

(2) A funding proposal to the 1983 legislature which shall include, but not be limited to, a proposal for the issuance of general obligation bonds of the state of Washington.

NEW SECTION. Sec. 5. The commission may employ a staff to implement this chapter, subject to legislative appropriation or grant. The governor may designate an agency of state government for additional staff support.

NEW SECTION. Sec. 6. The 1989 Washington centennial commission as established by this chapter shall cease to exist on December 31, 1990.

NEW SECTION. Sec. 7. There is hereby appropriated from the general fund to the commission for the period ending June 30, 1983, twenty-five thousand dollars, or so much as may be necessary, to carry out this act.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 27 RCW.

Passed the House March 10, 1982.

Passed the Senate February 24, 1982.

Approved by the Governor March 30, 1982.

Filed in Office of Secretary of State March 30, 1982.

CHAPTER 91

[Substitute House Bill No. 823]

LOCAL IMPROVEMENT ASSESSMENTS—FORECLOSURE PROCEDURE— NOTICE, SUMMONS FORM

AN ACT Relating to city or town local improvement assessments; amending section 35.50.030, chapter 7, Laws of 1965 as amended by section 6, chapter 323, Laws of 1981 and RCW 35.50.030; amending section 35.50.220, chapter 7, Laws of 1965 and RCW 35.50.220; amending section 35.50.230, chapter 7, Laws of 1965 and RCW 35.50.230; amending section 35.50.240, chapter 7, Laws of 1965 and RCW 35.50.240; amending section 35.50.250, chapter 7, Laws of 1965 and RCW 35.50.250; amending section 35.50.260, chapter 7, Laws of 1965 as amended by section 93, chapter 81, Laws of 1971 and RCW 35.50.260; amending section 35.50.270, chapter 7, Laws of 1965 and RCW 35.50.270; creating new sections; adding a new section to chapter 7, Laws of 1965 and to chapter 35.50 RCW; repealing section 35.50.060, chapter 7, Laws of 1965 and RCW 35.50.060; repealing section 35.50.070, chapter 7, Laws of 1965, section 18, chapter 52, Laws of 1967 and RCW 35.50.070; repealing section 35.50.080, chapter 7, Laws of 1965 and RCW 35.50.080; repealing section 35.50.090, chapter 7, Laws of 1965 and RCW 35.50.090; repealing section 35.50.100, chapter 7, Laws of 1965 and RCW 35.50.100; repealing section 35.50.110, chapter 7, Laws of 1965 and RCW 35.50.110; repealing section 35.50.120, chapter 7, Laws of 1965 and RCW 35.50.120; repealing section 35.50.130, chapter 7, Laws of 1965 and RCW 35.50.130; repealing section 35.50.140, chapter 7, Laws of 1965 and RCW 35.50.140; repealing section 35.50.150, chapter 7, Laws of 1965 and RCW 35.50.150; repealing section 35.50.160, chapter 7, Laws of 1965 and RCW 35.50.160; repealing section 35.50.170, chapter 7, Laws of 1965 and RCW 35.50.170; repealing section 35.50.180, chapter 7, Laws of 1965 and RCW 35.50.180; repealing section 35.50.190, chapter 7, Laws of 1965 and RCW 35.50.190; repealing section 35.50.200, chapter 7, Laws of 1965 and RCW 35.50.200; and repealing section 35.50.210, chapter 7, Laws of 1965 and RCW 35.50.210.

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

Section 1. Section 35.50.030, chapter 7, Laws of 1965 as amended by section 6, chapter 323, Laws of 1981 and RCW 35.50.030 are each amended to read as follows:

If on the first day of January in any year, two installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than one year, the city or town shall proceed with the foreclosure of the delinquent assessment or delinquent installments thereof by proceedings brought in its own name in the superior court of the county in which the city or town is situate.

The proceedings shall be commenced on or before March 1st of that year or on or before such other date in such year as may be fixed by general ordinance, but not before the city or town treasurer has notified by ~~((registered))~~ certified mail the persons whose names appear on the assessment roll as owners of the property charged with the assessments or installments which are delinquent, at the address last known to the treasurer, a notice thirty days before the commencement of the proceedings. If the person whose name appears on the tax rolls of the county treasurer as owner of the property, or the address shown for the owner, differs from that appearing on the city or town assessment roll, then the treasurer shall also mail a copy of the notice to that person or that address.

The notice shall state the amount due upon each separate lot, tract, or parcel of land and the date after which the proceedings will be commenced. The city or town treasurer shall file with the clerk of the superior court at the time of commencement of the foreclosure proceeding the affidavit of the person who mailed the notices. This affidavit shall be conclusive proof of compliance with the requirements of this section.

Sec. 2. Section 35.50.220, chapter 7, Laws of 1965 and RCW 35.50.220 are each amended to read as follows:

~~((In lieu of the foregoing procedure for foreclosing local improvement assessment liens a city or town may by ordinance authorize and direct the use of an alternative method of proceeding))~~ In foreclosing local improvement assessment liens, a city or town shall proceed by filing a complaint in the superior court of the county in which the city or town is located. It shall be sufficient to allege in the complaint (1) the passage of the ordinance authorizing the improvement, (2) the making of the improvement, (3) the levying of the assessment, (4) the confirmation thereof, (5) the date of delinquency of the installment or installments of the assessment for the enforcement of which the action is brought and (6) that they have not been paid prior to delinquency or at all.

Sec. 3. Section 35.50.230, chapter 7, Laws of 1965 as amended by section 19, chapter 52, Laws of 1967 and RCW 35.50.230 are each amended to read as follows:

In ~~((the alternative method of))~~ foreclosing local improvement assessment liens, all or any of the lots, tracts, or parcels of land or other property

included in the assessment for one local improvement district or one utility local improvement district may be proceeded against in the same action. All persons owning or claiming to own or having or claiming to have any interest in or lien upon the lots, tracts, or parcels involved in the action and all persons unknown who may have an interest or claim of interest therein shall be made defendants thereto.

Sec. 4. Section 35.50.240, chapter 7, Laws of 1965 and RCW 35.50.240 are each amended to read as follows:

In ~~((the alternative method of))~~ foreclosing local improvement assessment liens, the assessment roll and the ordinance confirming it, or duly authenticated copies thereof shall be prima facie evidence of the regularity and legality of the proceedings connected therewith and the burden of proof shall be on the defendants.

Sec. 5. Section 35.50.250, chapter 7, Laws of 1965 and RCW 35.50.250 are each amended to read as follows:

In ~~((the alternative method of))~~ foreclosing local improvement assessments, summons and the service thereof shall be governed by the statutes governing the foreclosure of mortgages on real property.

NEW SECTION. Sec. 6. There is added to chapter 7, Laws of 1965 and to chapter 35.50 RCW a new section to read as follows:

In foreclosing local improvement assessments, the summons shall be substantially in the following form:

SUPERIOR COURT OF WASHINGTON
FOR [.....] COUNTY

.....
PLAINTIFF,
v.
.....
DEFENDANT.

No.

SUMMONS FOR FORECLOSURE
OF LOCAL IMPROVEMENT
ASSESSMENT LIEN

To the Defendant: A lawsuit has been started against you in the above entitled court by, plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons. The purpose of this suit is to foreclose on your interest in the following described property:

[legal description]

which is located at:

[street address]

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered

against you without notice. A default judgment is one where plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be entered.

IMPORTANT NOTICE

If judgment is taken against you, either by default or after hearing by the court, your property will be sold at public auction.

You may prevent the sale by paying the amount of the judgment at any time prior to the sale.

If your property is sold, you may redeem the property at any time up to two years after the date of the sale, by paying the amount for which the property was sold, plus interest and costs of the sale.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

[signed]

.....

Print or Type Name

() Plaintiff () Plaintiff's

Attorney

P.O. Address

Dated Telephone Number

Sec. 7. Section 35.50.260, chapter 7, Laws of 1965 as amended by section 93, chapter 81, Laws of 1971 and RCW 35.50.260 are each amended to read as follows:

In ~~((the alternative method of))~~ foreclosing local improvement assessments the action shall be tried to the court without a jury. If the parties interested in any particular lot, tract, or parcel default, the court may enter judgment of foreclosure and sale as to such parties and lots, tracts, or parcels and the action may proceed as to the remaining defendants and lots, tracts, or parcels. Judgment and order of sale may be entered as to any one or more separate lots, tracts, or parcels involved in the action and the court shall retain jurisdiction to others.

The judgment shall specify separately the amount of the installments with interest, penalty, and costs chargeable to each lot, tract, or parcel. The judgment shall have the effect of a separate judgment as to each lot, tract, or parcel described in the judgment, and any appeal shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In the judgment the court shall order the lots, tracts, or parcels therein described sold, and an order of sale shall issue pursuant thereto for the enforcement of the judgment.

In all other respects the trial, judgment and order of sale, and appeals to the supreme court or the court of appeals shall be governed by the statutes governing the foreclosure of mortgages on real property.

Sec. 8. Section 35.50.270, chapter 7, Laws of 1965 and RCW 35.50.270 are each amended to read as follows:

In ~~((the alternative method of))~~ foreclosing local improvement assessments, all sales shall be subject to the right of redemption within two years from the date of sale. In all other respects, the sale, redemption and issuance of deed shall be governed by the statutes governing the foreclosure of mortgages on real property and the terms "judgment debtor" and "successor in interest" as used in such statutes shall be held to include an owner or a vendee.

NEW SECTION. Sec. 9. The following acts or parts thereof are each hereby repealed:

- (1) Section 35.50.060, chapter 7, Laws of 1965 and RCW 35.50.060;
- (2) Section 35.50.070, chapter 7, Laws of 1965, section 18, chapter 52, Laws of 1967 and RCW 35.50.070;
- (3) Section 35.50.080, chapter 7, Laws of 1965 and RCW 35.50.080;
- (4) Section 35.50.090, chapter 7, Laws of 1965 and RCW 35.50.090;
- (5) Section 35.50.100, chapter 7, Laws of 1965 and RCW 35.50.100;
- (6) Section 35.50.110, chapter 7, Laws of 1965 and RCW 35.50.110;
- (7) Section 35.50.120, chapter 7, Laws of 1965 and RCW 35.50.120;
- (8) Section 35.50.130, chapter 7, Laws of 1965 and RCW 35.50.130;
- (9) Section 35.50.140, chapter 7, Laws of 1965 and RCW 35.50.140;
- (10) Section 35.50.150, chapter 7, Laws of 1965 and RCW 35.50.150;
- (11) Section 35.50.160, chapter 7, Laws of 1965 and RCW 35.50.160;
- (12) Section 35.50.170, chapter 7, Laws of 1965 and RCW 35.50.170;
- (13) Section 35.50.180, chapter 7, Laws of 1965 and RCW 35.50.180;
- (14) Section 35.50.190, chapter 7, Laws of 1965 and RCW 35.50.190;
- (15) Section 35.50.200, chapter 7, Laws of 1965 and RCW 35.50.200;

and

- (16) Section 35.50.210, chapter 7, Laws of 1965 and RCW 35.50.210.

NEW SECTION. Sec. 10. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 7, 1982.

Passed the Senate March 4, 1982.

Approved by the Governor March 30, 1982.

Filed in Office of Secretary of State March 30, 1982.