
SENATE BILL 5311

State of Washington

62nd Legislature

2011 Regular Session

By Senators Kline, Conway, Prentice, Chase, Kohl-Welles, Shin, Kastama, and Keiser

Read first time 01/20/11. Referred to Committee on Judiciary.

1 AN ACT Relating to clarifying agency relationships in reconveyances
2 of deeds of trust; and amending RCW 61.24.110.

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

4 **Sec. 1.** RCW 61.24.110 and 1998 c 295 s 13 are each amended to read
5 as follows:

6 (1) The trustee of record shall reconvey all or any part of the
7 property encumbered by the deed of trust to the person entitled thereto
8 on written request of the beneficiary, or upon satisfaction of the
9 obligation secured and written request for reconveyance made by the
10 beneficiary or the person entitled thereto.

11 (2) If the beneficiary fails to request reconveyance within the
12 sixty-day period specified under RCW 61.16.030 and has received payment
13 as specified by the beneficiary's demand statement, a title insurance
14 company or title insurance agent as licensed and qualified under
15 chapter 48.29 RCW, a licensed escrow agent as defined in RCW 18.44.011,
16 or an attorney admitted to practice law in this state, who has paid the
17 demand in full from escrow, upon receipt of notice of the beneficiary's
18 failure to request reconveyance, may, as agent for the person entitled

1 to receive reconveyance, in writing, submit proof of satisfaction and
2 request the trustee of record to reconvey the deed of trust.

3 (3)(a) If the trustee of record is unable or unwilling to reconvey
4 the deed of trust within one hundred twenty days following payment to
5 the beneficiary as prescribed in the beneficiary's demand statement, a
6 title insurance company or title insurance agent as licensed and
7 qualified under chapter 48.29 RCW, a licensed escrow agent as defined
8 in RCW 18.44.011, or an attorney admitted to practice law in this state
9 may record with each county auditor where the original deed of trust
10 was recorded a notarized declaration of payment. The notarized
11 declaration must: (i) Identify the deed of trust, including original
12 grantor, beneficiary, trustee, loan number if available, and the
13 auditor's recording information; (ii) state the amount, date, and name
14 of the beneficiary and means of payment; and (iii) include a
15 declaration that the payment tendered was sufficient to meet the
16 beneficiary's demand and that no written objections have been received.

17 (b) The notarized declaration of payment must be sent by first-
18 class mail to the last known address of the beneficiary and the trustee
19 of record not later than the date of recording of the notarized
20 declaration. The beneficiary or trustee of record has sixty days from
21 the date of recording of the notarized declaration to record an
22 objection in the records where the notarized declaration was recorded.
23 If no objection is recorded within sixty days following recording of
24 the notarized declaration, any lien of the deed of trust against the
25 real property encumbered must cease to exist.

--- END ---