
HOUSE BILL 2581

State of Washington 52nd Legislature 1992 Regular Session

By Representatives Rayburn, Nealey and Bray

Read first time 01/22/92. Referred to Committee on Local Government.

1 AN ACT Relating to irrigation districts; and amending RCW
2 87.06.020, 87.06.040, 87.06.070, 87.06.100, 87.06.110, 84.64.080, and
3 84.64.200.

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

5 **Sec. 1.** RCW 87.06.020 and 1988 c 134 s 2 are each amended to read
6 as follows:

7 (1) After thirty-six calendar months from the month of the date of
8 delinquency, the treasurer shall prepare certificates of delinquency on
9 the property for the unpaid irrigation district assessments, and for
10 costs and interest. An individual certificate of delinquency may be
11 prepared for each property or the individual certificates may be
12 compiled and issued in one general certificate including all delinquent
13 properties. Each certificate shall contain the following information:

14 (a) Description of the property assessed;

1 (b) Street address of property, if available;

2 (c) Years for which assessed;

3 (d) Amount of delinquent assessments, costs, attorneys' fees, and
4 interest;

5 (e) Name appearing on the treasurer's most current assessment roll
6 for the property; and

7 (f) A statement that interest will be charged on the amount listed
8 in (d) of this subsection at a rate of twelve percent per year,
9 computed monthly and without compounding, from the date of the issuance
10 of the certificate and that additional costs, incurred as a result of
11 the delinquency, will be imposed, including the costs of a title
12 search;

13 (2) The treasurer may provide for the posting of the certificates
14 or other measures designed to advertise the certificates and encourage
15 the payment of the amounts due.

16 **Sec. 2.** RCW 87.06.040 and 1988 c 134 s 4 are each amended to read
17 as follows:

18 (1) After the completion of the title searches, the treasurer, in
19 the name of the irrigation district, shall commence legal action to
20 foreclose on the assessment liens. The treasurer shall give notice of
21 application for judgment foreclosing assessment liens and summons to
22 all parties in interest as disclosed by the title search. The
23 treasurer may include in any notice any number of separate properties.
24 Such notice and summons shall contain:

25 (a) A statement that the irrigation district is applying to
26 superior court of the county in which the property is located for a
27 judgment foreclosing the lien against the property for delinquent
28 assessments, costs, attorneys' fees, and interest;

1 (b) The full name of the superior court in which the district is
2 applying for the judgment; and for each property: The description of
3 the property, the local street address (if any), and the name of each
4 party in interest;

5 (c) A description of the lien amount due, which shall include the
6 amount listed in RCW 87.06.020(1)(d), plus any costs and interest
7 accruing since the date of preparation of the certificate of
8 delinquency;

9 (d) A direction to each party in interest summoning the party to
10 appear within ((~~sixty~~)) thirty days after service of the notice and
11 summons, exclusive of the day of the service, and defend the action or
12 pay the lien amount due; and when service is made by publication, a
13 direction summoning each party to appear within ((~~sixty~~)) thirty days
14 after the date of the first publication of the notice and summons,
15 exclusive of the day of first publication, and defend the action or pay
16 the amount due;

17 (e) A notice that, in case of failure to defend or pay the amount
18 due, judgment will be rendered foreclosing the lien of the assessments,
19 costs, and interest against the property; and

20 (f) The date, time, and place of the foreclosure sale as specified
21 in the application for judgment.

22 (2) The treasurer shall record in the office of the auditor of the
23 county in which the property is located a notice of lis pendens before
24 commencing the service of the notice and summons.

25 (3) The notice and summons shall be served in a manner reasonably
26 calculated to inform each party in interest of the foreclosure action.
27 At a minimum, service shall be accomplished by either (a) personal
28 service upon a party in interest, or (b) publication once in a
29 newspaper of general circulation that is circulated in the area in

1 which the property is located and mailing of notice by certified mail
2 to the party in interest.

3 ~~((4) It shall be the duty of the treasurer to mail a copy of the
4 notice and summons, within fifteen days after the first publication or
5 service thereof, to the treasurer of each county, city, or town within
6 which any property involved in an assessment foreclosure is situated,
7 but the treasurer's failure to do so shall not affect the jurisdiction
8 of the court nor the priority of any assessment lien sought to be
9 foreclosed.))~~

10 **Sec. 3.** RCW 87.06.070 and 1988 c 134 s 7 are each amended to read
11 as follows:

12 (1) If the court renders a judgment of foreclosure, the court shall
13 direct the treasurer to proceed with the sale of the property and shall
14 specify the minimum sale price below which the property is not to be
15 sold.

16 (2) The treasurer shall sell the property to the highest and best
17 bidder. All sales shall be made ~~((on Friday between the hours of nine
18 a.m. and five p.m.))~~ at a location, date, and time designated by the
19 treasurer. However, sales may not be conducted on a Saturday, Sunday,
20 or legal holiday and sales not concluded on ((Friday)) the designated
21 sale date shall be continued from day to day, Saturdays, Sundays, and
22 holidays excluded, during the same hours until all properties are sold.

23 **Sec. 4.** RCW 87.06.100 and 1988 c 134 s 10 are each amended to read
24 as follows:

25 (1) Prior to the treasurer executing and conveying the deed, all
26 persons or entities acquiring property at the foreclosure sale shall be
27 required to pay the full amount of all assessments, costs, and interest
28 for which judgment is rendered; and the full amount of the following if

1 due at the time of the foreclosure sale: Property taxes, drainage or
2 diking district assessments, drainage or diking district improvement
3 assessments, irrigation district assessments, and costs and interests
4 relating to such taxes or assessments. This subsection does not apply
5 to the irrigation district's acquisition of property.

6 (2) At all sales of property, if no other bids are received, title
7 to the property shall vest in the irrigation district and the district
8 shall pay to the county any costs that may have been incurred by the
9 county under this chapter for the foreclosure action. The district's
10 acquisition of the title shall be as absolute as if the property had
11 been purchased by an individual under the provisions of this chapter.
12 The deed provided for in RCW 87.06.090 shall be conveyed to the
13 irrigation district.

14 (3) All property deeded to the district under the provisions of
15 this chapter shall be stricken from the tax rolls as district property
16 and exempt from taxation and shall not be taxed while property of the
17 district.

18 (4) Prior to selling any property acquired by the district under
19 this chapter, the board of directors of the district shall determine
20 the minimum price at which property may be sold.

21 (5) If the irrigation district sells any property it has acquired
22 under this chapter, then it shall not provide a deed to the purchaser
23 until the purchaser pays the total amount of all drainage or diking
24 district assessments, drainage or diking improvement district
25 assessments, irrigation district assessments, property taxes, costs,
26 attorneys' fees, and interest that were due at the time the irrigation
27 district acquired title to the property. However, if the fair market
28 value of the property, as shown by the current appraisal by the county
29 assessor, is less than such total amount, then the board of directors
30 of the district may authorize the sale of the property, and delivery of

1 the deed, without the purchaser having any obligation to pay such total
2 amount. Where property is sold and the deed delivered pursuant to such
3 authorization, the district shall apportion the proceeds of the sale to
4 the various assessment and taxing entities in accordance with the
5 percent of such total amount owed to them.

6 **Sec. 5.** RCW 87.06.110 and 1988 c 134 s 11 are each amended to read
7 as follows:

8 The board of directors of the irrigation district and the county
9 treasurer may through the interlocal cooperation agreement act, chapter
10 39.34 RCW, choose to have one of the treasurers proceed with a combined
11 foreclosure for all property taxes, irrigation assessments, and all
12 costs and interest owing to both entities. Any such agreement shall
13 include a specific statement as to which entity shall assume title if
14 no bids are received equal to or greater than the amount listed on the
15 minimum bid sheet. The agreement shall also clearly specify how any
16 unclaimed excess funds from the sale will be divided between the county
17 and the irrigation district.

18 Where the county treasurer serves as treasurer of an irrigation
19 district, the treasurer may, when requested by the board of directors
20 of the district, conduct a combined foreclosure sale without an
21 interlocal agreement. Any unclaimed excess funds from the sale shall
22 be paid to that entity, either the county or the district, that has the
23 largest lien.

24 **Sec. 6.** RCW 84.64.080 and 1991 c 245 s 27 are each amended to read
25 as follows:

26 The court shall examine each application for judgment foreclosing
27 tax lien, and if defense (specifying in writing the particular cause of
28 objection) be offered by any person interested in any of the lands or

1 lots to the entry of judgment against the same, the court shall hear
2 and determine the matter in a summary manner, without other pleadings,
3 and shall pronounce judgment as the right of the case may be; or the
4 court may, in its discretion, continue such individual cases, wherein
5 defense is offered, to such time as may be necessary, in order to
6 secure substantial justice to the contestants therein; but in all other
7 cases the court shall proceed to determine the matter in a summary
8 manner as above specified. In all judicial proceedings of any kind for
9 the collection of taxes, and interest and costs thereon, all amendments
10 which by law can be made in any personal action pending in such court
11 shall be allowed, and no assessments of property or charge for any of
12 the taxes shall be considered illegal on account of any irregularity in
13 the tax list or assessment rolls or on account of the assessment rolls
14 or tax list not having been made, completed or returned within the time
15 required by law, or on account of the property having been charged or
16 listed in the assessment or tax lists without name, or in any other
17 name than that of the owner, and no error or informality in the
18 proceedings of any of the officers connected with the assessment,
19 levying or collection of the taxes, shall vitiate or in any manner
20 affect the tax or the assessment thereof, and any irregularities or
21 informality in the assessment rolls or tax lists or in any of the
22 proceedings connected with the assessment or levy of such taxes or any
23 omission or defective act of any officer or officers connected with the
24 assessment or levying of such taxes, may be, in the discretion of the
25 court, corrected, supplied and made to conform to the law by the court.
26 The court shall give judgment for such taxes, interest and costs as
27 shall appear to be due upon the several lots or tracts described in the
28 notice of application for judgment or complaint, and such judgment
29 shall be a several judgment against each tract or lot or part of a
30 tract or lot for each kind of tax included therein, including all

1 interest and costs, and the court shall order and direct the clerk to
2 make and enter an order for the sale of such real property against
3 which judgment is made, or vacate and set aside the certificate of
4 delinquency or make such other order or judgment as in the law or
5 equity may be just. The order shall be signed by the judge of the
6 superior court, shall be delivered to the county treasurer, and shall
7 be full and sufficient authority for him or her to proceed to sell the
8 property for the sum as set forth in the order and to take such further
9 steps in the matter as are provided by law. The county treasurer shall
10 immediately after receiving the order and judgment of the court proceed
11 to sell the property as provided in this chapter to the highest and
12 best bidder for cash. The acceptable minimum bid shall be the total
13 amount of taxes, interest, penalties, and costs, plus the total amount
14 of drainage or diking district assessments, drainage or diking district
15 improvement assessments, irrigation district assessments, and costs,
16 attorneys' fees, and interest relating to such assessments due at the
17 time of the foreclosure sale. All sales shall be made at a location in
18 the county on a date and time (except Saturdays, Sundays, or legal
19 holidays) as the county treasurer may direct, and shall continue from
20 day to day (Saturdays, Sundays, and legal holidays excepted) during the
21 same hours until all lots or tracts are sold, after first giving notice
22 of the time, and place where such sale is to take place for ten days
23 successively by posting notice thereof in three public places in the
24 county, one of which shall be in the office of the treasurer. The
25 notice shall be substantially in the following form:

26

TAX JUDGMENT SALE

27 Public notice is hereby given that pursuant to real property tax
28 judgment of the superior court of the county of in the state

1 of Washington, and an order of sale duly issued by the court, entered
2 the day of,, in proceedings for foreclosure of
3 tax liens upon real property, as per provisions of law, I shall on the
4 day of,, at o'clock a.m., at in
5 the city of, and county of, state of Washington,
6 sell the real property to the highest and best bidder for cash, to
7 satisfy the full amount of taxes, interest and costs adjudged to be
8 due.

9 In witness whereof, I have hereunto affixed my hand and seal this
10 day of,

11
12 Treasurer of
13 county.

14 No county officer or employee shall directly or indirectly be a
15 purchaser of such property at such sale.

16 If any buildings or improvements are upon an area encompassing more
17 than one tract or lot, the same must be advertised and sold as a single
18 unit.

19 If the highest amount bid for any such separate unit tract or lot
20 is in excess of the minimum bid due upon the whole property included in
21 the certificate of delinquency, the excess shall be refunded following
22 payment of all water and sewer district liens, on application therefor,
23 to the record owner of the property. The record owner of the property
24 is the person who held title on the date of issuance of the certificate
25 of delinquency. In the event no claim for the excess is received by
26 the county treasurer within three years after the date of the sale he
27 or she shall at expiration of the three year period deposit such excess
28 in the current expense fund of the county. The county treasurer shall

1 execute to the purchaser of any piece or parcel of land a tax deed.
2 The deed so made by the county treasurer, under the official seal of
3 his or her office, shall be recorded in the same manner as other
4 conveyances of real property, and shall vest in the grantee, his or her
5 heirs and assigns the title to the property therein described, without
6 further acknowledgment or evidence of such conveyance, and shall be
7 substantially in the following form:

8 State of Washington

9 ss.

10 County of

11 This indenture, made this day of,,
12 between, as treasurer of county, state of
13 Washington, party of the first part, and, party of the
14 second part:

15 Witnesseth, that, whereas, at a public sale of real property held
16 on the day of,, pursuant to a real property tax
17 judgment entered in the superior court in the county of on
18 the day of,, in proceedings to foreclose tax
19 liens upon real property and an order of sale duly issued by the court,
20 duly purchased in compliance with the laws of the state of
21 Washington, the following described real property, to wit: (Here place
22 description of real property conveyed) and that the has
23 complied with the laws of the state of Washington necessary to entitle
24 (him, or her or them) to a deed for the real property.

25 Now, therefore, know ye, that, I, county treasurer of
26 the county of, state of Washington, in consideration of the
27 premises and by virtue of the statutes of the state of Washington, in
28 such cases provided, do hereby grant and convey unto, his or

1 her heirs and assigns, forever, the real property hereinbefore
2 described.

3 Given under my hand and seal of office this day of
4, A.D.

5

6 County Treasurer.

7 **Sec. 7.** RCW 84.64.200 and 1981 c 322 s 6 are each amended to read
8 as follows:

9 All lots, tracts and parcels of land upon which taxes levied prior
10 to January 9, 1926 remain due and unpaid at the date when such taxes
11 would have become delinquent as provided in the act under which they
12 were levied shall be deemed to be delinquent under the provisions of
13 this title, and the same proceedings may be had to enforce the payment
14 of such unpaid taxes, with interest and costs, and payment enforced and
15 liens foreclosed under and by virtue of the provisions of this chapter.
16 For the purposes of foreclosure under this chapter, the date of
17 delinquency shall be construed to mean the date when the taxes first
18 became delinquent. At all sales of property for which certificates of
19 delinquency are held by the county, if no other bids are received, the
20 county shall be considered a bidder for the full area of each tract or
21 lot to the amount of all taxes, interest and costs due thereon, and
22 where no bidder appears, acquire title thereto as absolutely as if
23 purchased by an individual under the provisions of this chapter; all
24 bidders except the county at sales of property for which certificates
25 of delinquency are held by the county shall pay the full amount of
26 taxes, interest and costs for which judgment is rendered, together with
27 all taxes, interest and costs which are delinquent at the time of sale,
28 regardless of whether the taxes, interest, or costs are included in the
29 judgment and shall also pay all drainage or diking district

1 assessments, drainage or diking district improvement assessments,
2 irrigation district assessments, and costs, attorneys' fees, and
3 interest relating to such assessments due at the time of the
4 foreclosure sale.