

NEW SECTION. Section 1. There is added to chapter 18.71 RCW a new section to read as follows:

The right of medical treatment of an infant born alive in the course of an abortion procedure shall be the same as the right of an infant born prematurely of equal gestational age.

Passed the House April 1, 1981.

Passed the Senate April 25, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 329

[House Bill No. 599]

PROPERTY—EXECUTION SALE—HOMESTEAD EXEMPTION

AN ACT Relating to enforcement of judgments; amending section 1, chapter 35, Laws of 1935 and RCW 6.24.010; amending section 6, chapter 53, Laws of 1899 and RCW 6.24.100; amending section 4, chapter 25, Laws of 1929 and RCW 6.04.040; amending section 1, chapter 64, Laws of 1895 as last amended by section 1, chapter 196, Laws of 1945 and RCW 6.12.010; amending section 2, chapter 64, Laws of 1895 as last amended by section 1, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.020; amending section 24, chapter 64, Laws of 1895 as last amended by section 3, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.050; amending section 32, chapter 64, Laws of 1895 and RCW 6.12.070; amending section 33, chapter 64, Laws of 1895 and RCW 6.12.080; amending section 4, chapter 64, Laws of 1895 as last amended by section 2, chapter 196, Laws of 1945 and RCW 6.12.090; amending section 7, chapter 64, Laws of 1895 and RCW 6.12.120; amending section 10, chapter 64, Laws of 1895 and RCW 6.12.150; amending section 12, chapter 64, Laws of 1895 and RCW 6.12.170; amending section 17, chapter 64, Laws of 1895 and RCW 6.12.220; amending section 18, chapter 64, Laws of 1895 and RCW 6.12.230; amending section 20, chapter 64, Laws of 1895 and RCW 6.12.250; amending section 21, chapter 64, Laws of 1895 as amended by section 10, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.260; amending section 15, chapter 53, Laws of 1899 as last amended by section 3, chapter 196, Laws of 1961 and RCW 6.24.210; adding a new section to chapter 6.12 RCW; adding new sections to chapter 6.24 RCW; adding a new section to chapter 6.04 RCW; repealing section 3, chapter 64, Laws of 1895, section 7, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.030; repealing section 30, chapter 64, Laws of 1895, section 8, chapter 154, Laws of 1973 1st ex. sess., section 2, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.040; repealing section 31, chapter 64, Laws of 1895, section 9, chapter 154, Laws of 1973 1st ex. sess., section 4, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.060; and repealing section 8, chapter 64, Laws of 1895 and RCW 6.12.130.

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

Section 1. Section 1, chapter 35, Laws of 1935 and RCW 6.24.010 are each amended to read as follows:

Before the sale of property under execution, order of sale or decree, notice thereof shall be given as follows:

(1) In case of personal property, ~~((by posting written))~~ the sheriff shall post typed or printed notice of the time and place of sale in three public places in the county where the sale is to take place, for a period of not less than ~~((ten))~~ thirty days prior to the day of sale. Not less than thirty days

prior to the day of sale, the judgment creditor shall cause a copy of the notice of sale to be transmitted by regular and certified mail, return receipt requested, to the judgment debtor at the debtor's last known address, and by mail to the attorney of record for the judgment debtor.

(2) In case of real property, ~~((by posting a similar))~~ the sheriff shall post a notice as provided in section 2 of this 1981 act, particularly describing the property for a period of not less than four weeks prior to the day of sale in three public places in the county, one of which shall be at the court house door, where the property is to be sold, and in case of improved real estate, one of which shall be at the front door of the principal building constituting such improvement~~((and publishing))~~. The sheriff shall publish a copy thereof once a week, consecutively, for the same period, in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated: PROVIDED, HOWEVER, That if there be more than one legal newspaper published in the county, then the plaintiff or moving party in the action, suit or proceeding shall have the exclusive right to designate in which of such qualified newspapers such notice shall be published: PROVIDED, FURTHER, That if there is no legal newspaper published in the county, then such notice shall be published in the legal newspaper published in this state nearest to the place of sale. Not less than thirty days prior to the date of sale, the judgment creditor shall cause a copy of the notice as provided in section 2 of this 1981 act to be (a) served on the judgment debtor in the same manner as a summons in a civil action, and (b) transmitted by both regular and certified mail, return receipt requested, to the judgment debtor at the debtor's last known address, and the judgment creditor shall mail a copy of the notice of sale to the attorney of record for the judgment debtor.

(3) The judgment creditor shall file an affidavit with the court that the judgment creditor has complied with the notice requirements of this section.

NEW SECTION. Sec. 2. There is added to chapter 6.24 RCW a new section to read as follows:

The notice of sale shall be printed or typed and shall contain the following information:

(1) That the court has directed the sheriff or other officer to sell the property described in the notice to satisfy a judgment;

(2) The caption, cause number, and court in which the judgment to be executed upon was entered;

(3) A legal description of the property to be sold, including the street address;

(4) The scheduled date, time, and place of the sale;

(5) An itemized account of the amount required to satisfy the judgment prior to sale, where the debtor can satisfy the judgment to avoid sale, and that failure to pay this amount will result in the sale of the property on the date specified in the notice;

(6) A statement that the sheriff has been informed that there is not sufficient personal property to satisfy the judgment; that if the debtor does have sufficient personal property to satisfy the judgment, the debtor should contact the sheriff's office immediately. However, this subsection is not applicable if the sale of real property is pursuant to a judgment of foreclosure of a mortgage; and

(7) Unless redemption rights have been precluded under RCW 61.12-.093, the date by which the debtor may redeem the property; that the debtor may redeem the property by paying the amount of the bid at sale, with interest at the rate of eight percent per annum to the time of redemption, together with the amount of any assessment or taxes which may have been paid after purchase, and interest on such amount; that other creditors having a lien against the property by judgment, decree, or mortgage may also have a right to redeem the property and, if they redeem the property, the debtor may be required to pay additional sums in order to redeem; and that if the property to be sold is the permanent residence of the judgment debtor and is occupied by the debtor at the time of sale, the judgment debtor has the right to retain possession during the redemption period, if any, without payment of any rent or occupancy fee. The information contained in this subsection shall be captioned "IMPORTANT NOTICE" and shall be in boldface print or typed in capital letters.

Sec. 3. Section 6, chapter 53, Laws of 1899 and RCW 6.24.100 are each amended to read as follows:

Upon the return of any sale of real estate as aforesaid, the clerk shall enter the cause, on which the execution or order of sale issued, by its title, on the motion docket, and mark opposite the same: "Sale of land for confirmation(;)"; notice of the filing of the return of sale shall be mailed by the clerk to all parties appearing in the action and proof of such mailing filed in the action; and the following proceedings shall be had:

(1) The ((plaintiff)) judgment creditor or successful purchaser at the sheriff's sale at any time after ((ten)) twenty days ((from)) have elapsed from the mailing of the notice of the filing of such return shall be entitled, on motion ((therefor)) with notice given to all parties appearing in the action, to have an order confirming the sale, unless the judgment debtor, or in case of his death, his representative, shall file with the clerk within ((ten)) twenty days after the mailing of the notice of the filing of such return, his objections thereto.

(2) If such objections be filed the court shall, notwithstanding, allow the order confirming the sale, unless on the hearing of the motion, it shall satisfactorily appear that there were substantial irregularities in the proceedings concerning the sale, to the probable loss or injury of the party objecting. In the latter case, the court shall disallow the motion and direct that the property be resold, in whole or in part, as the case may be as upon an execution received of that date.

(3) Upon the return of the execution, the sheriff shall pay the proceeds of sale to the clerk, who shall then apply the same, or so much thereof as may be necessary, in satisfaction of the judgment. If an order of resale be afterwards made, and the property sell for a greater amount to any person other than the former purchaser, the clerk shall first repay to such purchaser the amount of his bid out of the proceeds of the latter sale.

(4) Upon a resale, the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken, except for a greater amount. An order confirming a sale shall be a conclusive determination of the regularity of the proceedings concerning such sale as to all persons in any other action, suit or proceeding whatever.

(5) If, after the satisfaction of the judgment, there be any proceeds of the sale remaining, the clerk shall pay such proceeds to the judgment debtor, or his representative, as the case may be, at any time before the order is made upon the motion to confirm the sale: PROVIDED, Such party file with the clerk a waiver of all objections made or to be made to the proceedings concerning the sale; but if the sale be confirmed, such proceeds shall be paid to said party of course; otherwise they shall remain in the custody of the clerk until the sale of the property has been disposed of.

NEW SECTION. Sec. 4. There is added to chapter 6.04 RCW a new section to read as follows:

(1) Before a writ of execution may issue on any real property, the judgment creditor must file an affidavit with the court stating:

(a) That the judgment creditor has exercised due diligence to ascertain if the judgment debtor has sufficient nonexempt personal property to satisfy the judgment with interest; a list of the personal property so located and whether the judgment creditor believes the items to be exempt; and a statement that, after diligent search, there is not sufficient nonexempt personal property belonging to the judgment debtor to satisfy the judgment;

(b) That the judgment creditor has exercised due diligence in ascertaining whether the property is occupied or claimed as a homestead by the judgment debtor, as defined in chapter 6.12 RCW;

(c) Whether or not the judgment debtor is currently occupying the property as the judgment debtor's permanent residence and whether there is a declaration of homestead or nonabandonment of record. If the affidavit alleges that the property is not occupied or claimed as a homestead, the creditor must list the facts relied upon to reach that conclusion; and

(d) If the judgment debtor is not occupying the property and there is no declaration of nonabandonment of record, that the judgment debtor has been absent for a period of at least six months and the judgment debtor's current address if known.

(2) The term "due diligence," as used in this section, includes but is not limited to the creditor or the creditor's representative personally visiting the premises, contacting the occupants and inquiring about their relationship to

the judgment debtor, contacting immediate neighbors of the premises, and searching the records of the auditor of the county in which the property is located to determine if a declaration of homestead or nonabandonment has been filed by the judgment debtor.

A copy of the affidavit must be mailed to the judgment debtor at the debtor's last known address.

If the affidavit attests that the premises are occupied or claimed as a homestead by the judgment debtor, the execution for the enforcement of a judgment obtained in a case not within the classes enumerated in RCW 6.12.100 must comply with RCW 6.12.140 through 6.12.250.

Sec. 5. Section 4, chapter 25, Laws of 1929 and RCW 6.04.040 are each amended to read as follows:

The writ of execution shall be issued in the name of the state of Washington, sealed with the seal of the court, and subscribed by the clerk, and shall be directed to the sheriff of the county in which the property is situated, or to the coroner of such county, or the officer exercising the powers and performing the duties of coroner in case there be no coroner, when the sheriff is a party, or interested, and shall intelligibly refer to the judgment, stating the court, the county where the judgment was rendered, the names of the parties, the amount of the judgment if it be for money, and the amount actually due thereon, and shall require substantially as follows:

(1) If the execution be against the property of the judgment debtor it shall require the officer to satisfy the judgment, with interest, out of the personal property of the debtor(~~(, and if sufficient personal property cannot be found, out of his real property upon which the judgment is a lien)~~) unless an affidavit has been filed with the court pursuant to section 4 of this 1981 act, in which case it shall require that the judgment, with interest, be satisfied out of the real property of the debtor.

(2) If the execution be against real or personal property in the hands of personal representatives, heirs, devisees, legatees, tenants of real property, or trustees, it shall require the officer to satisfy the judgment, with interest, out of such property.

(3) If the execution be for the delivery of real or personal property, it shall require the officer to deliver possession of the same, particularly describing it, to the party entitled thereto, and may, at the same time, require the officer to satisfy any charges, damages, or rents and profits recovered by the same judgment, out of the personal property of the party against whom it was rendered, and the value of the property for which the judgment was recovered, shall be specified therein. If a delivery of the property described in the execution cannot be had, and if sufficient personal property cannot be found to satisfy the judgment, it shall be satisfied out of the real property of the party against whom the judgment was rendered.

(4) When the execution is to enforce obedience to any special order, it shall particularly command what is required to be done or to be omitted.

(5) When the nature of the case shall require it, the execution may embrace one or more of the requirements above mentioned. And in all cases the execution shall require the collection of all interest, costs, and increased costs thereon.

NEW SECTION. Sec. 6. There is added to chapter 6.24 RCW a new section to read as follows:

Every two months during the redemption period provided by RCW 6.24.140, the purchaser or his assignee shall send by certified mail, return receipt requested, and by first class mail to the judgment debtor or his successor in interest a notice advising the judgment debtor that the redemption period is expiring, how many months have expired, and how many months remain. The notice shall also state the amount for which the property may be redeemed and shall advise the judgment debtor that if the property is not redeemed he will face eviction at the end of the redemption period. The notice shall be sent to the judgment debtor at the judgment debtor's last known address and, if different, the property address. The notice shall be sent between the first day and tenth day of the second calendar month after the calendar month of the sale and the equivalent days of each succeeding second calendar month thereafter during the redemption period. The sole effect of noncompliance with this section shall be that the redemption period provided by RCW 6.24.140 shall be extended two months for each missed or noncomplying notice.

Sec. 7. Section 1, chapter 64, Laws of 1895 as last amended by section 1, chapter 196, Laws of 1945 and RCW 6.12.010 are each amended to read as follows:

The homestead consists of the dwelling house((-)) or the mobile home in which the ((claimant)) owner resides, with appurtenant buildings, and the land on which the same are situated, and by which the same are surrounded, or land without improvements purchased with the intention of building a house and residing thereon((, selected at any time before sale, as in this chapter provided)). A mobile home may be exempted under this chapter whether or not it is permanently affixed to the underlying land and whether or not the mobile home is placed upon a lot owned by the mobile home owner. As used in this chapter, the term "owner" includes but is not limited to a purchaser under a deed of trust, mortgage, or real estate contract.

Sec. 8. Section 2, chapter 64, Laws of 1895 as last amended by section 1, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.020 are each amended to read as follows:

If the ((claimant be)) owner is married, the homestead may ((be selected from)) consist of the community property((-or, with the consent of the husband, from his separate property, or, with the consent of the wife, from her)) or the separate property of either spouse: PROVIDED, That the same premises may not be claimed separately by the husband and wife with the

effect of increasing the net value of the homestead available to the marital community beyond the amount specified in RCW 6.12.050 as now or hereafter amended (~~((either at the time the declaration of homestead is filed or at any subsequent time))~~). When the ~~((claimant))~~ owner is not married, the homestead may ~~((be selected from))~~ consist of any of his or her property.

NEW SECTION. Sec. 9. There is added to chapter 6.12 RCW a new section to read as follows:

(1) The homestead exemption described in RCW 6.12.050 applies automatically to the homestead as defined in RCW 6.12.010 if the occupancy requirement of RCW 6.12.050 is met. However, the homestead exemption does not apply to those judgments defined in RCW 6.12.100.

(2) If an owner elects to select the homestead from unimproved land purchased with the intention of residing thereon, the owner must execute a declaration of homestead and file the same for record. However, if the owner also owns another parcel of property on which the owner presently resides, the owner must also execute a declaration of abandonment of homestead on the property on which the owner presently resides, and file the same for record.

(3) The declaration of homestead must contain:

(a) A statement that the person making it is residing on the premises or has purchased the same for a homestead and intends to reside thereon and claims them as a homestead;

(b) A description of the premises; and

(c) An estimate of their actual cash value.

(4) The declaration of homestead and declaration of abandonment of homestead must be acknowledged in the same manner as a grant of real property is acknowledged.

Sec. 10. Section 24, chapter 64, Laws of 1895 as last amended by section 3, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.050 are each amended to read as follows:

Homesteads may ~~((be selected and claimed in))~~ consist of lands and tenements with the improvements thereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of twenty thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the ~~((claimant))~~ owner, and shall not be devoted exclusively to any other purpose.

Sec. 11. Section 32, chapter 64, Laws of 1895 and RCW 6.12.070 are each amended to read as follows:

The declaration of homestead and declaration of abandonment of homestead referred to in section 9(2) of this 1981 act and the declaration of

nonabandonment of homestead referred to in RCW 6.12.120 must be recorded in the office of the auditor of the county in which the land is situated.

Sec. 12. Section 33, chapter 64, Laws of 1895 and RCW 6.12.080 are each amended to read as follows:

From and after the time the property is occupied as a permanent residence by the owner or the declaration is filed for record ((the premises therein described)) if unimproved real property, the property constitutes a homestead. ~~((If the selection was made by a married person from the community property, the land, on the death of either of the spouses, vests in the survivor, subject to no other liability than such as exists or has been created under the provisions of this chapter; in other cases, upon the death of the person whose property was selected as a homestead, it shall go to his heirs or devisees, subject to the power of the superior court to assign the same for a limited period to the family of the decedent, but in no case shall it be held liable for the debts of the owner, except as provided in this chapter:))~~

Sec. 13. Section 4, chapter 64, Laws of 1895 as last amended by section 2, chapter 196, Laws of 1945 and RCW 6.12.090 are each amended to read as follows:

The homestead is exempt from attachment and from execution or forced sale, except as in this chapter provided; and the proceeds of the voluntary sale of the homestead in good faith for the purpose of acquiring a new homestead, shall likewise be exempt for one year, and also such new homestead acquired with such proceeds. Every homestead ~~((claimed in the manner provided by law, shall be))~~ created under this chapter is presumed to be valid to the extent of all the lands claimed exempt, until the validity thereof is contested in a court of general jurisdiction in the county or district in which the homestead is situated.

Sec. 14. Section 7, chapter 64, Laws of 1895 and RCW 6.12.120 are each amended to read as follows:

A homestead ~~((can be))~~ is presumed abandoned ((only by a declaration of abandonment, or a grant thereof, executed and acknowledged:

~~(1) By the husband and wife if the claimant is married:~~

~~(2) By the claimant, if unmarried))~~ if the owner vacates the property for a continuous period of at least six months. However, if an owner is going to be absent from the homestead for more than six months but does not intend to abandon the homestead, and has no other permanent residence, the owner may execute and acknowledge, in the same manner as a grant of real property is acknowledged, a declaration of nonabandonment of homestead and file the declaration for record.

The declaration of nonabandonment of homestead must contain:

(1) A statement that the owner claims the property as a homestead, that the owner intends to occupy the property in the future, and that the owner claims no other property as a homestead;

(2) A statement of where the owner will be residing while absent from the premises, the estimated duration of the owner's absence, and the reason for the absence; and

(3) A legal description of the premises.

Sec. 15. Section 10, chapter 64, Laws of 1895 and RCW 6.12.150 are each amended to read as follows:

The application under RCW 6.12.140 must be made upon verified petition, showing—

(1) The fact that an execution has been levied upon the homestead.

(2) The name of the ~~((claimant))~~ owner.

(3) That the value of the homestead exceeds the amount of the homestead exemption.

Sec. 16. Section 12, chapter 64, Laws of 1895 and RCW 6.12.170 are each amended to read as follows:

A copy of the petition, with a notice of the time and place of hearing, must be served upon the ~~((claimant))~~ owner and the owner's attorney at least ten days before the hearing.

Sec. 17. Section 17, chapter 64, Laws of 1895 and RCW 6.12.220 are each amended to read as follows:

If, from the report, it appears to the court that the ~~((land-claimed))~~ homestead can be divided without material injury, the court must, by an order, direct the appraisers to set off to the ~~((claimant))~~ owner so much of the land, including the residence, as will amount in value to the homestead exemption, and the execution may be enforced against the remainder of the land.

Sec. 18. Section 18, chapter 64, Laws of 1895 and RCW 6.12.230 are each amended to read as follows:

If, from the report, it appears to the court that the ~~((land-claimed))~~ homestead exceeds in value the amount of the homestead exemption and that it cannot be divided, the court must make an order directing its sale under the execution.

Sec. 19. Section 20, chapter 64, Laws of 1895 and RCW 6.12.250 are each amended to read as follows:

If the sale is made, the proceeds ~~((thereof, to the amount of the homestead exemption, must be paid to the claimant and the balance applied to the satisfaction of the execution))~~ must be applied in the following order: First, to the amount of the homestead exemption, to be paid to the judgment debtor; second, up to the amount of the execution, to be applied to the satisfaction of the execution; third, the balance to be paid to the judgment debtor.

Sec. 20. Section 21, chapter 64, Laws of 1895 as amended by section 10, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.260 are each amended to read as follows:

The money paid to the ((claimant)) owner is entitled to the same protection against legal process and the voluntary disposition of the husband or wife which the law gives to the homestead.

Sec. 21. Section 15, chapter 53, Laws of 1899 as last amended by section 3, chapter 196, Laws of 1961 and RCW 6.24.210 are each amended to read as follows:

The purchaser from the day of sale until a resale or redemption, and the redemptioner from the day of his redemption until another redemption, shall be entitled to the possession of the property purchased or redeemed, unless the same be in the possession of a tenant holding under an unexpired lease, and in such case shall be entitled to receive from such tenant the rents or the value of the use and occupation thereof during the period of redemption: PROVIDED, That when a mortgage contains a stipulation that in case of foreclosure the mortgagor may remain in possession of the mortgaged premises after sale and until the period of redemption has expired the court shall make its decree to that effect and the mortgagor shall have such right: PROVIDED, FURTHER, That as to any land so sold which is at the time of the sale used for farming purposes, or which is a part of a farm used, at the time of sale, for farming purposes, the judgment debtor shall be entitled to retain possession thereof during the period of redemption and the purchaser or his successor in interest shall, if the judgment debtor does not redeem, have a lien upon the crops raised or harvested thereon during said period of redemption, for interest on the purchase price at the rate of six percent per annum during said period of redemption and for taxes becoming delinquent during the period of redemption together with interest thereon: AND, PROVIDED FURTHER, That in case of any homestead ((~~selected in the manner provided by law~~)) as defined in chapter 6.12 RCW and occupied for that purpose at the time of sale, the judgment debtor shall have the right to retain possession thereof during the period of redemption without accounting for issues for value of occupation.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 64, Laws of 1895, section 7, chapter 154, Laws of 1973 1st ex. sess. and RCW 6.12.030;

(2) Section 30, chapter 64, Laws of 1895, section 8, chapter 154, Laws of 1973 1st ex. sess., section 2, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.040;

(3) Section 31, chapter 64, Laws of 1895, section 9, chapter 154, Laws of 1973 1st ex. sess., section 4, chapter 98, Laws of 1977 ex. sess. and RCW 6.12.060; and

(4) Section 8, chapter 64, Laws of 1895 and RCW 6.12.130.

NEW SECTION. Sec. 23. There is added to chapter 6.24 RCW a new section to read as follows:

(1) During the period of redemption for any property which a person would be entitled to claim as a homestead, any licensed real estate broker within the county in which the property is located may nonexclusively list the property for sale whether or not there is a listing contract. If the property is not redeemed by the judgment debtor and a sheriff's deed is issued under RCW 6.24.220, then the property owner shall accept the highest current qualifying offer upon tender of full cash payment within two banking days after notice of the pending acceptance is received by the offeror. If timely tender is not made, such offer shall no longer be deemed to be current and the opportunity shall pass to the next highest current qualifying offer, if any. Notice of pending acceptance shall be given for the first highest current qualifying offer within five days after delivery of the sheriff's deed under RCW 6.24.220 and for each subsequent highest current qualifying offer within five days after the offer becoming the highest current qualifying offer. An offer is qualifying if the offer is made during the redemption period through a licensed real estate broker listing the property and is at least equal to the sum of: (a) One hundred twenty percent greater than the redemption amount determined under RCW 6.24.140 and (b) the normal commission of the real estate broker or agent handling the offer.

(2) The proceeds shall be divided at the time of closing with: (a) One hundred twenty percent of the redemption amount determined under RCW 6.24.140 paid to the property owner, (b) the real estate broker's or agent's normal commission paid, and (c) any excess paid to the judgment debtor.

(3) Notice, tender, payment, and closing shall be made through the real estate broker or agent handling the offer.

(4) This section shall not apply to mortgage foreclosures under chapter 61.12 RCW.

NEW SECTION. Sec. 24. If any provision of this 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.

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