

---

**SUBSTITUTE HOUSE BILL 2411**

---

**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** House Committee on Government Administration (originally sponsored by Representatives Alexander, Wolfe, D. Schmidt, DeBolt, Gardner, D. Sommers and Thompson)

Read first time 01/27/98. Referred to Committee on .

1 AN ACT Relating to functions of county treasurers; amending RCW  
2 35.13.270, 35A.14.801, 36.29.010, 36.29.160, 57.16.110, 36.48.010,  
3 39.46.110, 57.08.081, 82.45.180, 84.04.060, 84.64.220, 84.64.300,  
4 84.64.330, 84.64.340, 84.64.350, 84.64.380, 84.64.420, 84.64.430,  
5 84.64.440, and 36.35.070; adding a new section to chapter 82.46 RCW;  
6 adding new sections to chapter 36.35 RCW; recodifying RCW 84.64.220,  
7 84.64.230, 84.64.270, 84.64.300, 84.64.310, 84.64.320, 84.64.330,  
8 84.64.340, 84.64.350, 84.64.360, 84.64.370, 84.64.380, 84.64.390,  
9 84.64.400, 84.64.410, 84.64.420, 84.64.430, 84.64.440, 84.64.450, and  
10 84.64.460; and repealing RCW 36.35.030, 36.35.040, 36.35.050, and  
11 36.35.060.

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

13 **Sec. 1.** RCW 35.13.270 and 1965 c 7 s 35.13.270 are each amended to  
14 read as follows:

15 Whenever any territory is annexed to a city or town which is part  
16 of a road district of the county and road district taxes have been  
17 levied but not collected on any property within the annexed territory,  
18 the same shall when collected by the county treasurer be paid to the  
19 city or town and by the city or town placed in the city or town street

1 fund: PROVIDED, That this section shall not apply to any special  
2 assessments due in behalf of such property. The city or town is  
3 required to provide notification, by certified mail, that includes a  
4 list of annexed parcel numbers, to the county treasurer and assessor at  
5 least thirty days before the effective date of the annexation. The  
6 county treasurer is only required to remit to the city or town those  
7 road taxes collected thirty days or more after receipt of the  
8 notification.

9       **Sec. 2.** RCW 35A.14.801 and 1971 ex.s. c 251 s 14 are each amended  
10 to read as follows:

11       Whenever any territory is annexed to a code city which is part of  
12 a road district of the county and road district taxes have been levied  
13 but not collected on any property within the annexed territory, the  
14 same shall when collected by the county treasurer be paid to the code  
15 city and by the city placed in the city street fund: PROVIDED, That  
16 this section shall not apply to any special assessments due in behalf  
17 of such property. The code city is required to provide notification,  
18 by certified mail, that includes a list of annexed parcel numbers, to  
19 the county treasurer and assessor at least thirty days before the  
20 effective date of the annexation. The county treasurer is only  
21 required to remit to the code city those road taxes collected thirty or  
22 more days after receipt of the notification.

23       **Sec. 3.** RCW 36.29.010 and 1995 c 38 s 4 are each amended to read  
24 as follows:

25       The county treasurer:

26       (1) Shall receive all money due the county and disburse it on  
27 warrants issued and attested by the county auditor and electronic funds  
28 transfer under RCW 39.58.750 as attested by the county auditor;

29       (2) Shall issue a receipt in duplicate for all money received other  
30 than taxes; the treasurer shall deliver immediately to the person  
31 making the payment the original receipt and the duplicate shall be  
32 retained by the treasurer;

33       (3) Shall affix on the face of all paid warrants the date of  
34 redemption or, in the case of proper contract between the treasurer and  
35 a qualified public depository, the treasurer may consider the date  
36 affixed by the financial institution as the date of redemption;

1 (4) Shall indorse, before the date of issue by the county or by any  
2 taxing district for whom the county treasurer acts as treasurer, on the  
3 face of all warrants for which there are not sufficient funds for  
4 payment, "interest bearing warrant." When there are funds to redeem  
5 outstanding warrants, the county treasurer shall give notice:

6 (a) By publication in a legal newspaper published or circulated in  
7 the county; or

8 (b) By posting at three public places in the county if there is no  
9 such newspaper; or

10 (c) By notification to the financial institution holding the  
11 warrant;

12 (5) Shall pay interest on all interest-bearing warrants from the  
13 date of issue to the date of notification;

14 (6) Shall maintain financial records reflecting receipts and  
15 disbursement by fund in accordance with generally accepted accounting  
16 principles;

17 (7) Shall account for and pay all bonded indebtedness for the  
18 county and all special districts for which the county treasurer acts as  
19 treasurer;

20 (8) Shall invest all funds of the county or any special district in  
21 the treasurer's custody, not needed for immediate expenditure, in a  
22 manner consistent with appropriate statutes. If cash is needed to  
23 redeem warrants issued from any fund in the custody of the treasurer,  
24 the treasurer shall liquidate investments in an amount sufficient to  
25 cover such warrant redemptions; and

26 (9) May provide certain collection services for county departments.

27 The treasurer, at the expiration of the term of office, shall make  
28 a complete settlement with the county legislative authority, and shall  
29 deliver to the successor all public money, books, and papers in the  
30 treasurer's possession.

31 **Sec. 4.** RCW 36.29.160 and 1996 c 230 s 1607 are each amended to  
32 read as follows:

33 The county treasurer shall make segregation, collect, and receive  
34 from any owner or owners of any subdivision or portion of any lot,  
35 tract or parcel of land upon which assessments or charges have been  
36 made or may be made (~~hereafter in~~) by public utility districts,  
37 water-sewer districts, or the county (~~road improvement districts~~),  
38 under the terms of Title 54 RCW, Title 57 RCW, or chapter 36.88, 36.89,

1 or 36.94 RCW, such portion of the assessments or charges levied or to  
2 be levied against such lot, tract or parcel of land in payment of such  
3 assessment or charges as the board of commissioners of the public  
4 utility district, the water-sewer district commissioners or the board  
5 of county commissioners, respectively, shall certify to be chargeable  
6 to such subdivision, which certificate shall state that such property  
7 as segregated is sufficient security for the assessment or charges.  
8 Upon making collection upon any such subdivision the county treasurer  
9 shall note such payment upon his records and give receipt therefor.  
10 When a segregation is required, a certified copy of the resolution  
11 shall be delivered to the treasurer of the county in which the real  
12 property is located who shall proceed to make the segregation ordered  
13 upon being tendered a fee of three dollars for each tract of land for  
14 which a segregation is to be made.

15 **Sec. 5.** RCW 57.16.110 and 1996 c 230 s 610 are each amended to  
16 read as follows:

17 Whenever any land against which there has been levied any special  
18 assessment by any district shall have been sold in part or subdivided,  
19 the board of commissioners of the district shall have the power to  
20 order a segregation of the assessment.

21 Any person desiring to have a special assessment against a tract of  
22 land segregated to apply to smaller parts thereof shall apply to the  
23 board of commissioners of the district that levied the assessment. If  
24 the commissioners determine that a segregation should be made, they  
25 shall by resolution order the treasurer of the county in which the real  
26 property is located to make segregation on the original assessment roll  
27 as directed in the resolution. The segregation shall be made as nearly  
28 as possible on the same basis as the original assessment was levied,  
29 and the total of the segregated parts of the assessment shall equal the  
30 assessment before segregation. The resolution shall describe the  
31 original tract and the amount and date of the original assessment, and  
32 shall define the boundaries of the divided parts and the amount of the  
33 assessment chargeable to each part. A certified copy of the resolution  
34 shall be delivered to the treasurer of the county in which the real  
35 property is located who shall proceed to make the segregation (~~ordered~~  
36 ~~upon being tendered a fee of three dollars for each tract of land for~~  
37 ~~which a segregation is to be made. In addition to the charge~~). The  
38 board of commissioners may require as a condition to the order of

1 segregation that the person seeking it pay the district the reasonable  
2 engineering and clerical costs incident to making the segregation.

3 **Sec. 6.** RCW 36.48.010 and 1984 c 177 s 8 are each amended to read  
4 as follows:

5 Each county treasurer shall annually at the end of each fiscal year  
6 or at such other times as may be deemed necessary, designate one or  
7 more financial institutions in the state which are qualified public  
8 depositories as set forth by the public deposit protection commission  
9 as depository or depositories for all public funds held and required to  
10 be kept by (~~him as such~~) the treasurer, and no county treasurer shall  
11 deposit any public money in financial institutions, except as herein  
12 provided. Public funds of the county or a special district for which  
13 the county treasurer acts as its treasurer may only be deposited in  
14 bank accounts authorized by the treasurer or authorized in statute.  
15 All bank card depository service contracts for the county and special  
16 districts for which the county treasurer acts as its treasurer must be  
17 authorized by the county treasurer.

18 **Sec. 7.** RCW 39.46.110 and 1995 c 38 s 8 are each amended to read  
19 as follows:

20 (1) General obligation bonds of local governments shall be subject  
21 to this section. Unless otherwise stated in law, the maximum term of  
22 any general obligation bond issue shall be forty years.

23 (2) General obligation bonds constitute an indebtedness of the  
24 local government issuing the bonds that are subject to the indebtedness  
25 limitations provided in Article VIII, section 6 of the state  
26 Constitution and are payable from tax revenues of the local government  
27 and such other money lawfully available and pledged or provided by the  
28 governing body of the local government for that purpose. Such  
29 governing body may pledge the full faith, credit and resources of the  
30 local government for the payment of general obligation bonds. The  
31 payment of such bonds shall be enforceable in mandamus against the  
32 local government and its officials. The officials now or hereafter  
33 charged by law with the duty of levying taxes pledged for the payment  
34 of general obligation bonds and interest thereon shall, in the manner  
35 provided by law, make an annual levy of such taxes sufficient together  
36 with other moneys lawfully available and pledge therefor to meet the

1 payments of principal and interest on (~~said~~) the bonds as they come  
2 due.

3 (3) General obligation bonds, whether or not issued as physical  
4 instruments, shall be executed in the manner determined by the  
5 governing body or legislative body of the issuer. If the issuer is the  
6 county or a special district for which the county treasurer is the  
7 treasurer, the issuer shall notify the county treasurer at least thirty  
8 days in advance of authorizing the issuance of bonds or the incurrence  
9 of other certificates of indebtedness.

10 (4) Unless another statute specifically provides otherwise, the  
11 owner of a general obligation bond, or the owner of an interest coupon,  
12 issued by a local government shall not have any claim against the state  
13 arising from the general obligation bond or interest coupon.

14 (5) As used in this section, the term "local government" means  
15 every unit of local government, including municipal corporations, quasi  
16 municipal corporations, and political subdivisions, where property  
17 ownership is not a prerequisite to vote in the local government's  
18 elections.

19 **Sec. 8.** RCW 57.08.081 and 1997 c 447 s 19 are each amended to read  
20 as follows:

21 The commissioners of any district shall provide for revenues by  
22 fixing rates and charges for furnishing sewer and drainage service and  
23 facilities to those to whom service is available or for providing  
24 water, such rates and charges to be fixed as deemed necessary by the  
25 commissioners, so that uniform charges will be made for the same class  
26 of customer or service and facility. Rates and charges may be combined  
27 for the furnishing of more than one type of sewer or drainage service  
28 and (~~facility such as but not limited to storm or surface water and~~  
29 ~~sanitary~~) facilities.

30 In classifying customers of such water, sewer, or drainage system,  
31 the board of commissioners may in its discretion consider any or all of  
32 the following factors: The difference in cost to various customers;  
33 the location of the various customers within and without the district;  
34 the difference in cost of maintenance, operation, repair, and  
35 replacement of the various parts of the system; the different character  
36 of the service furnished various customers; the quantity and quality of  
37 the service and facility furnished; the time of its use; the  
38 achievement of water conservation goals and the discouragement of

1 wasteful practices; capital contributions made to the system including  
2 but not limited to assessments; and any other matters which present a  
3 reasonable difference as a ground for distinction. Rates shall be  
4 established as deemed proper by the commissioners and as fixed by  
5 resolution and shall produce revenues sufficient to take care of the  
6 costs of maintenance and operation, revenue bond and warrant interest  
7 and principal amortization requirements, and all other charges  
8 necessary for efficient and proper operation of the system.

9 The commissioners shall enforce collection of connection charges,  
10 and rates and charges for water supplied against property owners  
11 connecting with the system or receiving such water, and for sewer and  
12 drainage services charged against property to which and its owners to  
13 whom the service is available, such charges being deemed charges  
14 against the property served, by addition of penalties of not more than  
15 ten percent thereof in case of failure to pay the charges at times  
16 fixed by resolution. The commissioners may provide by resolution that  
17 where either connection charges or rates and charges for services  
18 supplied are delinquent for any specified period of time, the district  
19 shall certify the delinquencies to the (~~treasurer~~) auditor of the  
20 county in which the real property is located, and the charges and any  
21 penalties added thereto and interest thereon at the rate of not more  
22 than the prime lending rate of the district's bank plus four percentage  
23 points per year shall be a lien against the property upon which the  
24 service was received, subject only to the lien for general taxes.

25 The district may, at any time after the connection charges or rates  
26 and charges for services supplied or available and penalties are  
27 delinquent for a period of sixty days, bring suit in foreclosure by  
28 civil action in the superior court of the county in which the real  
29 property is located. The court may allow, in addition to the costs and  
30 disbursements provided by statute, attorneys' fees, title search and  
31 report costs, and expenses as it adjudges reasonable. The action shall  
32 be in rem, and may be brought in the name of the district against an  
33 individual or against all of those who are delinquent in one action.  
34 The laws and rules of the court shall control as in other civil  
35 actions.

36 In addition to the right to foreclose provided in this section, the  
37 district may also cut off all or part of the service after charges for  
38 water or sewer service supplied or available are delinquent for a  
39 period of sixty days.

1        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 82.46 RCW  
2 to read as follows:

3        A county, city, or town that imposes an excise tax under this  
4 chapter must provide the county treasurer with a copy of the ordinance  
5 or other action initially authorizing the tax or altering the rate of  
6 the tax that is imposed at least sixty days before change becomes  
7 effective.

8        **Sec. 10.**    RCW 82.45.180 and 1993 sp.s. c 25 s 510 are each amended  
9 to read as follows:

10        (1) For taxes collected by the county under this chapter, the  
11 county treasurer shall collect a two-dollar fee on all transactions  
12 required by this chapter where the transaction does not require the  
13 payment of tax. A total of two dollars shall be collected in the form  
14 of a tax and fee, where the calculated tax payment is less than two  
15 dollars. The county treasurer shall place one percent of the proceeds  
16 of the tax imposed by this chapter and the treasurer's fee in the  
17 county current expense fund to defray costs of collection and shall pay  
18 over to the state treasurer and account to the department of revenue  
19 for the remainder of the proceeds at the same time the county treasurer  
20 remits funds to the state under RCW 84.56.280. The state treasurer  
21 shall deposit the proceeds in the general fund for the support of the  
22 common schools.

23        (2) For taxes collected by the department of revenue under this  
24 chapter, the department shall remit the tax to the state treasurer who  
25 shall deposit the proceeds of any state tax in the general fund for the  
26 support of the common schools. The state treasurer shall deposit the  
27 proceeds of any local taxes imposed under chapter 82.46 RCW in the  
28 local real estate excise tax account hereby created in the state  
29 treasury. Moneys in the local real estate excise tax account may be  
30 spent only for distribution to counties, cities, and towns imposing a  
31 tax under chapter 82.46 RCW. Except as provided in RCW 43.08.190, all  
32 earnings of investments of balances in the local real estate excise tax  
33 account shall be credited to the local real estate excise tax account  
34 and distributed to the counties, cities, and towns monthly. Monthly  
35 the state treasurer shall make distribution from the local real estate  
36 excise tax account to the counties, cities, and towns the amount of tax  
37 collected on behalf of each taxing authority. The state treasurer



1 shall make the distribution under this subsection without  
2 appropriation.

3 **Sec. 11.** RCW 84.04.060 and 1961 c 15 s 84.04.060 are each amended  
4 to read as follows:

5 "Money" or "moneys" shall be held to mean (~~gold and silver coin,~~  
6 ~~gold and silver certificates, treasury notes, United States notes, and~~  
7 ~~bank notes~~) coin or paper money issued by the United States  
8 government.

9 **Sec. 12.** RCW 84.64.220 and 1961 c 15 s 84.64.220 are each amended  
10 to read as follows:

11 All property deeded to the county under the provisions of this  
12 chapter shall be stricken from the tax rolls as county property and  
13 exempt from taxation and shall not be again assessed or taxed while the  
14 property of the county. The sale, management, and leasing of tax title  
15 property shall be handled as under chapter 36.35 RCW.

16 **Sec. 13.** RCW 84.64.300 and 1961 c 15 s 84.64.300 are each amended  
17 to read as follows:

18 The county treasurer shall upon payment to (~~him~~) the county  
19 treasurer of the purchase price for (~~said~~) the property and any  
20 interest due, make and execute under (~~his~~) the county treasurer's  
21 hand and seal, and issue to the purchaser, a deed in the following form  
22 for any lots or parcels of real property sold under the provisions of  
23 RCW 84.64.270 (as recodified by this act).

24 State of Washington                    |  
25    | ss.  
26 County of . . . .                    |

27 This indenture, made this . . . . day of . . . . ., (~~19. . . .~~)  
28 . . . (year) . . ., between . . . . ., as treasurer of . . . . .  
29 county, state of Washington, the party of the first part, and  
30 . . . . ., party of the second part.

31 WITNESSETH, That whereas, at a public sale of real property, held  
32 on the . . . . day of . . . . ., (~~A.D., 19. . . .~~) . . . (year) . . .,  
33 pursuant to an order of the (~~board of county commissioners~~) county  
34 legislative authority of the county of . . . . ., state of  
35 Washington, duly made and entered, and after having first given due

1 notice of the time and place and terms of ((said)) the sale, and,  
2 whereas, in pursuance of ((said)) the order of the ((said ~~board of~~  
3 ~~county commissioners~~)) county legislative authority, and of the laws of  
4 the state of Washington, and for and in consideration of the sum of  
5 . . . . . dollars, lawful money of the United States of America, to  
6 me in hand paid, the receipt whereof is hereby acknowledged, I have  
7 this day sold to . . . . . the following described real property, and  
8 which ((said)) the real property is the property of . . . . . county,  
9 and which is particularly described as follows, to wit:  
10 . . . . ., the ((said)) . . . . . being the highest and best  
11 bidder at ((said)) the sale, and the ((said)) sum being the highest and  
12 best sum bid at ((said)) the sale;

13 NOW, THEREFORE, Know ye that I, . . . . ., county treasurer of  
14 ((said)) the county of . . . . ., state of Washington, in  
15 consideration of the premises and by virtue of the statutes of the  
16 state of Washington, in such cases made and provided, do hereby grant  
17 and convey unto . . . . ., heirs and assigns, forever, the ((said))  
18 real property hereinbefore described, as fully and completely as  
19 ((said)) the party of the first part can by virtue of the premises  
20 convey the same.

21 Given under my hand and seal of office this . . . . . day of  
22 . . . . ., ((A.D. 19 . . .)) . . . (year) . . .

23 . . . . .  
24 County Treasurer,  
25 By . . . . .  
26 Deputy:

27 PROVIDED, That when by order of the ((~~board of county commissioners~~))  
28 county legislative authority any of the minerals or other resources  
29 enumerated in RCW 84.64.270 (as recodified by this act) are reserved,  
30 the deed or contract of purchase shall contain the following  
31 reservation:

32 The party of the first part hereby expressly saves, excepts and  
33 reserves out of the grant hereby made, unto itself, its successors, and  
34 assigns, forever, all oils, gases, coals, ores, minerals, gravel,  
35 timber and fossils of every name, kind or description, and which may be  
36 in or upon ((said)) the lands above described; or any part thereof, and  
37 the right to explore the same for such oils, gases, coal, ores,  
38 minerals, gravel, timber and fossils; and it also hereby expressly  
39 saves reserves out of the grant hereby made, unto itself, its

1 successors and assigns, forever, the right to enter by itself, its  
2 agents, attorneys and servants upon ((said)) the lands, or any part or  
3 parts thereof, at any and all times, for the purpose of opening,  
4 developing and working mines thereon, and taking out and removing  
5 therefrom all such oils, gases, coal, ores, minerals, gravel, timber  
6 and fossils, and to that end it further expressly reserves out of the  
7 grant hereby made, unto itself, its successors and assigns, forever,  
8 the right by it or its agents, servants and attorneys at any and all  
9 times to erect, construct, maintain and use all such buildings,  
10 machinery, roads and railroads, sink such shafts, remove such oil, and  
11 to remain on ((said)) the lands or any part thereof, for the business  
12 of mining and to occupy as much of ((said)) the lands as may be  
13 necessary or convenient for the successful prosecution of such mining  
14 business, hereby expressly reserving to itself, its successors and  
15 assigns, as aforesaid, generally, all rights and powers in, to and  
16 over, ((said)) the land, whether herein expressed or not, reasonably  
17 necessary or convenient to render beneficial and efficient the complete  
18 enjoyment of the property and the rights hereby expressly reserved. No  
19 rights shall be exercised under the foregoing reservation, by the  
20 county, its successors or assigns, until provision has been made by the  
21 county, its successors or assigns, to pay to the owner of the land upon  
22 which the rights herein reserved to the county, its successors or  
23 assigns, are sought to be exercised, full payment for all damages  
24 sustained by ((said)) the owner, by reason of entering upon ((said))  
25 the land: PROVIDED, That if ((said)) the owner from any cause whatever  
26 refuses or neglects to settle ((said)) the damages, then the county,  
27 its successors or assigns, or any applicant for a lease or contract  
28 from the county for the purpose of prospecting for or mining valuable  
29 minerals, or operation contract, or lease, for mining coal, or lease  
30 for extracting petroleum or natural gas, shall have the right to  
31 institute such legal proceedings in the superior court of the county  
32 wherein the land is situated, as may be necessary to determine the  
33 damages which ((said)) the owner of ((said)) the land may suffer:  
34 PROVIDED, The county treasurer shall cross out of such reservation any  
35 of ((said)) the minerals or other resources which were not reserved by  
36 order of the ((said-board)) county legislative authority.

37       **Sec. 14.** RCW 84.64.330 and 1961 c 15 s 84.64.330 are each amended  
38 to read as follows:

1 In and all instances in this state in which a treasurer's deed  
2 to real property has been or shall be issued to the county in  
3 proceedings to foreclose the lien of general taxes, and for any reason  
4 a defect in title exists or adverse claims against the same have not  
5 been legally determined, the county or its successors in interest or  
6 assigns shall have authority to institute an action in the superior  
7 court in (~~said~~) the county to correct such defects, and to determine  
8 such adverse claims and the priority thereof as provided in RCW  
9 84.64.330 through 84.64.440 (~~provided~~) (as recodified by this act).

10 **Sec. 15.** RCW 84.64.340 and 1961 c 15 s 84.64.340 are each amended  
11 to read as follows:

12 The county or its successors in interest or assigns shall have  
13 authority to include in one action any and all tracts of land in which  
14 plaintiff or plaintiffs in such action, jointly or severally, has or  
15 claims to have an interest. Such action shall be one in rem as against  
16 every right and interest in and claim against any and every part of the  
17 real property involved, except so much thereof as may be at the time  
18 the summons and notice is filed with the clerk of the superior court in  
19 the actual, open and notorious possession of any person or corporation,  
20 and then except only as to the interest claimed by such person so in  
21 possession: PROVIDED, That the possession required under the  
22 provisions of RCW 84.64.330 through 84.64.440 (as recodified by this  
23 act) shall be construed to be that by personal occupancy only, and not  
24 merely by representation or in contemplation of law. No person, firm  
25 or corporation claiming an interest in or to such lands need be  
26 specifically named in the summons and notice, except as in RCW  
27 84.64.330 through 84.64.440 (~~provided~~) (as recodified by this act),  
28 and no pleadings other than the summons and notice and the written  
29 statements of those claiming a right, title and interest in and to the  
30 property involved shall be required.

31 **Sec. 16.** RCW 84.64.350 and 1961 c 15 s 84.64.350 are each amended  
32 to read as follows:

33 Upon filing a copy of the summons and notice in the office of the  
34 county clerk, service thereof as against every interest in and claim  
35 against any and every part of the property described in such summons  
36 and notice, and every person, firm, or corporation, except one who is  
37 in the actual, open and notorious possession of any of (~~said~~) the

1 properties, shall be had by publication in the official county  
2 newspaper for six consecutive weeks; and no affidavit for publication  
3 of such summons and notice shall be required. In case ((there are  
4 ~~outstanding local improvement~~)) special assessments imposed by a city  
5 or town against any of the real property described in the summons and  
6 notice remain outstanding, a copy of the same shall be served on the  
7 treasurer of the city or town within which such real property is  
8 situated within five days after such summons and notice is filed.

9 The summons and notice in such action shall contain the title of  
10 the court; specify in general terms the years for which the taxes were  
11 levied and the amount of the taxes and the costs for which each tract  
12 of land was sold; give the legal description of each tract of land  
13 involved, and the tax record owner thereof during the years in which  
14 the taxes for which the property was sold were levied; state that the  
15 purpose of the action is to foreclose all adverse claims of every  
16 nature in and to the property described, and to have the title of  
17 existing liens and claims of every nature against ((said)) the  
18 described real property, except that of the county, forever barred.

19 ((Said)) The summons and notice shall also summon all persons,  
20 firms and corporations claiming any right, title and interest in and to  
21 ((said)) the described real property to appear within sixty days after  
22 the date of the first publication, specifying the day and year, and  
23 state in writing what right, title and interest they have or claim to  
24 have in and to the property described, and file the same with the clerk  
25 of the court above named; and shall notify them that in case of their  
26 failure so to do, judgment will be rendered determining that the title  
27 to ((said)) the real property is in the county free from all existing  
28 adverse interests, rights or claims whatsoever: PROVIDED, That in case  
29 any of the lands involved is in the actual, open and notorious  
30 possession of anyone at the time the summons and notice is filed, as  
31 herein provided, a copy of the same modified as herein specified shall  
32 be served personally upon such person in the same manner as summons is  
33 served in civil actions generally. ((Said)) The summons shall be  
34 substantially in the form above outlined, except that in lieu of the  
35 statement relative to the date and day of publication it shall require  
36 the person served to appear within twenty days after the day of  
37 service, exclusive of the date of service, and that the day of service  
38 need not be specified therein, and except further that the recitals  
39 regarding the amount of the taxes and costs and the years the same were

1 levied, the legal description of the land and the tax record owner  
2 thereof may be omitted except as to the land occupied by the persons  
3 served.

4 Every summons and notice provided for in RCW 84.64.330 through  
5 84.64.440 (as recodified by this act) shall be subscribed by the  
6 prosecuting attorney of the county, or by any successor or assign of  
7 the county or his attorney, as the case may be, followed by ~~((his))~~ the  
8 post office address of the successor or assign.

9 **Sec. 17.** RCW 84.64.380 and 1961 c 15 s 84.64.380 are each amended  
10 to read as follows:

11 The right of action of the county, its successors or assigns, under  
12 RCW 84.64.330 through 84.64.440 (as recodified by this act) shall rest  
13 on the validity of the taxes involved, and the plaintiff shall be  
14 required to prove only the amount of the former judgment foreclosing  
15 the lien thereof, together with the costs of the foreclosure and sale  
16 of each tract of land for ~~((said))~~ the taxes, and all the presumptions  
17 in favor of the tax foreclosure sale and issuance of treasurer's deed  
18 existing by law shall obtain in ~~((said))~~ the action.

19 **Sec. 18.** RCW 84.64.420 and 1961 c 15 s 84.64.420 are each amended  
20 to read as follows:

21 Nothing in RCW 84.64.330 through 84.64.440 (as recodified by this  
22 act) contained shall be construed to deprive any city ~~((or))~~, town, or  
23 other unit of local government that imposed special assessments on the  
24 property by including the property in a local improvement or special  
25 assessment district of its right to reimbursement for special  
26 assessments out of any surplus over and above the taxes, interest and  
27 costs involved.

28 **Sec. 19.** RCW 84.64.430 and 1961 c 15 s 84.64.430 are each amended  
29 to read as follows:

30 That in all cases where any county of the state of Washington has  
31 perfected title to real estate owned by ~~((such))~~ the county, under the  
32 provisions of RCW 84.64.330 through 84.64.420 (as recodified by this  
33 act) and resells the same or part thereof, it shall give to the  
34 purchaser a warranty deed in substantially the following form:

1 STATE OF WASHINGTON }  
2 } ss.  
3 County of . . . . . }

4 This indenture, made this . . . . day of . . . . . ((19.))  
5 . . . (year) . . . , between . . . . . as treasurer of . . . . . county,  
6 state of Washington, the party of the first part, and . . . . . ,  
7 party of the second part.

8 WITNESSETH, THAT WHEREAS, at a public sale of real property, held  
9 on the . . . . day of . . . . . ((A.D. 19.)) . . . (year) . . . ,  
10 pursuant to an order of the ((board of county commissioners)) county  
11 legislative authority of the county of . . . . . , state of  
12 Washington, duly made and entered, and after having first given due  
13 notice of the time and place and terms of ((said)) the sale, and,  
14 whereas, in pursuance of ((said)) the order of the ((said board of

15 county commissioners)) county legislative authority, and of the laws of  
16 the state of Washington, and for and in consideration of the sum of  
17 . . . . . dollars, lawful money of the United States of America, to  
18 me in hand paid, the receipt whereof is hereby acknowledged, I have  
19 this day sold to . . . . . the following described real property, and  
20 which ((said)) the real property is the property of . . . . . county,  
21 and which is particularly described as follows, to wit:

22 . . . . . , the ((said)) . . . . . being the highest and best  
23 bidder at ((said)) the sale, and the ((said)) sum being the highest and  
24 best sum bid at ((said)) the sale:  
25 NOW THEREFORE KNOW YE that I, . . . . . county treasurer of  
26 ((said)) the county of . . . . . , state of Washington, in  
27 consideration of the premises and by virtue of the statutes of the  
28 state of Washington, in such cases made and provided, do hereby grant,  
29 convey and warrant on behalf of . . . . . county unto . . . . . ,  
30 his or her heirs and assigns, forever, the ((said)) real property  
31 hereinbefore described.

32 Given under my hand and seal of office this . . . . day of  
33 . . . . . ((A.D.)), ((19.)) . . . (year) . . .

34 . . . . .  
35 County Treasurer.  
36 By . . . . .  
37 Deputy.

1       **Sec. 20.** RCW 84.64.440 and 1961 c 15 s 84.64.440 are each amended  
2 to read as follows:

3       No recovery for breach of warranty shall be had, against the county  
4 executing a deed under the provisions of RCW 84.64.430 (as recodified  
5 by this act), in excess of the purchase price of the land described in  
6 such deed, with interest at the legal rate.

7       **Sec. 21.** RCW 36.35.070 and 1972 ex.s. c 150 s 8 are each amended  
8 to read as follows:

9       The provisions of this chapter shall be deemed as alternatives to,  
10 and not be limited by, the provisions of RCW 39.33.010, 36.34.130, and  
11 84.64.310 (as recodified by this act), nor shall the authority granted  
12 in this chapter be held to be subjected to or qualified by the terms of  
13 such statutory provisions.

14       NEW SECTION.   **Sec. 22.** RCW 84.64.220 (as amended by this act),  
15 84.64.230, 84.64.270, 84.64.300 (as amended by this act), 84.64.310,  
16 84.64.320, 84.64.330 (as amended by this act), 84.64.340 (as amended by  
17 this act), 84.64.350 (as amended by this act), 84.64.360, 84.64.370,  
18 84.64.380 (as amended by this act), 84.64.390, 84.64.400, 84.64.410,  
19 84.64.420 (as amended by this act), 84.64.430 (as amended by this act),  
20 84.64.440 (as amended by this act), 84.64.450, and 84.64.460 are each  
21 recodified as sections in chapter 36.35 RCW.

22       NEW SECTION.   **Sec. 23.** The following acts or parts of acts are  
23 each repealed:

- 24       (1) RCW 36.35.030 and 1972 ex.s. c 150 s 4;  
25       (2) RCW 36.35.040 and 1972 ex.s. c 150 s 5;  
26       (3) RCW 36.35.050 and 1972 ex.s. c 150 s 6; and  
27       (4) RCW 36.35.060 and 1972 ex.s. c 150 s 7.

--- END ---