
SENATE BILL 5556

State of Washington 64th Legislature 2015 Regular Session

By Senators Warnick, Hatfield, and Honeyford

Read first time 01/23/15. Referred to Committee on Agriculture,
Water & Rural Economic Development.

1 AN ACT Relating to irrigation district administration; amending
2 RCW 87.06.040; and repealing RCW 87.80.140 and 87.80.150.

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

4 **Sec. 1.** RCW 87.06.040 and 1988 c 134 s 4 are each amended to
5 read as follows:

6 (1) After the completion of the title searches, the treasurer, in
7 the name of the irrigation district, shall commence legal action to
8 foreclose on the assessment liens. The treasurer shall give notice of
9 application for judgment foreclosing assessment liens and summons to
10 all parties in interest as disclosed by the title search. The
11 treasurer may include in any notice any number of separate
12 properties. Such notice and summons shall contain:

13 (a) A statement that the irrigation district is applying to
14 superior court of the county in which the property is located for a
15 judgment foreclosing the lien against the property for delinquent
16 assessments, costs, and interest;

17 (b) The full name of the superior court in which the district is
18 applying for the judgment; and for each property: The description of
19 the property, the local street address (if any), and the name of each
20 party in interest;

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

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

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

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

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

20 (3) The notice and summons shall be served in a manner reasonably
21 calculated to inform each party in interest of the foreclosure
22 action. At a minimum, service shall be accomplished by either (a)
23 personal service upon a party in interest, or (b) publication once in
24 a newspaper of general circulation that is circulated in the area in
25 which the property is located and mailing of notice by certified mail
26 to the party in interest.

27 (4) Notice and summons need not be served on holders of easements
28 on the property if the easements are a matter of public record in the
29 auditor's office of the county in which the property is located. Any
30 foreclosure of delinquent assessments on any tract, lot, or parcel of
31 real property subject to such easement or easements, and any
32 treasurer's deed subsequently issued, is subject to such easement or
33 easements that were established of record before the date of the
34 certificate of delinquency for which the delinquent assessment was
35 foreclosed.

36 (5) It shall be the duty of the treasurer to mail a copy of the
37 notice and summons, within fifteen days after the first publication
38 or service thereof, to the treasurer of each county, city, or town
39 within which any property involved in an assessment foreclosure is
40 situated, but the treasurer's failure to do so shall not affect the

1 jurisdiction of the court nor the priority of any assessment lien
2 sought to be foreclosed.

3 NEW SECTION. **Sec. 2.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 87.80.140 (Annual budget of board—Hearing—Notice) and
6 1996 c 320 s 12 & 1949 c 56 s 13; and

7 (2) RCW 87.80.150 (Hearing and adoption of budget) and 1949 c 56
8 s 14.

--- END ---