whenever there is an execution sale of property pursuant to judgment and decree of foreclosure of any mortgage executed after June 30, 1961, which mortgage declares in its terms that the mortgaged property is not used principally for agricultural or farming purposes, and in which complaint the judgment creditor has expressly waived any right to a deficiency judgment, the period of redemption shall be eight months after the said sale.

Time for redemption, unless precluded —Amount to be paid.

RCW 6.24.220
amended.

Foreclosure of
real property
mortgages.
Sheriff's deed.

SEC. 5. Section 16, chapter 53, Laws of 1899 and RCW 6.24.220 are each amended to read as follows:

In all cases where real estate has been, or may hereafter be sold in pursuance of law by virtue of an execution or other process, issued upon an ordinary money judgment, or by virtue of execution, or other process issued upon a decree for the foreclosure of a mortgage or other lien it shall be the duty of the sheriff or other officer making such sale to execute and deliver to the purchaser, or other person entitled to the same a deed of conveyance of the real estate so sold immediately after the time for redemption from such sale has expired: *Provided*, Such sale has been duly confirmed by order of the court: *And, provided further*, That such deeds shall be issued upon request immediately after the confirmation of sale by the court in those instances where redemption rights have been precluded pursuant to RCW 61.12-.093 et seq. In case the term of office of the sheriff or other officer making such sale shall have expired before a sufficient deed has been executed, then the successor in office of such sheriff shall, within the time specified in this section, execute and deliver to the purchaser or other person entitled to the same a deed of the premises so sold and such deeds shall be as valid and effectual to convey to the grantee the lands or premises so sold, as if the deed had been made by the sheriff or other officer who made the sale.

Passed the Senate March 3, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.