
HOUSE BILL 2204

State of Washington 65th Legislature 2017 Regular Session

By Representatives Fey and Muri

Read first time 04/20/17. Referred to Committee on Judiciary.

1 AN ACT Relating to registration of land titles; creating new
2 sections; repealing RCW 65.12.005, 65.12.010, 65.12.015, 65.12.020,
3 65.12.025, 65.12.030, 65.12.035, 65.12.040, 65.12.050, 65.12.055,
4 65.12.060, 65.12.065, 65.12.070, 65.12.080, 65.12.085, 65.12.090,
5 65.12.100, 65.12.110, 65.12.120, 65.12.125, 65.12.130, 65.12.135,
6 65.12.140, 65.12.145, 65.12.150, 65.12.155, 65.12.160, 65.12.165,
7 65.12.170, 65.12.175, 65.12.180, 65.12.190, 65.12.195, 65.12.200,
8 65.12.210, 65.12.220, 65.12.225, 65.12.230, 65.12.235, 65.12.240,
9 65.12.245, 65.12.250, 65.12.255, 65.12.260, 65.12.265, 65.12.270,
10 65.12.275, 65.12.280, 65.12.290, 65.12.300, 65.12.310, 65.12.320,
11 65.12.330, 65.12.340, 65.12.350, 65.12.360, 65.12.370, 65.12.375,
12 65.12.380, 65.12.390, 65.12.400, 65.12.410, 65.12.420, 65.12.430,
13 65.12.435, 65.12.440, 65.12.445, 65.12.450, 65.12.460, 65.12.470,
14 65.12.480, 65.12.490, 65.12.500, 65.12.510, 65.12.520, 65.12.530,
15 65.12.540, 65.12.550, 65.12.560, 65.12.570, 65.12.580, 65.12.590,
16 65.12.600, 65.12.610, 65.12.620, 65.12.630, 65.12.635, 65.12.640,
17 65.12.650, 65.12.660, 65.12.670, 65.12.680, 65.12.690, 65.12.700,
18 65.12.710, 65.12.720, 65.12.730, 65.12.740, 65.12.750, 65.12.760,
19 65.12.770, 65.12.780, 65.12.790, 65.12.800, and 65.12.900; and
20 providing an effective date.

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

1 NEW SECTION. **Sec. 1.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 65.12.005 (Registration authorized—Who may apply) and
4 2012 c 117 s 211 & 1907 c 250 s 1;

5 (2) RCW 65.12.010 (Land subject to a lesser estate) and 1907 c
6 250 s 2;

7 (3) RCW 65.12.015 (Tax title land—Conditions to registration) and
8 2012 c 117 s 212 & 1907 c 250 s 3;

9 (4) RCW 65.12.020 (Application) and 2012 c 117 s 213 & 1907 c 250
10 s 4;

11 (5) RCW 65.12.025 (Various lands in one application) and 1907 c
12 250 s 5;

13 (6) RCW 65.12.030 (Amendment of application) and 1907 c 250 s 6;

14 (7) RCW 65.12.035 (Form of application) and 2016 c 202 s 42, 2009
15 c 521 s 145, & 1907 c 250 s 7;

16 (8) RCW 65.12.040 (Venue—Power of the court) and 1907 c 250 s 8;

17 (9) RCW 65.12.050 (Registrars of titles) and 1907 c 250 s 9;

18 (10) RCW 65.12.055 (Bond of registrar) and 2012 c 117 s 214 &
19 1907 c 250 s 10;

20 (11) RCW 65.12.060 (Deputy registrar—Duties—Vacancy) and 2012 c
21 117 s 215 & 1907 c 250 s 11;

22 (12) RCW 65.12.065 (Registrar not to practice law—Liability for
23 deputy) and 2012 c 117 s 216 & 1907 c 250 s 12;

24 (13) RCW 65.12.070 (Nonresident to appoint agent) and 2012 c 117
25 s 217 & 1907 c 250 s 14;

26 (14) RCW 65.12.080 (Filing application—Docket and record entries)
27 and 1907 c 250 s 15;

28 (15) RCW 65.12.085 (Filing abstract of title) and 1907 c 250 s
29 15a;

30 (16) RCW 65.12.090 (Examiner of titles—Appointment—Oath—Bond)
31 and 2012 c 117 s 218 & 1907 c 250 s 13;

32 (17) RCW 65.12.100 (Copy of application as lis pendens) and 1907
33 c 250 s 16;

34 (18) RCW 65.12.110 (Examination of title) and 2012 c 117 s 219 &
35 1907 c 250 s 17;

36 (19) RCW 65.12.120 (Summons to issue) and 1907 c 250 s 18;

37 (20) RCW 65.12.125 (Summons—Form) and 2016 c 202 s 43 & 1907 c
38 250 s 206;

39 (21) RCW 65.12.130 (Parties to action) and 1907 c 250 s 19;

1 (22) RCW 65.12.135 (Service of summons) and 1985 c 469 s 60 &
2 1907 c 250 s 20;

3 (23) RCW 65.12.140 (Copy mailed to nonresidents—Proof—Expense)
4 and 2012 c 117 s 220 & 1907 c 250 s 20a;

5 (24) RCW 65.12.145 (Guardians ad litem) and 1907 c 250 s 21;

6 (25) RCW 65.12.150 (Who may appear—Answer) and 2012 c 117 s 221 &
7 1907 c 250 s 22;

8 (26) RCW 65.12.155 (Judgment by default—Proof) and 1907 c 250 s
9 23;

10 (27) RCW 65.12.160 (Cause set for trial—Default—Referral) and
11 2012 c 117 s 222 & 1907 c 250 s 24;

12 (28) RCW 65.12.165 (Court may require further proof) and 1907 c
13 250 s 25;

14 (29) RCW 65.12.170 (Application dismissed or withdrawn) and 2012
15 c 117 s 223 & 1907 c 250 s 26;

16 (30) RCW 65.12.175 (Decree of registration—Effect—Appellate
17 review) and 2012 c 117 s 224, 1988 c 202 s 56, 1971 c 81 s 132, &
18 1907 c 250 s 27;

19 (31) RCW 65.12.180 (Rights of persons not served) and 2012 c 117
20 s 225 & 1907 c 250 s 28;

21 (32) RCW 65.12.190 (Limitation of actions) and 1907 c 250 s 29;

22 (33) RCW 65.12.195 (Title free from incumbrances—Exceptions) and
23 1907 c 250 s 30;

24 (34) RCW 65.12.200 (Decree—Contents—Filing) and 2012 c 117 s 226
25 & 1907 c 250 s 31;

26 (35) RCW 65.12.210 (Interest acquired after filing application)
27 and 1907 c 250 s 32;

28 (36) RCW 65.12.220 (Registration—Effect) and 1917 c 62 s 1 & 1907
29 c 250 s 33;

30 (37) RCW 65.12.225 (Withdrawal authorized—Effect) and 1917 c 62 s
31 2;

32 (38) RCW 65.12.230 (Application to withdraw) and 2016 c 202 s 44
33 & 1917 c 62 s 3;

34 (39) RCW 65.12.235 (Certificate of withdrawal) and 2016 c 202 s
35 45, 2012 c 117 s 227, 1973 c 121 s 1, & 1917 c 62 s 4;

36 (40) RCW 65.12.240 (Effect of recording) and 1917 c 62 s 5;

37 (41) RCW 65.12.245 (Title prior to withdrawal unaffected) and
38 1917 c 62 s 6;

1 (42) RCW 65.12.250 (Entry of registration—Records) and 2012 c 117
2 s 228 & 1907 c 250 s 34;
3 (43) RCW 65.12.255 (Certificate of title) and 2016 c 202 s 46,
4 2012 c 117 s 229, & 1907 c 250 s 35;
5 (44) RCW 65.12.260 (Owner's certificate—Receipt) and 2012 c 117 s
6 230 & 1907 c 250 s 36;
7 (45) RCW 65.12.265 (Tenants in common) and 2012 c 117 s 231 &
8 1907 c 250 s 37;
9 (46) RCW 65.12.270 (Subsequent certificates) and 2016 c 202 s 47
10 & 1907 c 250 s 38;
11 (47) RCW 65.12.275 (Exchange of certificates—Platting land) and
12 1907 c 250 s 39;
13 (48) RCW 65.12.280 (Effective date of certificate) and 1907 c 250
14 s 40;
15 (49) RCW 65.12.290 (Certificate of title as evidence) and 2012 c
16 117 s 232 & 1907 c 250 s 41;
17 (50) RCW 65.12.300 (Indexes and files—Forms) and 2012 c 117 s 233
18 & 1907 c 250 s 42;
19 (51) RCW 65.12.310 (Tract and alphabetical indexes) and 2012 c
20 117 s 234 & 1907 c 250 s 43;
21 (52) RCW 65.12.320 (Dealings with registered land) and 2012 c 117
22 s 235 & 1907 c 250 s 44;
23 (53) RCW 65.12.330 (Registration has effect of recording) and
24 1907 c 250 s 45;
25 (54) RCW 65.12.340 (Filing—Numbering—Indexing—Public records)
26 and 1907 c 250 s 46;
27 (55) RCW 65.12.350 (Duplicate of instruments certified—Fees) and
28 1907 c 250 s 47;
29 (56) RCW 65.12.360 (New certificate—Register of less than fee—
30 When form of memorial in doubt) and 2012 c 117 s 236 & 1907 c 250 s
31 48;
32 (57) RCW 65.12.370 (Owner's certificate to be produced when new
33 certificate issued) and 2012 c 117 s 237 & 1907 c 250 s 49;
34 (58) RCW 65.12.375 (Owner's duplicate certificate) and 1907 c 250
35 s 50;
36 (59) RCW 65.12.380 (Conveyance of registered land) and 2012 c 117
37 s 238 & 1907 c 250 s 51;
38 (60) RCW 65.12.390 (Certificate of tax payment) and 1907 c 250 s
39 52;

1 (61) RCW 65.12.400 (Registered land charged as other land) and
2 1907 c 250 s 53;
3 (62) RCW 65.12.410 (Conveyances by attorney-in-fact) and 1907 c
4 250 s 54;
5 (63) RCW 65.12.420 (Encumbrances by owner) and 1907 c 250 s 55;
6 (64) RCW 65.12.430 (Registration of mortgages) and 2012 c 117 s
7 239 & 1907 c 250 s 56;
8 (65) RCW 65.12.435 (Dealings with mortgages) and 1907 c 250 s 57;
9 (66) RCW 65.12.440 (Foreclosures on registered land) and 1907 c
10 250 s 58;
11 (67) RCW 65.12.445 (Registration of final decree—New certificate)
12 and 2012 c 117 s 240 & 1907 c 250 s 59;
13 (68) RCW 65.12.450 (Title on foreclosure—Registration) and 2012 c
14 117 s 241 & 1907 c 250 s 60;
15 (69) RCW 65.12.460 (Petition for new certificate) and 1907 c 250
16 s 61;
17 (70) RCW 65.12.470 (Registration of leases) and 2012 c 117 s 242
18 & 1907 c 250 s 62;
19 (71) RCW 65.12.480 (Instruments with conditions) and 2012 c 117 s
20 243 & 1907 c 250 s 63;
21 (72) RCW 65.12.490 (Transfers between trustees) and 2012 c 117 s
22 244 & 1907 c 250 s 64;
23 (73) RCW 65.12.500 (Trustee may register land) and 2012 c 117 s
24 245 & 1907 c 250 s 65;
25 (74) RCW 65.12.510 (Creation of lien on registered land) and 1907
26 c 250 s 66;
27 (75) RCW 65.12.520 (Registration of liens) and 1907 c 250 s 67;
28 (76) RCW 65.12.530 (Entry as to plaintiff's attorney) and 2012 c
29 117 s 246 & 1907 c 250 s 68;
30 (77) RCW 65.12.540 (Decree) and 1907 c 250 s 69;
31 (78) RCW 65.12.550 (Title acquired on execution) and 2012 c 117 s
32 247 & 1907 c 250 s 70;
33 (79) RCW 65.12.560 (Termination of proceedings) and 2012 c 117 s
34 248 & 1907 c 250 s 71;
35 (80) RCW 65.12.570 (Land registered only after redemption period)
36 and 2012 c 117 s 249 & 1907 c 250 s 72;
37 (81) RCW 65.12.580 (Registration on inheritance) and 1907 c 250 s
38 73;
39 (82) RCW 65.12.590 (Probate court may direct sale of registered
40 land) and 2012 c 117 s 250 & 1907 c 250 s 74;

1 (83) RCW 65.12.600 (Trustees and receivers) and 2012 c 117 s 251
2 & 1907 c 250 s 75;
3 (84) RCW 65.12.610 (Eminent domain—Reversion) and 2012 c 117 s
4 252 & 1907 c 250 s 76;
5 (85) RCW 65.12.620 (Registration when owner's certificate
6 withheld) and 2012 c 117 s 253 & 1907 c 250 s 77;
7 (86) RCW 65.12.630 (Reference to examiner of title) and 1907 c
8 250 s 78;
9 (87) RCW 65.12.635 (Examiner of titles) and 2012 c 117 s 254 &
10 1907 c 250 s 79;
11 (88) RCW 65.12.640 (Registered instruments to contain names and
12 addresses—Service of notices) and 2012 c 117 s 255 & 1907 c 250 s 80;
13 (89) RCW 65.12.650 (Adverse claims—Procedure) and 2012 c 117 s
14 256 & 1907 c 250 s 81;
15 (90) RCW 65.12.660 (Assurance fund) and 1973 1st ex.s. c 195 s 75
16 & 1907 c 250 s 82;
17 (91) RCW 65.12.670 (Investment of fund) and 1907 c 250 s 83;
18 (92) RCW 65.12.680 (Recoveries from fund) and 1907 c 250 s 84;
19 (93) RCW 65.12.690 (Parties defendant—Judgment—Payment—Duties
20 of county attorney) and 2012 c 117 s 257 & 1907 c 250 s 85;
21 (94) RCW 65.12.700 (When fund not liable—Maximum liability) and
22 1907 c 250 s 86;
23 (95) RCW 65.12.710 (Limitation of actions) and 2012 c 117 s 258,
24 1971 ex.s. c 292 s 49, & 1907 c 250 s 87;
25 (96) RCW 65.12.720 (Proceeding to change records) and 2012 c 117
26 s 259 & 1907 c 250 s 88;
27 (97) RCW 65.12.730 (Certificate subject of theft—Penalty) and
28 2003 c 53 s 291 & 1907 c 250 s 89;
29 (98) RCW 65.12.740 (Perjury) and 2003 c 53 s 292 & 1907 c 250 s
30 90;
31 (99) RCW 65.12.750 (Fraud—False entries—Penalty) and 2003 c 53 s
32 293 & 1907 c 250 s 91;
33 (100) RCW 65.12.760 (Forgery—Penalty) and 2003 c 53 s 294 & 1907
34 c 250 s 92;
35 (101) RCW 65.12.770 (Civil actions unaffected) and 2012 c 117 s
36 260 & 1907 c 250 s 93;
37 (102) RCW 65.12.780 (Fees of clerk) and 1995 c 292 s 19 & 1907 c
38 250 s 94;

1 (103) RCW 65.12.790 (Fees of registrar) and 2012 c 117 s 261,
2 1973 1st ex.s. c 195 s 76, 1973 c 121 s 2, & 1907 c 250 s 95;

3 (104) RCW 65.12.800 (Disposition of fees) and 2012 c 117 s 262 &
4 1907 c 250 s 96; and

5 (105) RCW 65.12.900 (Construction—Chapter applicable to state
6 registered domestic partnerships—2009 c 521) and 2009 c 521 s 144.

7 NEW SECTION. **Sec. 2.** The repeal of the statutes listed in
8 section 1 of this act does not affect any right accrued or
9 established, or any liability or penalty incurred, under those
10 statutes before their repeal.

11 NEW SECTION. **Sec. 3.** Unless real property subject to the
12 provisions of chapter 65.12 RCW on the effective date of this section
13 is previously withdrawn from the registry system by its owner in the
14 manner provided by section 4 of this act, the real property shall
15 cease to be subject to the provisions of chapter 65.12 RCW upon the
16 effective date of this section.

17 NEW SECTION. **Sec. 4.** (1) By July 1, 2018, the owner of real
18 property registered under the provisions of chapter 65.12 RCW on the
19 effective date of this section shall surrender their duplicate
20 certificate of title for the real property or their certified copy of
21 the original certificate of title for the real property, as the case
22 may be, to the registrar of titles for the county in which the real
23 property is situated. If such duplicate certificate or certified copy
24 has been lost, mislaid, or destroyed the owner of the real property
25 shall make affidavit before the registrar of titles or any other
26 officer authorized to administer oaths wherein the owner shall state,
27 to the best of his or her knowledge, the circumstances of the loss,
28 the description of the real property, the name and address of each
29 registered owner, and each such owner's interest in the real
30 property.

31 (2) Except as otherwise provided by subsection (3) of this
32 section, the surrender of the duplicate certificate, certified copy,
33 or the making of an affidavit under subsection (1) of this section
34 shall be considered as a withdrawal of the real property therein
35 described from the registry system in accordance with chapter 65.12
36 RCW.

1 (3) The registrar of titles for the county in which the real
2 property is situated shall:

3 (a) Accept, without charging therefor, the surrender of such
4 duplicate certificate of title, certified copy of the original
5 certificate of title, or affidavit; and

6 (b) Issue, without charging therefor, a certificate of withdrawal
7 for the real property as required by chapter 65.12 RCW; and

8 (c) Cause to be duly recorded in the office of the county auditor
9 for the county, without charge, the certificate of withdrawal issued
10 under (b) of this subsection and all instruments filed in the office
11 of the registrar of titles that relate to outstanding interests in
12 such real property and to outstanding liens, mortgages, and other
13 charges upon such real property, referred to in or noted upon the
14 original certificate of title to such real property on the date of
15 the issuance of the certificate of withdrawal for such real property
16 pursuant to (b) of this subsection.

17 NEW SECTION. **Sec. 5.** On July 1, 2018, the registrar of titles
18 for the county shall cause the volumes of the register of titles for
19 the county and the accompanying alphabetical indices and tract
20 indices and other files and records in the office of the registrar of
21 titles to be closed and placed in the permanent deed records of the
22 county. At this time all properties remaining in registration are
23 automatically withdrawn according to section 4(3) (b) and (c) of this
24 act.

25 NEW SECTION. **Sec. 6.** (1) By December 1, 2017, the registrar of
26 titles for each county shall send to each owner of real property
27 situated in the county that is subject to the provisions of this act
28 a written notice containing the following:

29 (a) A statement that the registry system has been discontinued by
30 this act;

31 (b) A statement that such owner's real property will cease to be
32 subject to registration under this act on July 1, 2018;

33 (c) A statement that such owner may withdraw, without charge, his
34 or her real property from registration and the provisions of this act
35 in the manner provided in section 4 of this act prior to such date;

36 (d) A statement that the validity and priority of lien interest
37 or ownership is not affected by this process; and

1 (e) A statement that the registrar of titles for the county, upon
2 completion of the required withdrawal procedures, shall cause the
3 instruments described in section 4(3) of this act to be properly
4 restored to the recording system without charge.

5 (2) The registrar of titles shall send the notice required by
6 subsection (1) of this section to each such owner at the most recent
7 address indicated on the original certificate of title for the
8 owner's real property contained in the volumes of the register of
9 titles for the county.

10 NEW SECTION. **Sec. 7.** Sections 3 and 5 of this act take effect
11 July 1, 2018.

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