

**SB 6553** - S AMD 523  
By Senator Kline

ADOPTED 02/18/2014

1 On page 2, line 31, after "property" insert ",as determined by  
2 the court"

3

4 On page 3, after line 13, insert the following:

5

6 "**Sec. 2** RCW 61.24.080 and 1998 c 295 s 10 are each amended to  
7 read as follows:

8 The trustee shall apply the proceeds of the sale as follows:

9 (1) To the expense of sale, including a reasonable charge by the  
10 trustee and by his or her attorney: PROVIDED, That the aggregate of  
11 the charges by the trustee and his or her attorney, for their services  
12 in the sale, shall not exceed the amount which would, by the superior  
13 court of the county in which the trustee's sale occurred, have been  
14 deemed a reasonable attorney fee, had the trust deed been foreclosed  
15 as a mortgage in a noncontested action in that court;

16 (2) To the obligation secured by the deed of trust; and

17 (3) The surplus, if any, less the clerk's filing fee, shall be  
18 deposited, together with written notice of the amount of the surplus,  
19 a copy of the notice of trustee's sale, and an affidavit of mailing as  
20 provided in this subsection, with the clerk of the superior court of  
21 the county in which the sale took place. The trustee shall mail  
22 copies of the notice of the surplus, the notice of trustee's sale, and  
23 the affidavit of mailing to each party to whom the notice of trustee's  
24 sale was sent pursuant to RCW 61.24.040(1). The clerk shall index  
25 such funds under the name of the grantor as set out in the recorded  
26 notice. Upon compliance with this subsection, the trustee shall be  
27 discharged from all further responsibilities for the surplus.

1 Interests in, or liens or claims of liens against the property  
2 eliminated by sale under this section shall attach to the surplus in  
3 the order of priority that it had attached to the property, as  
4 determined by the court. A party seeking disbursement of the surplus  
5 funds shall file a motion requesting disbursement in the superior  
6 court for the county in which the surplus funds are deposited. Notice  
7 of the motion shall be personally served upon, or mailed in the manner  
8 specified in RCW 61.24.040(1)(b), to all parties to whom the trustee  
9 mailed notice of the surplus, and any other party who has entered an  
10 appearance in the proceeding, not less than twenty days prior to the  
11 hearing of the motion. The clerk shall not disburse such surplus  
12 except upon order of the superior court of such county."

13

14

15 **SB 6553** S AMD

16 By Senator Kline

17

18 On page 1, line 2 of the title, after "6.21.110" insert "and  
19 61.24.080"

19

20

EFFECT: Clarifies that the court determines the lien priority,  
not the clerk.

--- END ---