
HOUSE BILL 2271

State of Washington 52nd Legislature 1992 Regular Session

By Representatives H. Sommers, Haugen and Winsley

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1 AN ACT Relating to the sale of tax foreclosed property; and
2 amending RCW 84.64.270 and 84.64.320.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 84.64.270 and 1991 c 245 s 30 are each amended to read
5 as follows:

6 Real property (~~heretofore or hereafter~~) acquired by any county of
7 this state by foreclosure of delinquent taxes may be sold by order of
8 the county legislative authority of the county when in the judgment of
9 the (~~members of the~~) county legislative authority (~~they deem it~~
10 ~~for~~) it is deemed in the best interests of the county to sell the
11 (~~same~~) real property.

12 When the legislative authority desires to sell any such property it
13 may, if deemed advantageous to the county, combine any or all of the
14 several lots and tracts of such property in one or more units, and may

1 reserve from sale coal, oil, gas, gravel, minerals, ores, fossils,
2 timber, or other resources on or in the lands, and the right to mine
3 for and remove the same, and it shall then enter an order on its
4 records fixing the unit or units in which the property shall be sold
5 and the minimum price for each of such units, and whether the sale will
6 be for cash or whether a contract will be offered, and reserving from
7 sale such of the resources as it may determine and from which units
8 such reservations shall apply, and directing the county treasurer to
9 sell such property in the unit or units and at not less than the price
10 or prices and subject to such reservations so fixed by the county
11 legislative authority(~~(: PROVIDED, That)~~). The order shall be subject
12 to the approval of the county treasurer if several lots or tracts of
13 land are combined in one unit.

14 Except in cases where the sale is to be by direct negotiation as
15 provided in this chapter, it shall be the duty of the county treasurer
16 upon receipt of such order to publish once a week for three consecutive
17 weeks a notice of the sale of such property in a newspaper of general
18 circulation in the county where the land is situated. The notice shall
19 describe the property to be sold, the unit or units, the reservations,
20 and the minimum price fixed in the order, together with the time and
21 place and terms of sale, in the same manner as foreclosure sales as
22 provided by RCW 84.64.080.

23 The person making the bid shall state whether he or she will pay
24 cash for the amount of his or her bid or accept a real estate contract
25 of purchase in accordance with the provisions hereinafter contained.
26 The person making the highest bid shall become the purchaser of the
27 property. If the highest bidder is a contract bidder the purchaser
28 shall be required to pay thirty percent of the total purchase price at
29 the time of the sale and shall enter into a contract with the county as
30 vendor and the purchaser as vendee which shall obligate and require the

1 purchaser to pay the balance of the purchase price in ten equal annual
2 installments commencing November 1st and each year following the date
3 of the sale, and shall require the purchaser to pay twelve percent
4 interest on all deferred payments, interest to be paid at the time the
5 annual installment is due; and may contain a provision authorizing the
6 purchaser to make payment in full at any time of any balance due on the
7 total purchase price plus accrued interest on such balance. The
8 contract shall contain a provision requiring the purchaser to pay
9 before delinquency all subsequent taxes and assessments that may be
10 levied or assessed against the property subsequent to the date of the
11 contract, and shall contain a provision that time is of the essence of
12 the contract and that in event of a failure of the vendee to make
13 payments at the time and in the manner required and to keep and perform
14 the covenants and conditions therein required of him or her that the
15 contract may be forfeited and terminated at the election of the vendor,
16 and that in event of the election all sums theretofore paid by the
17 vendee shall be forfeited as liquidated damages for failure to comply
18 with the provisions of the contract; and shall require the vendor to
19 execute and deliver to the vendee a deed of conveyance covering the
20 property upon the payment in full of the purchase price, plus accrued
21 interest(~~(:—PROVIDED FURTHER, That)~~).

22 The county legislative authority may, by order entered in its
23 records, direct the coal, oil, gas, gravel, minerals, ores, timber, or
24 other resources sold apart from the land, such sale to be conducted in
25 the manner hereinabove prescribed for the sale of the land(~~(:—PROVIDED~~
26 FURTHER, That)). Any such reserved minerals or resources not exceeding
27 two hundred dollars in value may be sold, when the county legislative
28 authority deems it advisable, either with or without such publication
29 of the notice of sale, and in such manner as the county legislative
30 authority may determine will be most beneficial to the county.

1 **Sec. 2.** RCW 84.64.320 and 1961 c 15 s 84.64.320 are each amended
2 to read as follows:

3 The (~~board of county commissioners~~) county legislative authority
4 may dispose of tax foreclosed property (~~to any governmental agency for~~
5 ~~public purposes~~) by private negotiation, without a call for bids, for
6 not less than the principal amount of the unpaid taxes in any of the
7 following cases: (1) When the sale is to any governmental agency and
8 for public purposes; (2) when the county legislative authority
9 determines that it is not practical to build on the property due to the
10 physical characteristics of the property or legal restrictions on
11 construction activities on the property; or (3) when no acceptable bids
12 were received at the attempted public auction of the property and if
13 the property is sold by private negotiation within six months from the
14 date of the attempted public auction.