

2ESHB 2057 - S AMD 812

By Senator Mullet

ADOPTED AS AMENDED 03/01/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 61.24.030 and 2012 c 185 s 9 are each amended to
4 read as follows:

5 It shall be requisite to a trustee's sale:

6 (1) That the deed of trust contains a power of sale;

7 (2) That the deed of trust contains a statement that the real
8 property conveyed is not used principally for agricultural purposes;
9 provided, if the statement is false on the date the deed of trust was
10 granted or amended to include that statement, and false on the date
11 of the trustee's sale, then the deed of trust must be foreclosed
12 judicially. Real property is used for agricultural purposes if it is
13 used in an operation that produces crops, livestock, or aquatic
14 goods;

15 (3) That a default has occurred in the obligation secured or a
16 covenant of the grantor, which by the terms of the deed of trust
17 makes operative the power to sell;

18 (4) That no action commenced by the beneficiary of the deed of
19 trust is now pending to seek satisfaction of an obligation secured by
20 the deed of trust in any court by reason of the grantor's default on
21 the obligation secured: PROVIDED, That (a) the seeking of the
22 appointment of a receiver, or the filing of a civil case to obtain
23 court approval to access, secure, maintain, and preserve property
24 from waste or nuisance, shall not constitute an action for purposes
25 of this chapter; and (b) if a receiver is appointed, the grantor
26 shall be entitled to any rents or profits derived from property
27 subject to a homestead as defined in RCW 6.13.010. If the deed of
28 trust was granted to secure a commercial loan, this subsection shall
29 not apply to actions brought to enforce any other lien or security
30 interest granted to secure the obligation secured by the deed of
31 trust being foreclosed;

1 (5) That the deed of trust has been recorded in each county in
2 which the land or some part thereof is situated;

3 (6) That prior to the date of the notice of trustee's sale and
4 continuing thereafter through the date of the trustee's sale, the
5 trustee must maintain a street address in this state where personal
6 service of process may be made, and the trustee must maintain a
7 physical presence and have telephone service at such address;

8 (7)(a) That, for residential real property, before the notice of
9 trustee's sale is recorded, transmitted, or served, the trustee shall
10 have proof that the beneficiary is the (~~owner~~) holder of any
11 promissory note or other obligation secured by the deed of trust. A
12 declaration by the beneficiary made under the penalty of perjury
13 stating that the beneficiary is the (~~actual~~) holder of (~~the~~) any
14 promissory note or other obligation secured by the deed of trust
15 shall be sufficient proof as required under this subsection.

16 (b) Unless the trustee has violated his or her duty under RCW
17 61.24.010(4), the trustee is entitled to rely on the beneficiary's
18 declaration as evidence of proof required under this subsection.

19 (c) This subsection (7) does not apply to association
20 beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW;

21 (8) That at least thirty days before notice of sale shall be
22 recorded, transmitted or served, written notice of default and the
23 beneficiary declaration specified in subsection (7)(a) of this
24 section shall be transmitted by the beneficiary or trustee to the
25 borrower and grantor at their last known addresses by both first-
26 class and either registered or certified mail, return receipt
27 requested, and the beneficiary or trustee shall cause to be posted in
28 a conspicuous place on the premises, a copy of the notice, or
29 personally served on the borrower and grantor. This notice shall
30 contain the following information:

31 (a) A description of the property which is then subject to the
32 deed of trust;

33 (b) A statement identifying each county in which the deed of
34 trust is recorded and the document number given to the deed of trust
35 upon recording by each county auditor or recording officer;

36 (c) A statement that the beneficiary has declared the borrower or
37 grantor to be in default, and a concise statement of the default
38 alleged;

39 (d) An itemized account of the amount or amounts in arrears if
40 the default alleged is failure to make payments;

1 (e) An itemized account of all other specific charges, costs, or
2 fees that the borrower, grantor, or any guarantor is or may be
3 obliged to pay to reinstate the deed of trust before the recording of
4 the notice of sale;

5 (f) A statement showing the total of (d) and (e) of this
6 subsection, designated clearly and conspicuously as the amount
7 necessary to reinstate the note and deed of trust before the
8 recording of the notice of sale;

9 (g) A statement that failure to cure the alleged default within
10 thirty days of the date of mailing of the notice, or if personally
11 served, within thirty days of the date of personal service thereof,
12 may lead to recordation, transmittal, and publication of a notice of
13 sale, and that the property described in (a) of this subsection may
14 be sold at public auction at a date no less than one hundred twenty
15 days in the future, or no less than one hundred fifty days in the
16 future if the borrower received a letter under RCW 61.24.031;

17 (h) A statement that the effect of the recordation, transmittal,
18 and publication of a notice of sale will be to (i) increase the costs
19 and fees and (ii) publicize the default and advertise the grantor's
20 property for sale;

21 (i) A statement that the effect of the sale of the grantor's
22 property by the trustee will be to deprive the grantor of all their
23 interest in the property described in (a) of this subsection;

24 (j) A statement that the borrower, grantor, and any guarantor has
25 recourse to the courts pursuant to RCW 61.24.130 to contest the
26 alleged default on any proper ground;

27 (k) In the event the property secured by the deed of trust is
28 owner-occupied residential real property, a statement, prominently
29 set out at the beginning of the notice, which shall state as follows:

30 **"THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR**
31 **LOSING YOUR HOME.**

32 You may be eligible for mediation in front of a neutral third party
33 to help save your home.

34 **CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW**
35 to assess your situation and refer you to mediation if you might
36 benefit. Mediation **MUST** be requested between the time you receive the
37 Notice of Default and no later than twenty days after the Notice of
38 Trustee Sale is recorded.

1 **DO NOT DELAY.** If you do nothing, a notice of sale may be issued as
2 soon as 30 days from the date of this notice of default. The notice
3 of sale will provide a minimum of 120 days' notice of the date of the
4 actual foreclosure sale.

5 **BE CAREFUL** of people who claim they can help you. There are many
6 individuals and businesses that prey upon borrowers in distress.

7 **REFER TO THE CONTACTS BELOW** for sources of assistance.

8 **SEEKING ASSISTANCE**

9 Housing counselors and legal assistance may be available at little or
10 no cost to you. If you would like assistance in determining your
11 rights and opportunities to keep your house, you may contact the
12 following:

13 The statewide foreclosure hotline for assistance and referral to
14 housing counselors recommended by the Housing Finance Commission

15 Telephone: Web site:

16 The United States Department of Housing and Urban Development

17 Telephone: Web site:

18 The statewide civil legal aid hotline for assistance and referrals to
19 other housing counselors and attorneys

20 Telephone: Web site:"

21 The beneficiary or trustee shall obtain the toll-free numbers and
22 web site information from the department for inclusion in the notice;
23 ((and))

24 (1) In the event the property secured by the deed of trust is
25 residential real property, the name and address of the ((owner))
26 holder of any promissory note((s)) or other obligation((s)) secured
27 by the deed of trust and the name, address, and telephone number of a
28 party acting as a servicer of the obligations secured by the deed of
29 trust; ((and))

30 (m) For notices issued after June 30, 2018, on the top of the
31 first page of the notice:

32 (i) The current beneficiary of the deed of trust;

33 (ii) The current mortgage servicer for the deed of trust; and

34 (iii) The current trustee for the deed of trust;

35 (9) That, for owner-occupied residential real property, before
36 the notice of the trustee's sale is recorded, transmitted, or served,
37 the beneficiary has complied with RCW 61.24.031 and, if applicable,
38 RCW 61.24.163;

1 (10) That, in the case where the borrower or grantor is known to
2 the mortgage servicer or trustee to be deceased, the notice required
3 under subsection (8) of this section must be sent to any spouse,
4 child, or parent of the borrower or grantor known to the trustee or
5 mortgage servicer, and to any owner of record of the property, at any
6 address provided to the trustee or mortgage servicer, and to the
7 property addressed to the heirs and devisees of the borrower.

8 (a) If the name or address of any spouse, child, or parent of
9 such deceased borrower or grantor cannot be ascertained with use of
10 reasonable diligence, the trustee must execute and record with the
11 notice of sale a declaration attesting to the same.

12 (b) Reasonable diligence for the purposes of this subsection (10)
13 means the trustee shall search in the county where the property is
14 located, the public records and information for any obituary, will,
15 death certificate, or case in probate within the county for the
16 borrower and grantor;

17 (11) Upon written notice identifying the property address and the
18 name of the borrower to the servicer or trustee by someone claiming
19 to be a successor in interest to the borrower's or grantor's property
20 rights, but who is not a party to the loan or promissory note or
21 other obligation secured by the deed of trust, a trustee shall not
22 record a notice of sale pursuant to RCW 61.24.040 until the trustee
23 or mortgage servicer completes the following:

24 (a) Acknowledges the notice in writing and requests reasonable
25 documentation of the death of the borrower or grantor from the
26 claimant including, but not limited to, a death certificate or other
27 written evidence of the death of the borrower or grantor. The
28 claimant must be allowed thirty days from the date of this request to
29 present this documentation. If the trustee or mortgage servicer has
30 already obtained sufficient proof of the borrower's death, it may
31 proceed by acknowledging the claimant's notice in writing and issuing
32 a request under (b) of this subsection.

33 (b) If the mortgage servicer or trustee obtains or receives
34 written documentation of the death of the borrower or grantor from
35 the claimant, or otherwise independently confirms the death of the
36 borrower or grantor, then the servicer or trustee must request in
37 writing documentation from the claimant demonstrating the ownership
38 interest of the claimant in the real property. A claimant has sixty
39 days from the date of the request to present this documentation.

1 (c) If the mortgage servicer or trustee receives written
2 documentation demonstrating the ownership interest of the claimant
3 prior to the expiration of the sixty days provided in (b) of this
4 subsection, then the servicer or trustee must, within twenty days of
5 receipt of proof of ownership interest, provide the claimant with, at
6 a minimum, the loan balance, interest rate and interest reset dates
7 and amounts, balloon payments if any, prepayment penalties if any,
8 the basis for the default, the monthly payment amount, reinstatement
9 amounts or conditions, payoff amounts, and information on how and
10 where payments should be made. The mortgage servicers shall also
11 provide the claimant application materials and information, or a
12 description of the process, necessary to request a loan assumption
13 and modification.

14 (d) Upon receipt by the trustee or the mortgage servicer of the
15 documentation establishing claimant's ownership interest in the real
16 property, that claimant shall be deemed a "successor in interest" for
17 the purposes of this section.

18 (e) There may be more than one successor in interest to the
19 borrower's property rights. The trustee and mortgage servicer shall
20 apply the provisions of this section to each successor in interest.
21 In the case of multiple successors in interest, where one or more do
22 not wish to assume the loan as coborrowers or coapplicants, a
23 mortgage servicer may require any nonapplicant successor in interest
24 to consent in writing to the application for loan assumption.

25 (f) The existence of a successor in interest under this section
26 does not impose an affirmative duty on a mortgage servicer or alter
27 any obligation the mortgage servicer has to provide a loan
28 modification to the successor in interest. If a successor in interest
29 assumes the loan, he or she may be required to otherwise qualify for
30 available foreclosure prevention alternatives offered by the mortgage
31 servicer.

32 (g) (c), (e), and (f) of this subsection (11) do not apply to
33 association beneficiaries subject to chapter 64.32, 64.34, or 64.38
34 RCW; and

35 (12) Nothing in this section shall prejudice the right of the
36 mortgage servicer or beneficiary from discontinuing any foreclosure
37 action initiated under the deed of trust act in favor of other
38 allowed methods for pursuit of foreclosure of the security interest
39 or deed of trust security interest.

1 **Sec. 2.** RCW 61.24.040 and 2012 c 185 s 10 are each amended to
2 read as follows:

3 A deed of trust foreclosed under this chapter shall be foreclosed
4 as follows:

5 (1) At least ninety days before the sale, or if a letter under
6 RCW 61.24.031 is required, at least one hundred twenty days before
7 the sale, the trustee shall:

8 (a) Record a notice in the form described in (~~((f) of this~~)
9 subsection (2) of this section in the office of the auditor in each
10 county in which the deed of trust is recorded;

11 (b) To the extent the trustee elects to foreclose its lien or
12 interest, or the beneficiary elects to preserve its right to seek a
13 deficiency judgment against a borrower or grantor under RCW
14 61.24.100(3)(a), and if their addresses are stated in a recorded
15 instrument evidencing their interest, lien, or claim of lien, or an
16 amendment thereto, or are otherwise known to the trustee, cause a
17 copy of the notice of sale described in (~~((f) of this~~) subsection
18 (2) of this section to be transmitted by both first-class and either
19 certified or registered mail, return receipt requested, to the
20 following persons or their legal representatives, if any, at such
21 address:

22 (i) (A) The borrower and grantor;

23 (B) In the case where the borrower or grantor is deceased, to any
24 successors in interest. If no successor in interest has been
25 established, then to any spouse, child, or parent of the borrower or
26 grantor, at the addresses discovered by the trustee pursuant to RCW
27 61.24.030(10);

28 (ii) The beneficiary of any deed of trust or mortgagee of any
29 mortgage, or any person who has a lien or claim of lien against the
30 property, that was recorded subsequent to the recordation of the deed
31 of trust being foreclosed and before the recordation of the notice of
32 sale;

33 (iii) The vendee in any real estate contract, the lessee in any
34 lease, or the holder of any conveyances of any interest or estate in
35 any portion or all of the property described in such notice, if that
36 contract, lease, or conveyance of such interest or estate, or a
37 memorandum or other notice thereof, was recorded after the
38 recordation of the deed of trust being foreclosed and before the
39 recordation of the notice of sale;

1 (iv) The last holder of record of any other lien against or
2 interest in the property that is subject to a subordination to the
3 deed of trust being foreclosed that was recorded before the
4 recordation of the notice of sale;

5 (v) The last holder of record of the lien of any judgment
6 subordinate to the deed of trust being foreclosed; and

7 (vi) The occupants of property consisting solely of a single-
8 family residence, or a condominium, cooperative, or other dwelling
9 unit in a multiplex or other building containing fewer than five
10 residential units, whether or not the occupant's rental agreement is
11 recorded, which notice may be a single notice addressed to
12 "occupants" for each unit known to the trustee or beneficiary;

13 (c) Cause a copy of the notice of sale described in (~~(f)~~ of
14 ~~this~~) subsection (2) of this section to be transmitted by both
15 first-class and either certified or registered mail, return receipt
16 requested, to the plaintiff or the plaintiff's attorney of record, in
17 any court action to foreclose a lien or other encumbrance on all or
18 any part of the property, provided a court action is pending and a
19 lis pendens in connection therewith is recorded in the office of the
20 auditor of any county in which all or part of the property is located
21 on the date the notice is recorded;

22 (d) Cause a copy of the notice of sale described in (~~(f)~~ of
23 ~~this~~) subsection (2) of this section to be transmitted by both
24 first-class and either certified or registered mail, return receipt
25 requested, to any person who has recorded a request for notice in
26 accordance with RCW 61.24.045, at the address specified in such
27 person's most recently recorded request for notice;

28 (e) Cause a copy of the notice of sale described in (~~(f)~~ of
29 ~~this~~) subsection (2) of this section to be posted in a conspicuous
30 place on the property, or in lieu of posting, cause a copy of said
31 notice to be served upon any occupant of the property(~~(f)~~

32 ~~(f)~~) (2)(a) If foreclosing on a commercial loan under RCW
33 61.24.173, the title of the document must be "Notice of Trustee's
34 Sale of Commercial Loan(s)";

35 (b) In addition to all other indexing requirements, the notice
36 required in subsection (1) of this section must clearly indicate on
37 the first page the following information, which the auditor will
38 index:

39 (i) The document number or numbers given to the deed of trust
40 upon recording;

1 [If any personal property is to be included in the trustee's
2 sale, include a description that reasonably identifies such
3 personal property]

4 which is subject to that certain Deed of Trust
5 dated,, recorded,, under
6 Auditor's File No., records of County,
7 Washington, from, as Grantor, to,
8 as Trustee, to secure an obligation in favor of, as
9 Beneficiary, the beneficial interest in which was assigned
10 by, under an Assignment recorded under Auditor's
11 File No. [Include recording information for all counties if
12 the Deed of Trust is recorded in more than one county.]

13 II.

14 No action commenced by the Beneficiary of the Deed of Trust is now
15 pending to seek satisfaction of the obligation in any Court by reason
16 of the Borrower's or Grantor's default on the obligation secured by
17 the Deed of Trust.

18 [If there is another action pending to foreclose other
19 security for all or part of the same debt, qualify the
20 statement and identify the action.]

21 III.

22 The default(s) for which this foreclosure is made is/are as follows:

23 [If default is for other than payment of money, set forth the
24 particulars]

25 Failure to pay when due the following amounts which are now in
26 arrears:

27 IV.

28 The sum owing on the obligation secured by the Deed of Trust is:
29 Principal \$, together with interest as provided in the
30 note or other instrument secured from the day
31 of,, and such other costs and fees as are due under
32 the note or other instrument secured, and as are provided by statute.

33 V.

34 The above-described real property will be sold to satisfy the expense
35 of sale and the obligation secured by the Deed of Trust as provided

1 by statute. The sale will be made without warranty, express or
2 implied, regarding title, possession, or encumbrances on the
3 day of, The default(s) referred to in paragraph
4 III must be cured by the day of, (11 days
5 before the sale date), to cause a discontinuance of the sale. The
6 sale will be discontinued and terminated if at any time on or before
7 the day of,, (11 days before the sale
8 date), the default(s) as set forth in paragraph III is/are cured and
9 the Trustee's fees and costs are paid. The sale may be terminated any
10 time after the day of, (11 days before the
11 sale date), and before the sale by the Borrower, Grantor, any
12 Guarantor, or the holder of any recorded junior lien or encumbrance
13 paying the entire principal and interest secured by the Deed of
14 Trust, plus costs, fees, and advances, if any, made pursuant to the
15 terms of the obligation and/or Deed of Trust, and curing all other
16 defaults.

17 VI.

18 A written notice of default was transmitted by the Beneficiary or
19 Trustee to the Borrower and Grantor at the following addresses:

- 20
- 21
- 22

23 by both first-class and certified mail on the day
24 of,, proof of which is in the possession of the
25 Trustee; and the Borrower and Grantor were personally served on
26 the day of,, with said written notice of
27 default or the written notice of default was posted in a conspicuous
28 place on the real property described in paragraph I above, and the
29 Trustee has possession of proof of such service or posting.

30 VII.

31 The Trustee whose name and address are set forth below will provide
32 in writing to anyone requesting it, a statement of all costs and fees
33 due at any time prior to the sale.

34 VIII.

1 The effect of the sale will be to deprive the Grantor and all those
2 who hold by, through or under the Grantor of all their interest in
3 the above-described property.

4 IX.

5 Anyone having any objection to the sale on any grounds whatsoever
6 will be afforded an opportunity to be heard as to those objections if
7 they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130.
8 Failure to bring such a lawsuit may result in a waiver of any proper
9 grounds for invalidating the Trustee's sale.

10 [Add Part X to this notice if applicable under RCW 61.24.040(~~(+9)~~)
11 (11)]

12

13 , Trustee

14 }
15 }
16 }

19 Address

20

21 } Phone

22 [Acknowledgment]

23 ~~((g))~~ (3) If the borrower received a letter under RCW
24 61.24.031, the notice specified in subsection ~~((1)(f))~~ (2)(d) of
25 this section shall also include the following additional language:

26 **"THIS NOTICE IS THE FINAL STEP BEFORE THE FORECLOSURE SALE OF YOUR**
27 **HOME.**

28 You have only 20 DAYS from the recording date on this notice to
29 pursue mediation.

30 **DO NOT DELAY. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN**
31 **WASHINGTON NOW** to assess your situation and refer you to mediation if
32 you are eligible and it may help you save your home. See below for
33 safe sources of help.

34 **SEEKING ASSISTANCE**

1 Housing counselors and legal assistance may be available at little or
2 no cost to you. If you would like assistance in determining your
3 rights and opportunities to keep your house, you may contact the
4 following:

5 The statewide foreclosure hotline for assistance and referral to
6 housing counselors recommended by the Housing Finance Commission

7 Telephone: Web site:

8 The United States Department of Housing and Urban Development

9 Telephone: Web site:

10 The statewide civil legal aid hotline for assistance and referrals to
11 other housing counselors and attorneys

12 Telephone: Web site:"

13 The beneficiary or trustee shall obtain the toll-free numbers and
14 web site information from the department for inclusion in the notice;

15 ~~((+2))~~ (4) In addition to providing the borrower and grantor the
16 notice of sale described in subsection ~~((+1)(f))~~ (2) of this
17 section, the trustee shall include with the copy of the notice which
18 is mailed to the grantor, a statement to the grantor in substantially
19 the following form:

20 NOTICE OF FORECLOSURE

21 Pursuant to the Revised Code of Washington,
22 Chapter 61.24 RCW

23 The attached Notice of Trustee's Sale is a consequence of
24 default(s) in the obligation to, the Beneficiary of your
25 Deed of Trust and ~~((owner))~~ holder of the obligation secured thereby.
26 Unless the default(s) is/are cured, your property will be sold at
27 auction on the day of, . . .

28 To cure the default(s), you must bring the payments current, cure
29 any other defaults, and pay accrued late charges and other costs,
30 advances, and attorneys' fees as set forth below by the day
31 of, . . . [11 days before the sale date]. To date, these
32 arrears and costs are as follows:

	Estimated amount
33	
34	Currently due that will be due
35	to reinstate to reinstate
36	on on
37
38	(11 days before

1			the date set
2			for sale)
3	Delinquent payments		
4	from,		
5	. . . , in the		
6	amount of		
7	\$. . . /mo.:	\$	\$
8	Late charges in		
9	the total		
10	amount of:	\$	\$
11			Estimated
12			Amounts
13	Attorneys' fees:	\$	\$
14	Trustee's fee:	\$	\$
15	Trustee's expenses:		
16	(Itemization)		
17	Title report	\$	\$
18	Recording fees	\$	\$
19	Service/Posting		
20	of Notices	\$	\$
21	Postage/Copying		
22	expense	\$	\$
23	Publication	\$	\$
24	Telephone		\$
25	charges	\$	
26	Inspection fees	\$	\$
27	\$	\$
28	\$	\$
29	TOTALS	\$	\$

30 To pay off the entire obligation secured by your Deed of Trust as
31 of the day of you must pay a total of
32 \$. in principal, \$. in interest, plus other costs and
33 advances estimated to date in the amount of \$. From and
34 after the date of this notice you must submit a written request to

1 the Trustee to obtain the total amount to pay off the entire
2 obligation secured by your Deed of Trust as of the payoff date.

3 As to the defaults which do not involve payment of money to the
4 Beneficiary of your Deed of Trust, you must cure each such default.
5 Listed below are the defaults which do not involve payment of money
6 to the Beneficiary of your Deed of Trust. Opposite each such listed
7 default is a brief description of the action necessary to cure the
8 default and a description of the documentation necessary to show that
9 the default has been cured.

10	Default	Description of Action Required to Cure and
11		Documentation Necessary to Show Cure
12
13	
14	
15
16	
17	

18 You may reinstate your Deed of Trust and the obligation secured
19 thereby at any time up to and including the day
20 of, . . . [11 days before the sale date], by paying the
21 amount set forth or estimated above and by curing any other defaults
22 described above. Of course, as time passes other payments may become
23 due, and any further payments coming due and any additional late
24 charges must be added to your reinstating payment. Any new defaults
25 not involving payment of money that occur after the date of this
26 notice must also be cured in order to effect reinstatement. In
27 addition, because some of the charges can only be estimated at this
28 time, and because the amount necessary to reinstate or to pay off the
29 entire indebtedness may include presently unknown expenditures
30 required to preserve the property or to comply with state or local
31 law, it will be necessary for you to contact the Trustee before the
32 time you tender reinstatement or the payoff amount so that you may be
33 advised of the exact amount you will be required to pay. Tender of
34 payment or performance must be made to:, whose address
35 is, telephone () AFTER THE DAY
36 OF, . . ., YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY
37 PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER
38 DEFAULTS AS OUTLINED ABOVE. The Trustee will respond to any written

1 request for current payoff or reinstatement amounts within ten days
2 of receipt of your written request. In such a case, you will only be
3 able to stop the sale by paying, before the sale, the total principal
4 balance (\$) plus accrued interest, costs and advances, if
5 any, made pursuant to the terms of the documents and by curing the
6 other defaults as outlined above.

7 You may contest this default by initiating court action in the
8 Superior Court of the county in which the sale is to be held. In such
9 action, you may raise any legitimate defenses you have to this
10 default. A copy of your Deed of Trust and documents evidencing the
11 obligation secured thereby are enclosed. You may wish to consult a
12 lawyer. Legal action on your part may prevent or restrain the sale,
13 but only if you persuade the court of the merits of your defense. You
14 may contact the Department of Financial Institutions or the statewide
15 civil legal aid hotline for possible assistance or referrals.

16 The court may grant a restraining order or injunction to restrain
17 a trustee's sale pursuant to RCW 61.24.130 upon five days notice to
18 the trustee of the time when, place where, and the judge before whom
19 the application for the restraining order or injunction is to be
20 made. This notice shall include copies of all pleadings and related
21 documents to be given to the judge. Notice and other process may be
22 served on the trustee at:

23 NAME:

24 ADDRESS:

25

26 TELEPHONE NUMBER:

27 If you do not reinstate the secured obligation and your Deed of
28 Trust in the manner set forth above, or if you do not succeed in
29 restraining the sale by court action, your property will be sold. The
30 effect of such sale will be to deprive you and all those who hold by,
31 through or under you of all interest in the property;

32 ~~((3))~~ (5) In addition, the trustee shall cause a copy of the
33 notice of sale described in subsection ~~((1)(f))~~ (2)(d) of this
34 section (excluding the acknowledgment) to be published in a legal
35 newspaper in each county in which the property or any part thereof is
36 situated, once on or between the thirty-fifth and twenty-eighth day
37 before the date of sale, and once on or between the fourteenth and
38 seventh day before the date of sale;

1 ~~((4))~~ (6) In the case where no successor in interest has been
2 established, and neither the beneficiary nor the trustee are able to
3 ascertain the name and address of any spouse, child, or parent of the
4 borrower or grantor in the manner described in RCW 61.24.030(10),
5 then the trustee may, in addition to mailing notice to the property
6 addressed to the unknown heirs and devisees of the grantor, serve the
7 notice of sale by publication in a newspaper of general circulation
8 in the county or city where the property is located once per week for
9 three consecutive weeks. Upon this service by publication, to be
10 completed not less than thirty days prior to the date the sale is
11 conducted, all unknown heirs shall be deemed served with the notice
12 of sale;

13 (7)(a) If a servicer or trustee receives notification by someone
14 claiming to be a successor in interest to the borrower or grantor, as
15 under RCW 61.24.030(11), after the recording of the notice of sale,
16 the trustee or servicer must request written documentation within
17 five days demonstrating the ownership interest, provided that, the
18 trustee may, but is not required to, postpone a trustee's sale upon
19 receipt of such notification by someone claiming to be a successor in
20 interest.

21 (b) Upon receipt of documentation establishing a claimant as a
22 successor in interest, the servicer must provide the information in
23 RCW 61.24.030(11)(c). Only if the servicer or trustee receives the
24 documentation confirming someone as successor in interest more than
25 forty-five days before the scheduled sale must the servicer then
26 provide the information in RCW 61.24.030(11)(c) to the claimant not
27 less than twenty days prior to the sale.

28 (c) (b) of this subsection (7) does not apply to association
29 beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

30 (8) On the date and at the time designated in the notice of sale,
31 the trustee or its authorized agent shall sell the property at public
32 auction to the highest bidder. The trustee may sell the property in
33 gross or in parcels as the trustee shall deem most advantageous;

34 ~~((5))~~ (9) The place of sale shall be at any designated public
35 place within the county where the property is located and if the
36 property is in more than one county, the sale may be in any of the
37 counties where the property is located. The sale shall be on Friday,
38 or if Friday is a legal holiday on the following Monday, and during
39 the hours set by statute for the conduct of sales of real estate at
40 execution;

1 ~~((+6+))~~ (10) The trustee has no obligation to, but may, for any
2 cause the trustee deems advantageous, continue the sale for a period
3 or periods not exceeding a total of one hundred twenty days by (a) a
4 public proclamation at the time and place fixed for sale in the
5 notice of sale and if the continuance is beyond the date of sale, by
6 giving notice of the new time and place of the sale by both first
7 class and either certified or registered mail, return receipt
8 requested, to the persons specified in subsection (1)(b)(i) and (ii)
9 of this section to be deposited in the mail (i) not less than four
10 days before the new date fixed for the sale if the sale is continued
11 for up to seven days; or (ii) not more than three days after the date
12 of the continuance by oral proclamation if the sale is continued for
13 more than seven days, or, alternatively, (b) by giving notice of the
14 time and place of the postponed sale in the manner and to the persons
15 specified in subsection (1)(b), (c), (d), and (e) of this section and
16 publishing a copy of such notice once in the newspaper(s) described
17 in subsection ~~((+3+))~~ (5) of this section, more than seven days
18 before the date fixed for sale in the notice of sale. No other notice
19 of the postponed sale need be given;

20 ~~((+7+))~~ (11) The purchaser shall forthwith pay the price bid and
21 on payment the trustee shall execute to the purchaser its deed; the
22 deed shall recite the facts showing that the sale was conducted in
23 compliance with all of the requirements of this chapter and of the
24 deed of trust, which recital shall be prima facie evidence of such
25 compliance and conclusive evidence thereof in favor of bona fide
26 purchasers and encumbrancers for value, except that these recitals
27 shall not affect the lien or interest of any person entitled to
28 notice under subsection (1) of this section, if the trustee fails to
29 give the required notice to such person. In such case, the lien or
30 interest of such omitted person shall not be affected by the sale and
31 such omitted person shall be treated as if such person was the holder
32 of the same lien or interest and was omitted as a party defendant in
33 a judicial foreclosure proceeding;

34 ~~((+8+))~~ (12) The sale as authorized under this chapter shall not
35 take place less than one hundred ninety days from the date of default
36 in any of the obligations secured;

37 ~~((+9+))~~ (13) If the trustee elects to foreclose the interest of
38 any occupant or tenant of property comprised solely of a single-
39 family residence, or a condominium, cooperative, or other dwelling
40 unit in a multiplex or other building containing fewer than five

1 residential units, the following notice shall be included as Part X
2 of the Notice of Trustee's Sale:

3 X. NOTICE TO OCCUPANTS OR TENANTS

4 The purchaser at the trustee's sale is entitled to possession of the
5 property on the 20th day following the sale, as against the grantor
6 under the deed of trust (the owner) and anyone having an interest
7 junior to the deed of trust, including occupants who are not tenants.
8 After the 20th day following the sale the purchaser has the right to
9 evict occupants who are not tenants by summary proceedings under
10 chapter 59.12 RCW. For tenant-occupied property, the purchaser shall
11 provide a tenant with written notice in accordance with RCW
12 61.24.060;

13 ~~((10))~~ (14) Only one copy of all notices required by this
14 chapter need be given to a person who is both the borrower and the
15 grantor. All notices required by this chapter that are given to a
16 general partnership are deemed given to each of its general partners,
17 unless otherwise agreed by the parties.

18 **Sec. 3.** RCW 61.24.045 and 2008 c 153 s 4 are each amended to
19 read as follows:

20 Any person desiring a copy of any notice of sale described in RCW
21 61.24.040(~~((1))(f))~~) (2) under any deed of trust, other than a person
22 entitled to receive such a notice under RCW 61.24.040(1) (b) or (c),
23 must, after the recordation of such deed of trust and before the
24 recordation of the notice of sale, cause to be filed for record, in
25 the office of the auditor of any county in which the deed of trust is
26 recorded, a duly acknowledged request for a copy of any notice of
27 sale. The request shall be signed and acknowledged by the person to
28 be notified or such person's agent, attorney, or representative;
29 shall set forth the name, mailing address, and telephone number, if
30 any, of the person or persons to be notified; shall identify the deed
31 of trust by stating the names of the parties thereto, the date the
32 deed of trust was recorded, the legal description of the property
33 encumbered by the deed of trust, and the auditor's file number under
34 which the deed of trust is recorded; and shall be in substantially
35 the following form:

36 REQUEST FOR NOTICE

1 Request is hereby made that a copy of any notice of sale described in
2 RCW 61.24.040(~~(1)(f)~~) (2) under that certain Deed of Trust
3 dated, (~~20.~~) (year), recorded
4 on, (~~20.~~) (year), under auditor's file
5 No., records of County, Washington,
6 from, as Grantor, to, as Trustee, to
7 secure an obligation in favor of, as Beneficiary,
8 and affecting the following described real property:

9 (Legal Description)

10 be sent by both first-class and either registered or certified mail,
11 return receipt requested, to at

12 Dated this day of, (~~20.~~) (year)

13

14 Signature

15 (Acknowledgment)

16 A request for notice under this section shall not affect title to, or
17 be deemed notice to any person that any person has any right, title,
18 interest in, lien or charge upon, the property described in the
19 request for notice.

20 **Sec. 4.** RCW 61.24.050 and 2012 c 185 s 14 are each amended to
21 read as follows:

22 (1) Upon physical delivery of the trustee's deed to the
23 purchaser, or a different grantee as designated by the purchaser
24 following the trustee's sale, the trustee's deed shall convey all of
25 the right, title, and interest in the real and personal property sold
26 at the trustee's sale which the grantor had or had the power to
27 convey at the time of the execution of the deed of trust, and such as
28 the grantor may have thereafter acquired. Except as provided in
29 subsection (2) of this section, if the trustee accepts a bid, then
30 the trustee's sale is final as of the date and time of such
31 acceptance if the trustee's deed is recorded within fifteen days
32 thereafter. After a trustee's sale, no person shall have any right,
33 by statute or otherwise, to redeem the property sold at the trustee's
34 sale.

35 (2)(a) Up to the eleventh day following the trustee's sale, the
36 trustee, beneficiary, or authorized agent for the beneficiary may

1 declare the trustee's sale and trustee's deed void for the following
2 reasons:

3 (i) The trustee, beneficiary, or authorized agent for the
4 beneficiary assert that there was an error with the trustee
5 foreclosure sale process including, but not limited to, an erroneous
6 opening bid amount made by or on behalf of the foreclosing
7 beneficiary at the trustee's sale;

8 (ii) The borrower and beneficiary, or authorized agent for the
9 beneficiary, had agreed prior to the trustee's sale to a loan
10 modification agreement, forbearance plan, shared appreciation
11 mortgage, or other loss mitigation agreement to postpone or
12 discontinue the trustee's sale; or

13 (iii) The beneficiary or authorized agent for the beneficiary had
14 accepted funds that fully reinstated or satisfied the loan even if
15 the beneficiary or authorized agent for the beneficiary had no legal
16 duty to do so.

17 (b) This subsection does not impose a duty upon the trustee any
18 different than the obligations set forth under RCW 61.24.010 (3) and
19 (4).

20 (3) The trustee must refund the bid amount to the purchaser no
21 later than the third day following the postmarked mailing of the
22 rescission notice described under subsection (4) of this section.

23 (4) No later than fifteen days following the voided trustee's
24 sale date, the trustee shall send a notice in substantially the
25 following form by first-class mail and certified mail, return receipt
26 requested, to all parties entitled to notice under RCW 61.24.040(1)
27 (b) through (e):

28 NOTICE OF RESCISSION OF TRUSTEE'S SALE

29 NOTICE IS HEREBY GIVEN that the trustee's sale that occurred on
30 (trustee's sale date) is rescinded and declared void because (insert
31 the applicable reason(s) permitted under RCW 61.24.050(2)(a)).

32 The trustee's sale occurred pursuant to that certain Notice of
33 Trustee's Sale dated,, recorded,, under
34 Auditor's File No., records of County, Washington, and
35 that certain Deed of Trust dated,,
36 recorded,, under Auditor's File No., records
37 of County, Washington, from, as Grantor, to,
38 as, as original Beneficiary, concerning the following

1 described property, situated in the County(ies) of, State of
2 Washington, to wit:

3 (Legal description)

4 Commonly known as (common property address)

5 (5) If the reason for the rescission stems from subsection
6 (2)(a)(i) or (ii) of this section, the trustee may set a new sale
7 date not less than forty-five days following the mailing of the
8 notice of rescission of trustee's sale. The trustee shall:

9 (a) Comply with the requirements of RCW 61.24.040(1) (a) through
10 (~~(f)~~) (e) at least thirty days before the new sale date; and

11 (b) Cause a copy of the notice of trustee's sale as provided in
12 RCW 61.24.040(~~(1)~~) (2) to be published in a legal newspaper in
13 each county in which the property or any part of the property is
14 situated, once between the thirty-fifth and twenty-eighth day before
15 the sale and once between the fourteenth and seventh day before the
16 sale.

17 **Sec. 5.** RCW 61.24.130 and 2008 c 153 s 5 are each amended to
18 read as follows:

19 (1) Nothing contained in this chapter shall prejudice the right
20 of the borrower, grantor, any guarantor, or any person who has an
21 interest in, lien, or claim of lien against the property or some part
22 thereof, to restrain, on any proper legal or equitable ground, a
23 trustee's sale. The court shall require as a condition of granting
24 the restraining order or injunction that the applicant pay to the
25 clerk of the court the sums that would be due on the obligation
26 secured by the deed of trust if the deed of trust was not being
27 foreclosed:

28 (a) In the case of default in making the periodic payment of
29 principal, interest, and reserves, such sums shall be the periodic
30 payment of principal, interest, and reserves paid to the clerk of the
31 court every thirty days.

32 (b) In the case of default in making payment of an obligation
33 then fully payable by its terms, such sums shall be the amount of
34 interest accruing monthly on said obligation at the nondefault rate,
35 paid to the clerk of the court every thirty days.

36 In the case of default in performance of any nonmonetary
37 obligation secured by the deed of trust, the court shall impose such
38 conditions as it deems just.

1 In addition, the court may condition granting the restraining
2 order or injunction upon the giving of security by the applicant, in
3 such form and amount as the court deems proper, for the payment of
4 such costs and damages, including attorneys' fees, as may be later
5 found by the court to have been incurred or suffered by any party by
6 reason of the restraining order or injunction. The court may
7 consider, upon proper showing, the grantor's equity in the property
8 in determining the amount of said security.

9 (2) No court may grant a restraining order or injunction to
10 restrain a trustee's sale unless the person seeking the restraint
11 gives five days notice to the trustee of the time when, place where,
12 and the judge before whom the application for the restraining order
13 or injunction is to be made. This notice shall include copies of all
14 pleadings and related documents to be given to the judge. No judge
15 may act upon such application unless it is accompanied by proof,
16 evidenced by return of a sheriff, the sheriff's deputy, or by any
17 person eighteen years of age or over who is competent to be a
18 witness, that the notice has been served on the trustee.

19 (3) If the restraining order or injunction is dissolved after the
20 date of the trustee's sale set forth in the notice as provided in RCW
21 61.24.040(~~((1))(f))~~) (2), the court granting such restraining order or
22 injunction, or before whom the order or injunction is returnable,
23 shall, at the request of the trustee, set a new sale date which shall
24 be not less than forty-five days from the date of the order
25 dissolving the restraining order. The trustee shall:

26 (a) Comply with the requirements of RCW 61.24.040(1) (a) through
27 (~~((f))~~) (e) at least thirty days before the new sale date; and

28 (b) Cause a copy of the notice of trustee's sale as provided in
29 RCW 61.24.040(~~((1))(f))~~) (2) to be published in a legal newspaper in
30 each county in which the property or any part thereof is situated
31 once between the thirty-fifth and twenty-eighth day before the sale
32 and once between the fourteenth and seventh day before the sale.

33 (4) If a trustee's sale has been stayed as a result of the filing
34 of a petition in federal bankruptcy court and an order is entered in
35 federal bankruptcy court granting relief from the stay or closing or
36 dismissing the case, or discharging the debtor with the effect of
37 removing the stay, the trustee may set a new sale date which shall
38 not be less than forty-five days after the date of the bankruptcy
39 court's order. The trustee shall:

1 (a) Comply with the requirements of RCW 61.24.040(1) (a) through
2 (~~(f)~~) (e) at least thirty days before the new sale date; and

3 (b) Cause a copy of the notice of trustee's sale as provided in
4 RCW 61.24.040(~~(1)(f)~~) (2) to be published in a legal newspaper in
5 each county in which the property or any part thereof is situated,
6 once between the thirty-fifth and twenty-eighth day before the sale
7 and once between the fourteenth and seventh day before the sale.

8 (5) Subsections (3) and (4) of this section are permissive only
9 and do not prohibit the trustee from proceeding with a trustee's sale
10 following termination of any injunction or stay on any date to which
11 such sale has been properly continued in accordance with RCW
12 61.24.040(~~(6)~~) (10).

13 (6) The issuance of a restraining order or injunction shall not
14 prohibit the trustee from continuing the sale as provided in RCW
15 61.24.040(~~(6)~~) (10).

16 **Sec. 6.** RCW 61.24.163 and 2014 c 164 s 3 are each amended to
17 read as follows:

18 (1) The foreclosure mediation program established in this section
19 applies only to borrowers who have been referred to mediation by a
20 housing counselor or attorney. The referral to mediation may be made
21 any time after a notice of default has been issued but no later than
22 twenty days after the date a notice of sale has been recorded. If the
23 borrower has failed to elect to mediate within the applicable time
24 frame, the borrower and the beneficiary may, but are under no duty
25 to, agree in writing to enter the foreclosure mediation program. The
26 mediation program under this section is not governed by chapter 7.07
27 RCW and does not preclude mediation required by a court or other
28 provision of law.

29 (2) A housing counselor or attorney referring a borrower to
30 mediation shall send a notice to the borrower and the department,
31 stating that mediation is appropriate.

32 (3) Within ten days of receiving the notice, the department
33 shall:

34 (a) Send a notice to the beneficiary, the borrower, the housing
35 counselor or attorney who referred the borrower, and the trustee
36 stating that the parties have been referred to mediation. The notice
37 must include the statements and list of documents and information
38 described in subsections (4) and (5) of this section and a statement
39 explaining each party's responsibility to pay the mediator's fee; and

1 (b) Select a mediator and notify the parties of the selection.

2 (4) Within twenty-three days of the department's notice that the
3 parties have been referred to mediation, the borrower shall transmit
4 the documents required for mediation to the mediator and the
5 beneficiary. The required documents include an initial (~~Making Home
6 Affordable Application (HAMP) package or such other equivalent~~)
7 homeowner financial information worksheet as required by the
8 department. (~~In the event the department is required to create a
9 worksheet,~~) The worksheet must include, at a minimum, the following
10 information:

11 (a) The borrower's current and future income;

12 (b) Debts and obligations;

13 (c) Assets;

14 (d) Expenses;

15 (e) Tax returns for the previous two years;

16 (f) Hardship information;

17 (g) Other applicable information commonly required by any
18 applicable federal mortgage relief program.

19 (5) Within twenty days of the beneficiary's receipt of the
20 borrower's documents, the beneficiary shall transmit the documents
21 required for mediation to the mediator and the borrower. The required
22 documents include:

23 (a) An accurate statement containing the balance of the loan
24 within thirty days of the date on which the beneficiary's documents
25 are due to the parties;

26 (b) Copies of the note and deed of trust;

27 (c) Proof that the entity claiming to be the beneficiary is the
28 owner of any promissory note or obligation secured by the deed of
29 trust. Sufficient proof may be a copy of the declaration described in
30 RCW 61.24.030(7)(a);

31 (d) The best estimate of any arrearage and an itemized statement
32 of the arrearages;

33 (e) An itemized list of the best estimate of fees and charges
34 outstanding;

35 (f) The payment history and schedule for the preceding twelve
36 months, or since default, whichever is longer, including a breakdown
37 of all fees and charges claimed;

38 (g) All borrower-related and mortgage-related input data used in
39 any net present values analysis. If no net present values analysis is
40 required by the applicable federal mortgage relief program, then the

1 input data required under the federal deposit insurance corporation
2 and published in the federal deposit insurance corporation loan
3 modification program guide, or if that calculation becomes
4 unavailable, substantially similar input data as determined by the
5 department;

6 (h) An explanation regarding any denial for a loan modification,
7 forbearance, or other alternative to foreclosure in sufficient detail
8 for a reasonable person to understand why the decision was made;

9 (i) Appraisal or other broker price opinion most recently relied
10 upon by the beneficiary not more than ninety days old at the time of
11 the scheduled mediation; and

12 (j) The portion or excerpt of the pooling and servicing agreement
13 or other investor restriction that prohibits the beneficiary from
14 implementing a modification, if the beneficiary claims it cannot
15 implement a modification due to limitations in a pooling and
16 servicing agreement or other investor restriction, and documentation
17 or a statement detailing the efforts of the beneficiary to obtain a
18 waiver of the pooling and servicing agreement or other investor
19 restriction provisions.

20 (6) Within seventy days of receiving the referral from the
21 department, the mediator shall convene a mediation session in the
22 county where the property is located, unless the parties agree on
23 another location. The parties may agree to extend the time in which
24 to schedule the mediation session. If the parties agree to extend the
25 time, the beneficiary shall notify the trustee of the extension and
26 the date the mediator is expected to issue the mediator's
27 certification.

28 (7)(a) The mediator may schedule phone conferences, consultations
29 with the parties individually, and other communications to ensure
30 that the parties have all the necessary information and documents to
31 engage in a productive mediation.

32 (b) The mediator must send written notice of the time, date, and
33 location of the mediation session to the borrower, the beneficiary,
34 and the department at least thirty days prior to the mediation
35 session. At a minimum, the notice must contain:

36 (i) A statement that the borrower may be represented in the
37 mediation session by an attorney or other advocate;

38 (ii) A statement that a person with authority to agree to a
39 resolution, including a proposed settlement, loan modification, or
40 dismissal or continuation of the foreclosure proceeding, must be

1 present either in person or on the telephone or videoconference
2 during the mediation session; and

3 (iii) A statement that the parties have a duty to mediate in good
4 faith and that failure to mediate in good faith may impair the
5 beneficiary's ability to foreclose on the property or the borrower's
6 ability to modify the loan or take advantage of other alternatives to
7 foreclosure.

8 (8)(a) The borrower, the beneficiary or authorized agent, and the
9 mediator must meet in person for the mediation session. However, a
10 person with authority to agree to a resolution on behalf of the
11 beneficiary may be present over the telephone or videoconference
12 during the mediation session.

13 (b) After the mediation session commences, the mediator may
14 continue the mediation session once, and any further continuances
15 must be with the consent of the parties.

16 (9) The participants in mediation must address the issues of
17 foreclosure that may enable the borrower and the beneficiary to reach
18 a resolution, including but not limited to reinstatement,
19 modification of the loan, restructuring of the debt, or some other
20 workout plan. To assist the parties in addressing issues of
21 foreclosure, the mediator may require the participants to consider
22 the following:

23 (a) The borrower's current and future economic circumstances,
24 including the borrower's current and future income, debts, and
25 obligations for the previous sixty days or greater time period as
26 determined by the mediator;

27 (b) The net present value of receiving payments pursuant to a
28 modified mortgage loan as compared to the anticipated net recovery
29 following foreclosure;

30 (c) Any affordable loan modification calculation and net present
31 value calculation when required under any federal mortgage relief
32 program(~~(, including the home affordable modification program (HAMP)~~
33 ~~as applicable to government sponsored enterprise and nongovernment-~~
34 ~~sponsored enterprise loans)) and any ((~~HAMP-related~~)) modification
35 program ((~~applicable~~)) related to loans insured by the federal
36 housing administration, the veterans administration, and the rural
37 housing service. If such a calculation is not provided or required,
38 then the beneficiary must provide the net present value data inputs
39 established by the federal deposit insurance corporation and
40 published in the federal deposit insurance corporation loan~~

1 modification program guide or other net present value data inputs as
2 designated by the department. The mediator may run the calculation in
3 order for a productive mediation to occur and to comply with the
4 mediator certification requirement; and

5 (d) Any other loss mitigation guidelines to loans insured by the
6 federal housing administration, the veterans administration, and the
7 rural housing service, if applicable.

8 (10) A violation of the duty to mediate in good faith as required
9 under this section may include:

10 (a) Failure to timely participate in mediation without good
11 cause;

12 (b) Failure of the borrower or the beneficiary to provide the
13 documentation required before mediation or pursuant to the mediator's
14 instructions;

15 (c) Failure of a party to designate representatives with adequate
16 authority to fully settle, compromise, or otherwise reach resolution
17 with the borrower in mediation; and

18 (d) A request by a beneficiary that the borrower waive future
19 claims he or she may have in connection with the deed of trust, as a
20 condition of agreeing to a modification, except for rescission claims
21 under the federal truth in lending act. Nothing in this section
22 precludes a beneficiary from requesting that a borrower dismiss with
23 prejudice any pending claims against the beneficiary, its agents,
24 loan servicer, or trustee, arising from the underlying deed of trust,
25 as a condition of modification.

26 (11) If the mediator reasonably believes a borrower will not
27 attend a mediation session based on the borrower's conduct, such as
28 the lack of response to the mediator's communications, the mediator
29 may cancel a scheduled mediation session and send a written
30 cancellation to the department and the trustee and send copies to the
31 parties. The beneficiary may proceed with the foreclosure after
32 receipt of the mediator's written confirmation of cancellation.

33 (12) Within seven business days after the conclusion of the
34 mediation session, the mediator must send a written certification to
35 the department and the trustee and send copies to the parties of:

36 (a) The date, time, and location of the mediation session;

37 (b) The names of all persons attending in person and by telephone
38 or videoconference, at the mediation session;

39 (c) Whether a resolution was reached by the parties, including
40 whether the default was cured by reinstatement, modification, or

1 restructuring of the debt, or some other alternative to foreclosure
2 was agreed upon by the parties;

3 (d) Whether the parties participated in the mediation in good
4 faith; and

5 (e) If a written agreement was not reached, a description of any
6 net present value test used, along with a copy of the inputs,
7 including the result of any net present value test expressed in a
8 dollar amount.

9 (13) If the parties are unable to reach an agreement, the
10 beneficiary may proceed with the foreclosure after receipt of the
11 mediator's written certification.

12 (14)(a) The mediator's certification that the beneficiary failed
13 to act in good faith in mediation constitutes a defense to the
14 nonjudicial foreclosure action that was the basis for initiating the
15 mediation. In any action to enjoin the foreclosure, the beneficiary
16 is entitled to rebut the allegation that it failed to act in good
17 faith.

18 (b) The mediator's certification that the beneficiary failed to
19 act in good faith during mediation does not constitute a defense to a
20 judicial foreclosure or a future nonjudicial foreclosure action if a
21 modification of the loan is agreed upon and the borrower subsequently
22 defaults.

23 (c) If an affordable loan modification is not offered in the
24 mediation or a written agreement was not reached and the mediator's
25 certification shows that the net present value of the modified loan
26 exceeds the anticipated net recovery at foreclosure, that showing in
27 the certification constitutes a basis for the borrower to enjoin the
28 foreclosure.

29 (15) The mediator's certification that the borrower failed to act
30 in good faith in mediation authorizes the beneficiary to proceed with
31 the foreclosure.

32 (16)(a) If a borrower has been referred to mediation before a
33 notice of trustee sale has been recorded, a trustee may not record
34 the notice of sale until the trustee receives the mediator's
35 certification stating that the mediation has been completed. If the
36 trustee does not receive the mediator's certification, the trustee
37 may record the notice of sale after ten days from the date the
38 certification to the trustee was due. If, after a notice of sale is
39 recorded under this subsection (16)(a), the mediator subsequently
40 issues a certification finding that the beneficiary violated the duty

1 of good faith, the certification constitutes a basis for the borrower
2 to enjoin the foreclosure.

3 (b) If a borrower has been referred to mediation after the notice
4 of sale was recorded, the sale may not occur until the trustee
5 receives the mediator's certification stating that the mediation has
6 been completed.

7 (17) A mediator may charge reasonable fees as authorized by this
8 subsection or as authorized by the department. Unless the fee is
9 waived, the parties agree otherwise, or the department otherwise
10 authorizes, a foreclosure mediator's fee may not exceed four hundred
11 dollars for preparing, scheduling, and conducting a mediation session
12 lasting between one hour and three hours. For a mediation session
13 exceeding three hours, the foreclosure mediator may charge a
14 reasonable fee, as authorized by the department. The mediator must
15 provide an estimated fee before the mediation, and payment of the
16 mediator's fee must be divided equally between the beneficiary and
17 the borrower. The beneficiary and the borrower must tender the loan
18 mediator's fee within thirty calendar days from receipt of the
19 department's letter referring the parties to mediation or pursuant to
20 the mediator's instructions.

21 (18) Beginning December 1, 2012, and every year thereafter, the
22 department shall report annually to the legislature on:

23 (a) The performance of the program, including the numbers of
24 borrowers who are referred to mediation by a housing counselor or
25 attorney;

26 (b) The results of the mediation program, including the number of
27 mediations requested by housing counselors and attorneys, the number
28 of certifications of good faith issued, the number of borrowers and
29 beneficiaries who failed to mediate in good faith, and the reasons
30 for the failure to mediate in good faith, if known, the numbers of
31 loans restructured or modified, the change in the borrower's monthly
32 payment for principal and interest and the number of principal write-
33 downs and interest rate reductions, and, to the extent practical, the
34 number of borrowers who report a default within a year of
35 restructuring or modification;

36 (c) The information received by housing counselors regarding
37 outcomes of foreclosures; and

38 (d) Any recommendations for changes to the statutes regarding the
39 mediation program.

1 **Sec. 7.** RCW 61.24.173 and 2016 c 196 s 2 are each amended to
2 read as follows:

3 (1) Except as provided in subsections (~~((4) and~~) (5) and (6) of
4 this section, beginning July 1, 2016, and every quarter thereafter,
5 every beneficiary on whose behalf a notice of trustee's sale has been
6 recorded pursuant to RCW 61.24.040 on residential real property under
7 this chapter must:

8 (a) Report to the department the number of notices of trustee's
9 sale recorded for each residential property during the previous
10 quarter;

11 (b) Remit the amount required under subsection (2) of this
12 section; and

13 (c) Report and update beneficiary contact information for the
14 person and work group responsible for the beneficiary's compliance
15 with the requirements of the foreclosure fairness act created in this
16 chapter.

17 (2) For each notice of trustee's sale recorded on residential
18 real property, the beneficiary on whose behalf the notice of
19 trustee's sale has been recorded shall remit (~~((two))~~) three hundred
20 (~~((fifty))~~) twenty-five dollars to the department to be deposited, as
21 provided under RCW 61.24.172, into the foreclosure fairness account.
22 The (~~((two))~~) three hundred (~~((fifty))~~) twenty-five dollar payment is
23 required for every recorded notice of trustee's sale for
24 noncommercial loans on residential real property, but does not apply
25 to the recording of an amended notice of trustee's sale. (~~((If the~~
26 ~~beneficiary previously made a payment under RCW 61.24.174, as it~~
27 ~~existed prior to July 1, 2016, for a notice of default supporting the~~
28 ~~recorded notice of trustee's sale, no payment is required under this~~
29 ~~section.))~~) No later than January 1, 2020, the department may from
30 time to time adjust the amount of the fee, not to exceed three
31 hundred twenty-five dollars, at a sufficient level to defray the
32 costs of the program. The beneficiary shall remit the total amount
33 required in a lump sum each quarter.

34 (3) Any adjustment to the amount of the fee, pursuant to the
35 authority of subsection (2) of this section, shall be made by rule
36 adopted by the department in accordance with the provisions of
37 chapter 34.05 RCW.

38 (4) Reporting and payments under subsections (1) and (2) of this
39 section are due within forty-five days of the end of each quarter.

1 ~~((4))~~ (5) This section does not apply to any beneficiary or
2 loan servicer that is a federally insured depository institution, as
3 defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under
4 penalty of perjury that fewer than fifty notices of trustee's sale
5 were recorded on its behalf in the preceding year.

6 ~~((5))~~ (6) This section does not apply to association
7 beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

8 ~~((6))~~ (7) For purposes of this section, "residential real
9 property" includes residential real property with up to four dwelling
10 units, whether or not the property or any part thereof is owner-
11 occupied.

12 NEW SECTION. **Sec. 8.** A new section is added to chapter 61.24
13 RCW to read as follows:

14 (1) If a trustee under a deed of trust is named as a defendant in
15 an action or proceeding in which that deed of trust is the subject,
16 and if there are no substantive allegations that seek damages from
17 the trustee or seek to enjoin the foreclosure based on any alleged
18 unlawful actions or omissions by the trustee, including causes of
19 action where the trustee is a codefendant alleged to be jointly or
20 derivatively liable with respect to the trustee's conduct as to the
21 borrower or the trustee's statutory obligations, not less than
22 thirty-five days after service of the summons and complaint on the
23 trustee, the trustee may file a declaration of nonmonetary status.
24 The declaration must be served on the parties in the manner set forth
25 in superior court civil rule (CR) 5.

26 (2) The declaration of nonmonetary status must set forth:

27 (a) The status of the trustee as trustee under the deed of trust
28 that is the subject of the action or proceeding;

29 (b) That the complaint or pleading does not assert any
30 substantive allegations that seek damages from the trustee or seek to
31 enjoin the foreclosure based on any alleged unlawful actions or
32 omissions by the trustee;

33 (c) That it has been named as a defendant in the proceeding
34 solely in its capacity as a trustee under the deed of trust and that
35 the trustee agrees to be bound by whatever order or judgment is
36 issued by the court regarding the subject deed of trust;

37 (d) A statement printed in no less than twelve-point font and
38 bolded that reads:

1 "You have 30 days from service of this declaration to file and
2 serve an objection with the court in compliance with RCW
3 61.24.--- (this section). If you do not timely object, the
4 trustee will be deemed a nominal party to this action and you may
5 not seek monetary relief against it. Your case may also be
6 removed to federal court if the trustee was the only defendant
7 domiciled in Washington."

8 (3) The parties who have appeared in the action or proceeding
9 have thirty days from the service of the declaration by the trustee
10 in which to object to the nonmonetary status of the trustee. Any
11 objection must set forth the allegations against the trustee in a
12 manner sufficient to satisfy the pleading standard of superior court
13 civil rule (CR) 8(a).

14 (4) The objection must:

15 (a) Conform to superior court civil rule (CR) 10 and the caption
16 must include the following identification: "Objection to Declaration
17 of Nonmonetary Status of Defendant [trustee]";

18 (b) Contain a short and plain statement of the claim against
19 defendant trustee as described in the complaint, showing that the
20 plaintiff is entitled to relief. Allegations against the trustee may
21 not be raised for the first time in the objection;

22 (c) Be filed with the court within thirty days of service of the
23 trustee's declaration of nonmonetary status described in subsection
24 (1) of this section;

25 (d) Be served on the trustee in the manner set forth in superior
26 court civil rule (CR) 5.

27 (5) Upon filing of a timely objection with the court and timely
28 service of the objection, the trustee must thereafter be required to
29 participate in the action or proceeding.

30 (6) If an objection is not filed and served within the thirty-day
31 objection period, the trustee: Is not required to participate any
32 further in the action or proceeding; is not subject to any monetary
33 awards as and for damages, attorneys' fees, or costs; and is bound by
34 any court order relating to the subject deed of trust that is the
35 subject of the action or proceeding. The trustee's nonmonetary status
36 is not established until the thirty-day objection period has passed
37 without filing and service of an objection pursuant to subsection (5)
38 of this section.

39 (7) In the event a party or parties elect not to or fail to
40 timely object to the declaration of nonmonetary status, but later

1 through discovery or otherwise determine that the trustee should
2 participate in the action, the parties may file and serve on all
3 parties and the trustee a motion pursuant to superior court civil
4 rule (CR) 15. Upon the court's granting of the motion, the trustee
5 must thereafter be required to participate in the action or
6 proceeding, and the court must provide sufficient time before trial
7 for the trustee to be able to respond to the complaint, to conduct
8 discovery, and to bring other pretrial motions in accordance with
9 Washington superior court civil rules.

10 (8) Upon the filing of the declaration of nonmonetary status, the
11 time within which the trustee is required to file an answer or other
12 responsive pleading is tolled for the period of time within which the
13 opposing parties may object to the declaration. Upon the timely
14 service of an objection to the declaration of nonmonetary status, the
15 trustee has thirty days from the date of service within which to file
16 an answer or other responsive pleading to the complaint or cross-
17 complaint.

18 (9) For purposes of this section, "trustee" includes any agent or
19 employee of the trustee who performs some or all the duties of a
20 trustee under this chapter and includes substituted trustees and
21 agents of the trustee.

22 (10) If upon objection to the trustee's declaration of
23 nonmonetary status the court finds that the declaration was filed
24 without sufficient support based upon the allegations made in the
25 complaint, the court may award the plaintiff attorneys' fees and
26 costs associated with the objection together with any actual damages
27 demonstrated. Any award may be made after notice and hearing with
28 submission of evidence of the attorneys' fees and damages.

29 NEW SECTION. **Sec. 9.** A new section is added to chapter 61.12
30 RCW to read as follows:

31 (1) Before any mortgagee of residential real property commences
32 any legal action under RCW 61.12.040 to foreclose any reverse
33 residential mortgage, such person shall give the mortgagor notice of
34 such intention at least thirty-three days in advance. For the
35 purposes of this section "residential real property" means property
36 consisting solely of a single-family residence, a two-to-four-unit
37 owner occupied dwelling, a residential condominium unit, a
38 manufactured home, or a residential cooperative unit.

1 (2) Notice of intention to take action as specified in subsection
2 (1) of this section must be in writing and sent to the resident
3 mortgagor or, in case of the death of the last surviving mortgagor,
4 addressed to any known surviving spouse or to "unknown heirs" of the
5 residential mortgagor, by first-class and either certified or
6 registered mail, return receipt requested, at his or her last known
7 address and, if different, at the residence which is the subject of
8 the residential mortgage.

9 (3) The written notice must be in English and Spanish, in a form
10 to be published by the department of commerce, and must clearly and
11 conspicuously state:

12 (a) The particular obligation or real estate security interest;

13 (b) The nature of the default claimed or the reason for
14 acceleration of the mortgage;

15 (c) Except in cases where the acceleration is due to the death of
16 the last surviving mortgagor, the right, if any, of the mortgagor to
17 cure the default and exactly what performance, including what sum of
18 money, if any, must be tendered to cure the default;

19 (d) Except in cases where the acceleration is due to the death of
20 the last surviving mortgagor, the applicable time within which the
21 mortgagor must cure the default;

22 (e) A statement printed in no less than twelve-point font and
23 bolded that reads:

24 "If you do nothing to cure the default, if any, we intend to
25 start a lawsuit to foreclose your mortgaged property. If the mortgage
26 is foreclosed, your mortgaged property will be sold to pay off the
27 mortgage debt. You should contact a housing counselor or attorney as
28 soon as possible."; and

29 (f) The toll-free telephone number to find a department-approved
30 home equity conversion mortgage counseling agency from the United
31 States department of housing and urban development, the toll-free
32 numbers for the statewide foreclosure hotline recommended by the
33 housing finance commission, and the statewide civil legal aid hotline
34 for assistance and referrals.

35 (4) It is an unfair or deceptive act in trade or commerce and an
36 unfair method of competition in violation of the consumer protection
37 act, chapter 19.86 RCW, affecting the public interest, for any person
38 or entity to:

39 (a) Fail to send the notice as required in this section at least
40 thirty-three days before accelerating the maturity of any reverse

1 residential mortgage obligation or commencing any legal action under
2 RCW 61.12.040;

3 (b) Fail to state the nature of the default, the correct amount
4 or action that is required to cure the default, if any, or the time
5 and manner in which to cure if cure is possible; or

6 (c) To send the notice required in this section without the
7 advisory language and information about foreclosure assistance.

8 NEW SECTION. **Sec. 10.** (1) This chapter applies only to
9 residential real property consisting solely of a single-family
10 residence, a residential condominium unit, or a residential
11 cooperative unit.

12 (2) For purposes of this chapter:

13 (a) Property is "abandoned" when there are no signs of occupancy
14 and at least three of the following indications of abandonment are
15 visible from the exterior:

16 (i) The absence of furnishings and personal items consistent with
17 residential habitation;

18 (ii) The gas, electric, or water utility services have been
19 disconnected;

20 (iii) Statements by neighbors, passersby, delivery agents, or
21 government employees that the property is vacant;

22 (iv) Multiple windows on the property are boarded up or closed
23 off or are smashed through, broken, or unhinged, or multiple window
24 panes are broken and unrepaired;

25 (v) Doors on the residence are substantially damaged, broken off,
26 unhinged, or conspicuously open;

27 (vi) The property has been stripped of copper or other materials,
28 or interior fixtures have been removed;

29 (vii) Law enforcement officials have received at least one report
30 within the immediately preceding six months of trespassing or
31 vandalism or other illegal activities by persons who enter unlawfully
32 on the property;

33 (viii) The property has been declared unfit for occupancy and
34 ordered to remain vacant and unoccupied pursuant to an order issued
35 by a municipal or county authority or a court of competent
36 jurisdiction;

37 (ix) Construction was initiated on the property and was
38 discontinued before completion, leaving a building unsuitable for

1 occupancy, and construction has not taken place for at least six
2 months;

3 (x) Newspapers, circulars, flyers, or mail has accumulated on the
4 property or the United States postal service has discontinued
5 delivery to the property;

6 (xi) Rubbish, trash, debris, neglected vegetation, or natural
7 overgrowth has accumulated on the property;

8 (xii) Hazardous, noxious, or unhealthy substances or materials
9 have accumulated on the property;

10 (xiii) Other credible evidence exists indicating the intent to
11 vacate and abandon the property.

12 (b) Property is in "mid-foreclosure" when, pursuant to chapter
13 61.24 RCW, a notice of default or notice of preforeclosure options
14 has been issued or a notice of trustee's sale has been recorded in
15 the office of the county auditor.

16 (c) Property is a "nuisance" when so determined by a county,
17 city, or town pursuant to its authority under chapter 7.48 RCW or RCW
18 35.22.280, 35.23.440, 35.27.410, or 36.32.120.

19 NEW SECTION. **Sec. 11.** (1) A county, city, or town may notify a
20 mortgage servicer that a property has been determined to be
21 abandoned, in mid-foreclosure, and a nuisance.

22 (2) A notice issued pursuant to this section must:

23 (a) Be accompanied by an affidavit or a declaration made under
24 penalty of perjury by a county, city, or town official that a
25 property is abandoned, in mid-foreclosure, and a nuisance, and the
26 affidavit or declaration must outline at least three indicators of
27 abandonment and be supported with time and date stamped photographs,
28 a finding that the property is a nuisance, and a copy of the notice
29 of default, notice of preforeclosure options, or notice of trustee's
30 sale; and

31 (b) Be sent to the mortgage servicer by certified mail.

32 NEW SECTION. **Sec. 12.** (1) A mortgage servicer may contact a
33 county, city, or town regarding a property it believes to be
34 abandoned, and a nuisance and request that a county, city, or town
35 official visit the property and make a determination as to whether
36 the residential real property is abandoned and a nuisance. When
37 making such a request, the mortgage servicer must furnish a copy of a

1 notice of default, notice of preforeclosure options, or notice of
2 trustee's sale applicable to the property.

3 (2) A county, city, or town shall respond to such a request
4 within fifteen calendar days of receipt and notify the mortgage
5 servicer:

6 (a) That a county, city, or town official has visited the
7 property and determined that the property is not abandoned, or not a
8 nuisance;

9 (b) That a county, city, or town official has visited the
10 property and determined that the property is abandoned, in mid-
11 foreclosure, and a nuisance. In this case, the notification shall be
12 accompanied by an affidavit or a declaration made under penalty of
13 perjury by a county, city, or town official that a property is
14 abandoned, mid-foreclosure, and a nuisance, and the affidavit or
15 declaration must outline at least three indicators of abandonment and
16 be supported with time and date stamped photographs, a finding that
17 the property is a nuisance, and a copy of the notice of default or
18 notice of trustee's sale supplied by the mortgage servicer; or

19 (c) That the county, city, or town does not have adequate
20 resources or is otherwise unable to make the requested determination.

21 NEW SECTION. **Sec. 13.** (1) Upon receipt from a county, city, or
22 town of an affidavit or declaration under penalty of perjury that a
23 property is abandoned, in mid-foreclosure, and a nuisance, a mortgage
24 servicer or its designee may enter the property for the purposes of
25 abating the identified nuisance, preserving property, or preventing
26 waste and may take steps to secure the property, including but not
27 limited to:

28 (a) Installing missing locks on exterior doors. If any locks are
29 changed the mortgage servicer must provide a lock box. Working locks
30 may not be removed or replaced unless all doors are secured and there
31 is no means of entry, and in such cases only one working lock may be
32 removed and replaced;

33 (b) Replacing or boarding broken or missing windows;

34 (c) Winterizing, including draining pipes and disconnecting or
35 turning on utilities;

36 (d) Eliminating building code or other code violations;

37 (e) Securing exterior pools and spas;

38 (f) Performing routine yard maintenance on the exterior of the
39 residence; and

1 (g) Performing pest and insect control services.

2 (2) The mortgage servicer or its designee must make a record of
3 entry by means of dated and time-stamped photographs showing the
4 manner of entry and personal items visible within the residence upon
5 entry.

6 (3) Neither the mortgage servicer nor its designee may remove
7 personal items from the property unless the items are hazardous or
8 perishable, and in case of such removal must inventory the items
9 removed.

10 (4) Prior to each entry, a mortgage servicer or its designee must
11 ensure that a notice is posted on the front door that includes the
12 following:

13 (a) A statement that, pursuant to RCW 7.28.230, until foreclosure
14 and sale is complete the property owner or occupant authorized by the
15 owner has the right to possession;

16 (b) A statement that the property owner or occupant authorized by
17 the owner has the right to request that any locks installed by the
18 mortgage servicer or its designee be removed within twenty-four hours
19 and replaced with new locks accessible by the property owner or
20 occupant authorized by the owner only;

21 (c) A toll-free, twenty-four hour number that the property owner
22 or occupant authorized by the owner may call in order to gain timely
23 entry, which entry must be provided no later than the next business
24 day; and

25 (d) The phone number of the statewide foreclosure hotline
26 recommended by the housing finance commission and the statewide civil
27 legal aid hotline, together with a statement that the property owner
28 may have the right to participate in foreclosure mediation pursuant
29 to RCW 61.24.163.

30 (5) Records of entry onto property pursuant to this section must
31 be maintained by the mortgage servicer or its designee for at least
32 four years from the date of entry.

33 (6) If, upon entry, the property is found to be occupied, the
34 mortgage servicer or its designee must leave the property
35 immediately, notify the county, city, or town, and thereafter neither
36 the mortgage servicer nor its designee may enter the property
37 regardless of whether the property constitutes a nuisance or complies
38 with local code enforcement standards.

39 (7) In the event a mortgage servicer is contacted by the borrower
40 and notified that the property is not abandoned, the mortgage

1 servicer must so notify the county, city, or town and thereafter
2 neither the mortgage servicer nor its designee may enter the property
3 regardless of whether the property constitutes a nuisance or complies
4 with local code enforcement standards.

5 (8) A county, city, or town is not liable for any damages caused
6 by any act or omission of the mortgage servicer or its designee.

7 NEW SECTION. **Sec. 14.** Except in circumstances governed by
8 section 13 (6) and (7) of this act, if a mortgage servicer receives
9 notice from a county, city, or town pursuant to section 11 or
10 12(2)(b) of this act that a property is abandoned, in mid-
11 foreclosure, and a nuisance, and the mortgage servicer does not abate
12 the nuisance within the time prescribed by local ordinance, a county,
13 city, or town may exercise its authority under chapter 7.48 RCW, RCW
14 35.22.280, 35.23.440, 35.27.410, 36.32.120, or any other applicable
15 law to abate the nuisance and recover associated costs as set forth
16 in section 16 of this act.

17 NEW SECTION. **Sec. 15.** (1) When a property has been the subject
18 of foreclosure, a county, city or town may notify the grantee of the
19 trustee's deed or sheriff's deed, via certified mail, that a property
20 is a nuisance. Upon receipt of such a notice, the grantee of the
21 trustee's deed or sheriff's deed shall respond within fifteen
22 calendar days and provide one of the following responses:

23 (a) That the grantee of the trustee's deed or sheriff's deed will
24 abate the nuisance within the time prescribed by local ordinance; or

25 (b) That the grantee of the trustee's deed or sheriff's deed does
26 not have adequate resources to abate the nuisance within the time
27 limits required by local ordinance.

28 (2) If the grantee of the trustee's deed or sheriff's deed is
29 notified and does not abate the nuisance within the time prescribed
30 by local ordinance, a county, city, or town may exercise its
31 authority under chapter 7.48 RCW, RCW 35.22.280, 35.23.440,
32 35.27.410, 36.32.120, or any other applicable law to abate the
33 nuisance and recover associated costs as set forth in section 16 of
34 this act.

35 NEW SECTION. **Sec. 16.** Except in circumstances governed by
36 section 13 (6) and (7) of this act, if, after issuance of a notice
37 pursuant to section 11, 12(2)(b), or 15 of this act, a nuisance has

1 not been abated within the time prescribed by local ordinance and the
2 county, city, or town has exercised its authority under chapter 7.48
3 RCW, RCW 35.22.280, 35.23.440, 35.27.410, 36.32.120, or any other
4 applicable law to abate the nuisance, the county, city, or town may
5 recover its costs by levying an assessment on the real property on
6 which the nuisance is situated to reimburse the county, city, or town
7 for the costs of abatement, excluding any associated fines or
8 penalties. This assessment constitutes a lien against the property,
9 and is binding upon successors in title only from the date the lien
10 is recorded in the county in which the real property is located. This
11 assessment is of equal rank with state, county, and municipal taxes
12 and is assessed against the real property upon which cost was
13 incurred unless such amount is previously paid.

14 NEW SECTION. **Sec. 17.** The authority provided pursuant to this
15 chapter is in addition to, and not in limitation of, any other
16 authority provided by law.

17 NEW SECTION. **Sec. 18.** Sections 10 through 17 of this act
18 constitute a new chapter in Title 7 RCW."

2ESHB 2057 - S AMD 812
By Senator Mullet

ADOPTED AS AMENDED 03/01/2018

19 On page 1, line 2 of the title, after "foreclosure;" strike the
20 remainder of the title and insert "amending RCW 61.24.030, 61.24.040,
21 61.24.045, 61.24.050, 61.24.130, 61.24.163, and 61.24.173; adding a
22 new section to chapter 61.24 RCW; adding a new section to chapter
23 61.12 RCW; and adding a new chapter to Title 7 RCW."

EFFECT: Removes a requirement for the auditor to index and
provide notice for a deed of trust foreclosure. Makes technical and
clarifying changes and corrects internal references.

--- END ---