

constitute a lien against the real property. Payments of these sums shall be made to the county treasurer who shall place these payments into a special fund to be known as "Lake weed removal fund." The court shall appoint a suitable person, to be compensated by the property owners, to undertake weed control activities as decreed by the court.

Passed the House March 5, 1988.

Passed the Senate March 1, 1988.

Approved by the Governor March 18, 1988.

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CHAPTER 134

[Substitute House Bill No. 1297]

IRRIGATION DISTRICTS—DELINQUENT ASSESSMENTS—FORECLOSURES— LIENS

AN ACT Relating to irrigation district foreclosure of property with delinquent assessments; amending RCW 87.03.270; adding a new section to chapter 87.03 RCW; adding a new chapter to Title 87 RCW; and repealing RCW 87.03.310, 87.03.315, 87.03.320, 87.03.325, 87.03.330, 87.03.335, 87.03.340, 87.03.345, 87.03.350, 87.03.355, 87.03.360, 87.03.370, 87.03.375, 87.03.380, 87.03.385, 87.03.390, 87.03.395, 87.03.400, 87.03.405, 87.03.410, 87.03.415, and 87.03.425.

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

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Date of delinquency" means the date when the assessment first became delinquent under chapter 87.03 RCW.

(2) "Description of property" means a legal description, the parcel number, tax number, or other description that sufficiently describes the property or specific parcel of land.

(3) "Minimum bid sheet" means the informational sheet which is prepared by the treasurer for use at the treasurer's sale and which contains a description of the various properties and the minimum bid required for each.

(4) "Party in interest" means an occupant of the property, the owner of record, and any other person having a financial interest of record in the property.

(5) "Treasurer" means the irrigation district treasurer. However, if the county treasurer acts as ex officio district treasurer in accordance with RCW 87.03.440, then "treasurer" means the county treasurer.

NEW SECTION. Sec. 2. (1) After thirty-six calendar months from the month of the date of delinquency, the treasurer shall prepare certificates of delinquency on the property for the unpaid irrigation district assessments, and for costs and interest. An individual certificate of delinquency may be prepared for each property or the individual certificates may be compiled

and issued in one general certificate including all delinquent properties. Each certificate shall contain the following information:

- (a) Description of the property assessed;
- (b) Street address of property, if available;
- (c) Years for which assessed;
- (d) Amount of delinquent assessments, costs, and interest;
- (e) Name appearing on the treasurer's most current assessment roll for the property; and
- (f) A statement that interest will be charged on the amount listed in (d) of this subsection at a rate of twelve percent per year, computed monthly and without compounding, from the date of the issuance of the certificate and that additional costs, incurred as a result of the delinquency, will be imposed, including the costs of a title search;

(2) The treasurer may provide for the posting of the certificates or other measures designed to advertise the certificates and encourage the payment of the amounts due.

NEW SECTION. Sec. 3. The treasurer shall order a title search of the property for which a certificate of delinquency has been prepared to determine or verify the legal description of the property to be sold and parties in interest.

NEW SECTION. Sec. 4. (1) After the completion of the title searches, the treasurer, in the name of the irrigation district, shall commence legal action to foreclose on the assessment liens. The treasurer shall give notice of application for judgment foreclosing assessment liens and summons to all parties in interest as disclosed by the title search. The treasurer may include in any notice any number of separate properties. Such notice and summons shall contain:

(a) A statement that the irrigation district is applying to superior court of the county in which the property is located for a judgment foreclosing the lien against the property for delinquent assessments, costs, and interest;

(b) The full name of the superior court in which the district is applying for the judgment; and for each property: The description of the property, the local street address (if any), and the name of each party in interest;

(c) A description of the lien amount due, which shall include the amount listed in section 2(1)(d) of this act, plus any costs and interest accruing since the date of preparation of the certificate of delinquency;

(d) A direction to each party in interest summoning the party to appear within sixty days after service of the notice and summons, exclusive of the day of the service, and defend the action or pay the lien amount due; and when service is made by publication, a direction summoning each party to appear within sixty days after the date of the first publication of the notice and summons, exclusive of the day of first publication, and defend the action or pay the amount due;

(e) A notice that, in case of failure to defend or pay the amount due, judgment will be rendered foreclosing the lien of the assessments, costs, and interest against the property; and

(f) The date, time, and place of the foreclosure sale as specified in the application for judgment.

(2) The treasurer shall record in the office of the auditor of the county in which the property is located a notice of lis pendens before commencing the service of the notice and summons.

(3) The notice and summons shall be served in a manner reasonably calculated to inform each party in interest of the foreclosure action. At a minimum, service shall be accomplished by either (a) personal service upon a party in interest, or (b) publication once in a newspaper of general circulation that is circulated in the area in which the property is located and mailing of notice by certified mail to the party in interest.

(4) It shall be the duty of the treasurer to mail a copy of the notice and summons, within fifteen days after the first publication or service thereof, to the treasurer of each county, city, or town within which any property involved in an assessment foreclosure is situated, but the treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of any assessment lien sought to be foreclosed.

NEW SECTION. Sec. 5. (1) Any party in interest of property for which a certificate of delinquency has been prepared, but against which a foreclosure judgment has not been entered, may pay to the treasurer, in person or by agent, the total amount of the assessment lien, as listed under section 2(1)(d) of this act, plus any additional costs and interest, including any title search costs. If a foreclosure judgment has been entered, then any party in interest may pay to the treasurer, in person or by agent, the lien amount for which the judgment has been rendered, so long as payment is received by the treasurer during regular business hours before the day of the foreclosure sale. The treasurer shall give a receipt for each payment received under this subsection.

(2) Upon receipt of payment under this section, the district shall abandon any foreclosure proceedings commenced against the property. If a notice of lis pendens has been filed with the county auditor, the treasurer shall record a release of lis pendens with the auditor.

NEW SECTION. Sec. 6. (1) The proceedings to foreclose the liens against all properties on a general certificate of delinquency or on more than one individual certificate may be brought in one action.

(2) No assessment, costs, or interest may be considered illegal because of any irregularity in the assessment roll or because the assessment roll has not been made, completed, or returned within the time required by law, or because the property has been charged or listed in the assessment roll without name, or in any other name than that of the owner, and no error or informality in the proceedings of any of the officers connected with the

assessment may invalidate or in any other manner affect the assessment thereof. Any irregularities or informality in the assessment roll or in any of the proceedings connected with the assessment or any omission or defective act of any officer or officers connected with the assessment may be, at the discretion of the court corrected, supplied, and made to conform to the law by the court. This section does not apply if the court finds that the failure to conform to the law unfairly affects parties in interest.

NEW SECTION. Sec. 7. (1) If the court renders a judgment of foreclosure, the court shall direct the treasurer to proceed with the sale of the property and shall specify the minimum sale price below which the property is not to be sold.

(2) The treasurer shall sell the property to the highest and best bidder. All sales shall be made on Friday between the hours of nine a.m. and five p.m. at a location designated by the treasurer. However, sales not concluded on Friday shall be continued from day to day, Saturdays, Sundays, and holidays excluded, during the same hours until all properties are sold.

NEW SECTION. Sec. 8. (1) The treasurer shall post notice of the foreclosure sale, at least ten days before the sale, at the following locations: At the courthouse of the county in which the property is located, at the district office, and at a public place in the district. The treasurer shall also publish, at least once and not fewer than ten days before the sale, the notice in any daily or weekly legal newspaper of general circulation in the district.

(2) The notice shall be in substantially the following form:

IRRIGATION ASSESSMENT JUDGMENT SALE

Public notice is hereby given that pursuant to judgment, rendered on, of the superior court of the county of in the state of Washington, that I shall sell the property described below, at a foreclosure sale beginning at (time), on (date), at (location), in the city of, and county of, state of Washington. This sale is made in order to pay for delinquent assessments, costs, and interest owed to The property will be sold to the highest and best bidder but bids will not be accepted for less than the minimum sale price set by the superior court. The minimum sale price is listed on the bid sheet, a copy of which is provided at the treasurer's office. Payment must be made at time of sale and must be by cash, bank cashier's check, or a negotiable instrument of equivalent security.

Description of property:

Interested parties and members of the public are invited to participate in this sale. This sale will not take place if by (time), on (date), the amount due,, is paid in the manner specified by law.

.....
Treasurer for
Irrigation District
Date signed:

(3) The treasurer shall conduct the sale in conformance with the notice and this chapter. If the sale is conducted by the county treasurer, no county or district officer or employee may directly or indirectly be a purchaser. If the irrigation district treasurer conducts the sale, no officer or employee of the district may directly or indirectly be a purchaser.

(4) If the bid amount paid for the property is in excess of the lien amount for which the judgment has been rendered, plus any additional assessments, costs, and interest which have become due after the date of preparation of the certificate of delinquency and before the date of sale, then the excess shall be remitted, on application therefor, to the owner of the property. If no claim for the excess is received by the treasurer within three years after the date of the sale, the treasurer, at expiration of the three-year period, shall deposit the excess in the current expense fund of the district.

NEW SECTION. Sec. 9. (1) The treasurer shall execute a treasurer's deed to any person who purchases property at the foreclosure sale. The deed shall vest title to the property therein described, without further acknowledgment or evidence of such conveyance, in the grantee or his or her heirs and assigns. The treasurer's deed shall be substantially in the following form:

TREASURER'S DEED

State of Washington
County of

This indenture, made this day of,
....., between, as treasurer of
..... irrigation district, state of Washington, party of the first
part, and, party of the second part:

Witnesseth, that whereas, at the public sale of real property held on
the day of,, pursuant to
an irrigation assessment judgment entered in the superior court in the
county of on the day of
.....,, in proceedings to foreclose assessment liens
upon real property and an order of sale duly issued by the court,
..... duly purchased in compliance with the laws of the state
of Washington, for and in consideration of the sum of
dollars the following described real property, to wit: (Here place description
of real property conveyed) and that has complied with
the laws of the state of Washington necessary to entitle (him, her, or them)
to a deed for the real property.

Now, therefore know ye, that, I, treasurer of said irrigation district of, state of Washington, in consideration of the premises and by virtue of the statutes of the state of Washington, in such cases provided, do hereby grant and convey unto, his or her heirs and assigns, forever, the real property hereinbefore described, as fully and completely as said party of the first part can by virtue of the premises convey the same.

Given under my hand and seal of office this day of, A.D.

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Treasurer for
Irrigation District

(2) The title shall be free from all encumbrances except for the following taxes and assessments if they are not due at the time of the foreclosure sale: Property taxes, drainage or diking district assessments, drainage or diking improvement district assessments, and irrigation district assessments.

NEW SECTION. Sec. 10. (1) Prior to the treasurer executing and conveying the deed, all persons or entities acquiring property at the foreclosure sale shall be required to pay the full amount of all assessments, costs, and interest for which judgment is rendered; and the full amount of the following if due at the time of the foreclosure sale: Property taxes, drainage or diking district assessments, drainage or diking district improvement assessments, irrigation district assessments, and costs and interests relating to such taxes or assessments. This subsection does not apply to the irrigation district's acquisition of property.

(2) At all sales of property, if no other bids are received, title to the property shall vest in the irrigation district and the district shall pay to the county any costs that may have been incurred by the county under this chapter for the foreclosure action. The district's acquisition of the title shall be as absolute as if the property had been purchased by an individual under the provisions of this chapter. The deed provided for in section 9 of this act shall be conveyed to the irrigation district.

(3) All property deeded to the district under the provisions of this chapter shall be stricken from the tax rolls as district property and exempt from taxation and shall not be taxed while property of the district.

(4) If the irrigation district sells any property it has acquired under this chapter, then it shall not provide a deed to the purchaser until the purchaser pays all drainage or diking district assessments, drainage or diking improvement district assessments, irrigation district assessments, property taxes, costs, and interest that were due at the time the irrigation district acquired title to the property.

NEW SECTION. Sec. 11. The board of directors of the irrigation district and the county treasurer may through the interlocal cooperation agreement act, chapter 39.34 RCW, choose to have one of the treasurers proceed with a combined foreclosure for all property taxes, irrigation assessments, and all costs and interest owing to both entities. Any such agreement shall include a specific statement as to which entity shall assume title if no bids are received equal to or greater than the amount listed on the minimum bid sheet. The agreement shall also clearly specify how any unclaimed excess funds from the sale will be divided between the county and the irrigation district.

NEW SECTION. Sec. 12. (1) Except as provided in subsection (2) of this section, certificates of delinquency shall also be issued, and foreclosure proceedings instituted under this chapter, for properties for which assessments have been delinquent for a period of three or more years, if all or part of such period occurred before the effective date of this section. If foreclosure actions have been commenced but not completed under the law as it existed prior to the effective date of this section, the district shall abandon such actions and proceed against such properties under this chapter.

(2) Certificates of delinquency shall not be issued under this chapter for properties that have been sold (other than to the irrigation district) under foreclosure proceedings which occurred prior to the effective date of this section. This section does not apply to any foreclosure sale declared to be invalid by a court of competent jurisdiction or if district assessments again become delinquent after the date of sale.

(3) A certificate of delinquency may be issued, and foreclosure proceedings instituted, under this chapter for property acquired by an irrigation district under foreclosure proceedings which occurred prior to the effective date of this section and which the district believes might be legally defective. "Acquired" as used in this subsection also includes the district's obtaining a certificate of sale under such foreclosure proceedings.

Sec. 13. Section 24, page 684, Laws of 1889-90 as last amended by section 1, chapter 102, Laws of 1982 and RCW 87.03.270 are each amended to read as follows:

The assessment roll, before its equalization and adoption, shall be checked and compared as to descriptions and ownerships, with the county treasurer's land rolls. On or before the fifteenth day of January in each year the secretary must deliver the assessment roll or the respective segregation thereof to the county treasurer of each respective county in which the lands therein described are located, and said assessments shall become due and payable on the fifteenth day of February following.

All assessments on said roll shall become delinquent on the first day of May following the filing of the roll unless the assessments are paid on or

before the thirtieth day of April of said year: PROVIDED, That if an assessment is ten dollars or more for said year and if one-half of the assessment is paid on or before the thirtieth day of April, the remainder shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date. All delinquent assessments shall bear interest at the rate of twelve percent per annum, computed on a monthly basis and without compounding, from the date of delinquency until paid.

Upon receiving the assessment roll the county treasurer shall prepare therefrom an assessment book in which shall be written the description of the land as it appears in the assessment roll, the name of the owner or owners where known, and if assessed to the unknown owners, then the word "unknown", and the total assessment levied against each tract of land. Proper space shall be left in said book for the entry therein of all subsequent proceedings relating to the payment and collection of said assessments.

On or before April 1st of each year, the treasurer of the district shall send a statement of assessments due. County treasurers who collect irrigation district assessments may send the statement of irrigation district assessments together with the statement of general taxes.

Upon payment of any assessment the county treasurer must enter the date of said payment in said assessment book opposite the description of the land and the name of the person paying and give a receipt to such person specifying the amount of the assessment and the amount paid with the description of the property assessed.

It shall be the duty of the treasurer of the district to furnish upon request of the owner, or any person interested, a statement showing any and all assessments levied as shown by the assessment roll in his office upon land described in such request. All statements of irrigation district assessments covering any land in the district shall show the amount of the irrigation district assessment, the dates on which the assessment is due, the place of payment, and, if the property was sold for delinquent assessments in a prior year, the amount of the delinquent assessment and the notation "certificate issued": PROVIDED, That the failure of the treasurer to render any statement herein required of him shall not render invalid any assessments made by any irrigation district.

It shall be the duty of the county treasurer of any county, other than the county in which the office of the board of directors is located, to make monthly remittances to the county treasurer of the county in which the office of the board of directors is located covering all amounts collected by him for the irrigation district during the preceding month.

When the treasurer collects a delinquent assessment, ~~((in addition to))~~ the treasurer shall collect any other amounts due by reason of the delinquency, ~~((he shall collect an additional sum of ten dollars))~~ including accrued costs, which shall be deposited to the treasurer's operation and maintenance fund.

NEW SECTION. Sec. 14. A new section is added to chapter 87.03 RCW to read as follows:

The lien for delinquent assessments shall include the district's and treasurer's costs attributable to the delinquency and interest at the rate of twelve percent per year, computed monthly and without compounding, on the assessments and costs. The word "costs" as used in this section includes all costs of collection, including but not limited to reasonable attorneys' fees, publication costs, costs of preparing certificates of delinquency, title searches, and the costs of foreclosure proceedings.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

(1) Section 25, page 684, Laws of 1889-90, section 13, chapter 165, Laws of 1913, section 15, chapter 179, Laws of 1915, section 6, chapter 162, Laws of 1917, section 13, chapter 180, Laws of 1919, section 17, chapter 129, Laws of 1921, section 2, chapter 181, Laws of 1929, section 3, chapter 60, Laws of 1931, section 6, chapter 43, Laws of 1933, section 1, chapter 60, Laws of 1955, section 2, chapter 209, Laws of 1981, section 87, chapter 469, Laws of 1985 and RCW 87.03.310;

(2) Section 26, page 685, Laws of 1889-90, section 13, chapter 165, Laws of 1895, section 14, chapter 165, Laws of 1913, section 18, chapter 129, Laws of 1921, section 3, chapter 181, Laws of 1929, section 4, chapter 60, Laws of 1931, section 7, chapter 43, Laws of 1933, section 3, chapter 209, Laws of 1981 and RCW 87.03.315;

(3) Section 2, chapter 58, Laws of 1955, section 4, chapter 209, Laws of 1981 and RCW 87.03.320;

(4) Section 3, chapter 58, Laws of 1955, section 5, chapter 209, Laws of 1981 and RCW 87.03.325;

(5) Section 4, chapter 58, Laws of 1955, section 6, chapter 209, Laws of 1981 and RCW 87.03.330;

(6) Section 28, page 686, Laws of 1889-90, section 15, chapter 165, Laws of 1895, section 16, chapter 165, Laws of 1913, section 20, chapter 129, Laws of 1921, section 10, chapter 43, Laws of 1933, section 7, chapter 209, Laws of 1981 and RCW 87.03.335;

(7) Section 1, chapter 172, Laws of 1941 and RCW 87.03.340;

(8) Section 2, chapter 172, Laws of 1941 and RCW 87.03.345;

(9) Section 3, chapter 172, Laws of 1941, section 8, chapter 209, Laws of 1981 and RCW 87.03.350;

(10) Section 29, page 687, Laws of 1889-90, section 16, chapter 165, Laws of 1895, section 5, chapter 13, Laws of 1913, section 17, chapter 165, Laws of 1913, section 16, chapter 179, Laws of 1915, section 7, chapter 162, Laws of 1917, section 21, chapter 129, Laws of 1921, section 12, chapter 138, Laws of 1923, section 2, chapter 185, Laws of 1929, section 11, chapter 43, Laws of 1933, section 5, chapter 171, Laws of 1939, section

5, chapter 58, Laws of 1955, section 9, chapter 209, Laws of 1981 and RCW 87.03.355;

(11) Section 6, chapter 171, Laws of 1939, section 10, chapter 209, Laws of 1981 and RCW 87.03.360;

(12) Section 30, page 687, Laws of 1889-90, section 17, chapter 165, Laws of 1895, section 1, chapter 101, Laws of 1935, section 1, chapter 256, Laws of 1943, section 1, chapter 131, Laws of 1945, section 11, chapter 209, Laws of 1981 and RCW 87.03.370;

(13) Section 1, chapter 194, Laws of 1933, section 12, chapter 209, Laws of 1981 and RCW 87.03.375;

(14) Section 2, chapter 194, Laws of 1933, section 1, chapter 171, Laws of 1939, section 13, chapter 209, Laws of 1981 and RCW 87.03.380;

(15) Section 3, chapter 194, Laws of 1933, section 14, chapter 209, Laws of 1981 and RCW 87.03.385;

(16) Section 4, chapter 194, Laws of 1933, section 15, chapter 209, Laws of 1981 and RCW 87.03.390;

(17) Section 5, chapter 194, Laws of 1933 and RCW 87.03.395;

(18) Section 6, chapter 194, Laws of 1933 and RCW 87.03.400;

(19) Section 7, chapter 194, Laws of 1933 and RCW 87.03.405;

(20) Section 8, chapter 194, Laws of 1933, section 170, chapter 81, Laws of 1971 and RCW 87.03.410;

(21) Section 9, chapter 194, Laws of 1933 and RCW 87.03.415; and

(22) Section 32, page 688, Laws of 1889-90 and RCW 87.03.425.

NEW SECTION. Sec. 16. Sections 1 through 12 of this act shall constitute a new chapter in Title 87 RCW.

Passed the House March 7, 1988.

Passed the Senate February 26, 1988.

Approved by the Governor March 18, 1988.

Filed in Office of Secretary of State March 18, 1988.

CHAPTER 135

[Substitute House Bill No. 1469]

PROPERTY EXCHANGE BY THE DEPARTMENT OF TRANSPORTATION—LAND OR IMPROVEMENTS

AN ACT Relating to exchange of property by the department of transportation; amending RCW 47.12.063; and repealing RCW 47.12.130.

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

Sec. 1. Section 1, chapter 78, Laws of 1977 ex. sess. as amended by section 125, chapter 3, Laws of 1983 and RCW 47.12.063 are each amended to read as follows: