H-3362.1		

HOUSE BILL 2491

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Holy, Riccelli, Sawyer, Johnson, Santos, Shea, Vick, Moscoso, Condotta, and Takko

Read first time 01/20/14. Referred to Committee on Judiciary.

- AN ACT Relating to authorizing online tax lien foreclosure sales; and amending RCW 84.64.080.
- 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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- 4 **Sec. 1.** RCW 84.64.080 and 2004 c 79 s 7 are each amended to read 5 as follows:
 - (1) The court ((shall)) must examine each application for judgment foreclosing tax lien, and if defense (specifying in writing the particular cause of objection) be offered by any person interested in any of the lands or lots to the entry of judgment against the same, the court ((shall)) must hear and determine the matter in a summary manner, without other pleadings, and ((shall)) must pronounce judgment as the right of the case may be; or the court may, in its discretion, continue such individual cases, wherein defense is offered, to such time as may be necessary, in order to secure substantial justice to the contestants therein; but in all other cases the court ((shall)) must proceed to determine the matter in a summary manner as ((above)) specified in this subsection.
- 18 <u>(2)</u> In all judicial proceedings of any kind for the collection of taxes, ((and)) interest, and costs thereon, all amendments which by law

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can be made in any personal action pending in such court ((shall)) must be allowed, and no assessments of property or charge for any of the ((shall)) must be considered illegal on account of any irregularity in the tax list or assessment rolls or on account of the assessment rolls or tax list not having been made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax lists 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, levying or collection of the taxes, ((shall)) must vitiate or in any manner affect the tax or the assessment thereof, and any irregularities or informality in the assessment rolls or tax lists or in any of the proceedings connected with the assessment or levy of such taxes or any omission or defective act of any officer or officers connected with the assessment or levying of such taxes, may be, in the discretion of the court, corrected, supplied, and made to conform to the law by the court.

(3) The court ((shall)) must give judgment for such taxes, interest, and costs as ((shall)) appear to be due upon the several lots or tracts described in the notice of application for judgment or complaint, and such judgment ((shall)) must be a several judgment against each tract or lot or part of a tract or lot for each kind of tax included therein, including all interest and costs, and the court ((shall)) must order and direct the clerk to make and enter an order for the sale of such real property against which judgment is made, or vacate and set aside the certificate of delinquency or make such other order or judgment as in the law or equity may be just. The order ((shall)) must be signed by the judge of the superior court, ((shall)) must be delivered to the county treasurer, and ((shall)) must be full and sufficient authority for him or her to proceed to sell the property for the sum as set forth in the order and to take such further steps in the matter as are provided by law.

(4) The county treasurer ((shall)) <u>must</u> immediately after receiving the order and judgment of the court proceed to sell the property as provided in this chapter to the highest and best bidder for cash. The acceptable minimum bid ((shall)) <u>must</u> be the total amount of taxes, interest, and costs.

(a) All sales ((shall)) must be made:

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(i) At a location in the county on a date and time (except Saturdays, Sundays, or legal holidays) as the county treasurer may direct((\neg)) and ((shall)) must continue from day to day (Saturdays, Sundays, and legal holidays excepted) during the same hours until all lots or tracts are sold, after first giving notice of the time, and place where such sale is to take place for ten days successively by posting notice thereof in three public places in the county, one of which ((shall)) must be in the office of the treasurer; or

(ii) At an internet web site as the county treasurer may direct. The sale may last for a period of a day or more as determined to be appropriate by the county treasurer. The designated start and end times of the sale must be: (A) On a day or days other than a Saturday, Sunday, or holiday; and (B) between the hours of 8:00 a.m. and 5:00 p.m. Notice of the online sale must be published in a newspaper of general circulation in the county at least once fourteen days prior to the sale, prominently posted on the county's web site for at least ten days prior to the sale, and electronically mailed to subscribers of any legal notice listserv hosted by the county at least once ten days prior to the sale.

20 <u>(b)</u> The notice ((shall)) <u>must</u> be substantially in the following 21 form:

22 TAX JUDGMENT SALE

Public notice is hereby given that pursuant to real property tax judgment of the superior court of the county of in the state of Washington, and an order of sale duly issued by the court, entered the . . . day of , in proceedings for foreclosure of tax liens upon real property, as per provisions of law, I shall on the day of , at o'clock a.m., at in the city of , and county of , state of Washington, or at the web site hosted by , sell the real property to the highest and best bidder for cash, to satisfy the full amount of taxes, interest and costs adjudged to be due. In witness whereof, I have hereunto affixed my hand and seal this day of

county.

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1 <u>(c)</u> No county officer or employee ((shall)) may directly or indirectly be a purchaser of such property at such sale.

- (d) If any buildings or improvements are upon an area encompassing more than one tract or lot, the same must be advertised and sold as a single unit.
- (5) If the highest amount bid for any such separate unit tract or lot is in excess of the minimum bid due upon the whole property included in the certificate of delinquency, the excess ((shall)) must be refunded following payment of all recorded water-sewer district liens, on application therefor, to the record owner of the property. The record owner of the property is the person who held title on the date of issuance of the certificate of delinquency. Assignments of interests, deeds, or other documents executed or recorded after filing the certificate of delinquency ((shall)) do not affect the payment of excess funds to the record owner. In the event no claim for the excess is received by the county treasurer within three years after the date of the sale he or she ((shall)) must at expiration of the three year period deposit such excess in the current expense fund of the county, which ((shall)) extinguishes all claims by any owner to the excess funds.
- (6) The county treasurer ((shall)) must execute to the purchaser of any piece or parcel of land a tax deed. The deed so made by the county treasurer, under the official seal of his or her office, ((shall)) must be recorded in the same manner as other conveyances of real property, and ((shall)) vest in the grantee, his or her heirs and assigns the title to the property therein described, without further acknowledgment or evidence of such conveyance, and ((shall)) must be substantially in the following form:

29	State of Washington
30	ss.
31	County of
32	This indenture, made this day of

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1	between , as treasurer of county, state of
2	Washington, party of the first part, and, party of the
3	second part:
4	Witnesseth, that, whereas, at a public sale of real property held
5	on the day of , , pursuant to a real property
6	tax judgment entered in the superior court in the county of
7	on the day of , , in proceedings to foreclose
8	tax liens upon real property and an order of sale duly issued by the
9	court, duly purchased in compliance with the laws of the
10	state of Washington, the following described real property, to wit:
11	(Here place description of real property conveyed) and that the
12	\ldots \ldots has complied with the laws of the state of Washington
13	necessary to entitle (him, or her or them) to a deed for the real
14	property.
15	Now, therefore, know ye, that, I county treasurer of
16	the county of \ldots \ldots , state of Washington, in consideration of the
17	premises and by virtue of the statutes of the state of Washington, in
18	such cases provided, do hereby grant and convey unto , his
19	or her heirs and assigns, forever, the real property hereinbefore
20	described.
21	Given under my hand and seal of office this day of
22	, A.D
23	
24	County Treasurer.

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