
SUBSTITUTE HOUSE BILL 2057

State of Washington 65th Legislature 2017 Regular Session

By House Judiciary (originally sponsored by Representative Orwall)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to the services and processes available when
2 residential real property is abandoned or in foreclosure; amending
3 RCW 61.24.173 and 61.24.040; and adding new sections to chapter 61.24
4 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 61.24
7 RCW to read as follows:

8 (1) A certificate of abandonment may be obtained for a fee
9 through the housing finance commission by using a form and subject to
10 the terms and conditions developed by the housing finance commission
11 in conjunction with the servicing industry, trustees, and civil legal
12 aid. The housing finance commission must determine the costs
13 associated with the application process and set a reasonable
14 application fee based upon these costs. The fee must not exceed one
15 hundred dollars.

16 (2) Upon issuance of a certificate of abandonment, or upon
17 receipt of notification from a servicer pursuant to section 2 or 3 of
18 this act, the housing finance commission must notify the appropriate
19 city, town, or county.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 61.24
2 RCW to read as follows:

3 (1) A servicer to whom a borrower has granted written permission
4 to enter the premises to inspect, secure, repair, or maintain the
5 premises may enter the premises and act in accordance with the scope
6 of the permission granted by the borrower.

7 (2) A certificate of abandonment is not necessary under this
8 section, but the servicer must notify the housing finance commission
9 that it has been granted written permission from the borrower in
10 order that the commission may notify the appropriate city, town, or
11 county.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 61.24
13 RCW to read as follows:

14 (1) A servicer may perform reasonable external maintenance
15 without the borrower's permission if, after default and after
16 reasonable inspection and notice in accordance with this section,
17 there is reasonable cause to believe that the property is abandoned
18 and that entry onto the property to perform reasonable external
19 maintenance is necessary to keep the external property in compliance
20 with city, town, or county codes or ordinances.

21 (2) A certificate of abandonment is not necessary under this
22 section, but the servicer must notify the housing finance commission
23 that it intends to enter the property to perform reasonable external
24 maintenance in order that the commission may notify the appropriate
25 city, town, or county.

26 (3) For purposes of this section:

27 (a) "Notice" means a written notice posted on the door, informing
28 the occupants that in three days the servicer or its agent intends to
29 perform external maintenance of the property. The notice must remain
30 on the door until the servicer is contacted by the borrower or lawful
31 occupant or until foreclosure is complete. The notice must include
32 all of the following:

33 (i) Information about the borrower's or lawful occupant's right
34 to possession;

35 (ii) A twenty-four hour phone number that the borrower or lawful
36 occupant may call with questions or concerns or to obtain
37 information; and

38 (iii) The phone number of a housing counseling agency and
39 information regarding the foreclosure fairness act.

1 (b) "Reasonable cause to believe that the property is abandoned"
2 means that the property bears some or all of the following indicia of
3 abandonment:

4 (i) Overgrown or dead vegetation;

5 (ii) An accumulation of newspapers, circulars, fliers, or mail;

6 (iii) Past due utility notices, or some or all of the utilities
7 have been disconnected;

8 (iv) An accumulation of trash, junk, or debris;

9 (v) A lack of evidence of occupancy, such as cars, toys, pets, or
10 activity.

11 (c) "Reasonable external maintenance" includes:

12 (i) Maintaining landscaping;

13 (ii) Collecting and disposing of newspapers, circulars, trash,
14 and debris;

15 (iii) Painting over graffiti or tagging; and

16 (iv) The removal of hazardous property. If property is removed,
17 the servicer must inventory and document the removal.

18 (d) "Reasonable inspection" means inspection from the street
19 without entering the property.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 61.24
21 RCW to read as follows:

22 (1) A certificate of abandonment for entry into a dwelling
23 without the borrower's permission permits a servicer or its agent to
24 enter the property to take reasonable steps to secure the property.
25 Upon issuance of a certificate of abandonment, the housing finance
26 commission must notify the appropriate city, town, or county.

27 (2) The following conditions must be met before issuance of a
28 certificate of abandonment:

29 (a) The borrower is in default and the property is abandoned, as
30 indicated by the presence of at least three of the following indicia
31 of abandonment: (i) The absence of furnishings and personal items
32 consistent with residential habitation; (ii) the gas, electric, and
33 water utility services have been disconnected; (iii) statements by
34 neighbors, passersby, delivery agents, or government employees that
35 the property is vacant; (iv) multiple windows on the property are
36 boarded up or closed off or are smashed through, broken, or unhinged,
37 or multiple window panes are broken and unrepaired; (v) doors on the
38 residence are smashed through, broken off, unhinged, or continuously
39 unlocked; (vi) the property has been stripped of copper or other

1 materials, or interior fixtures have been removed; (vii) law
2 enforcement officials have received at least one report of
3 trespassing or vandalism or other illegal activities occurring on the
4 property within the immediately preceding six months; (viii) the
5 property has been declared unfit for occupancy and ordered to remain
6 vacant and unoccupied pursuant to an order issued by a municipal or
7 county authority or a court of competent jurisdiction; (ix)
8 construction was initiated on the property and was discontinued
9 before completion, leaving a building unsuitable for occupancy, and
10 construction has not taken place for at least six months; and either

11 (b) The property is open and unprotected and in reasonable danger
12 of significant damage resulting from exposure to the elements or
13 vandalism; or

14 (c) The local police, fire department, or code enforcement
15 authority has requested that the borrower, owner, or any other
16 interested or authorized party secure the residential real property
17 because the local authority has declared the property to be an
18 imminent danger to the health, safety, and welfare of the public.

19 (3) Within seven days of issuance of the certificate of
20 abandonment, the servicer or its agent must post a written notice on
21 the door informing the occupants that after thirty days the servicer
22 or its agent intends to enter the dwelling to take reasonable steps
23 to secure the property. The notice must remain on the door until the
24 servicer is contacted by the borrower or lawful occupant or until
25 foreclosure is complete. The notice must include all of the
26 following:

27 (a) Information about the borrower's or lawful occupant's right
28 to possession;

29 (b) A twenty-four hour phone number that the borrower or lawful
30 occupant may call with questions or concerns or to obtain
31 information; and

32 (c) The phone number of a housing counseling agency and
33 information regarding the foreclosure fairness act.

34 (4) Absent the threat of imminent danger of harm, the servicer or
35 its agent must wait thirty days after posting the notice before
36 entering to take reasonable steps to secure the property. If there is
37 imminent danger of harm, the servicer or its agent need not wait
38 thirty days but may enter immediately and, simultaneous with entry,
39 post the notice required under subsection (3) of this section.

40 (5) Reasonable steps to secure the property include:

1 (a) Installing missing locks on exterior doors. Working locks may
2 not be removed or replaced, unless all doors are secured and there is
3 no other means of entry, and in such cases only one working lock may
4 be removed and replaced;

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

6 (c) Winterizing, including draining pipes and disconnecting or
7 turning on utilities; or

8 (d) Eliminating building code or other code violations.

9 (6) The servicer must document all steps to enter and secure the
10 property, including taking date and time-stamped photographs of
11 entry, and the manner of entry.

12 (7) Personal property may not be removed unless it is hazardous
13 or perishable, and in such case an inventory and photographs of the
14 property removed must be made.

15 (8) The servicer must retain all documentation and photographs
16 until the foreclosure is complete.

17 (9) The servicer and its agents must promptly exit the property
18 if, upon entry, there are signs of occupancy.

19 (10) For purposes of this section, "imminent danger of harm"
20 means:

21 (a) Active flooding, including damage to the roof such that water
22 is entering the structure;

23 (b) Extreme weather conditions exist and immediate and extensive
24 property damage is likely; or

25 (c) Notification by the police, fire department, or code
26 enforcement that there is immediate danger to health, safety, and
27 welfare of the public.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 61.24
29 RCW to read as follows:

30 The authority of an agent, such as a property preservation
31 entity, to enter abandoned property and to perform any sort of work
32 derives solely from the servicer's authority. A servicer has a duty
33 to supervise and monitor its agents and to make sure that its agents
34 possess the required permit, license, certificate, or registration,
35 and are properly bonded and insured if so required. The servicer must
36 require that the agent implement stringent background check
37 requirements for all of its employees.

1 **Sec. 6.** 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) of this~~
4 ~~section, beginning July 1, 2016, and every quarter thereafter, every~~
5 ~~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 hundred fifty~~
20 ~~dollars to the department to be deposited, as provided under RCW~~
21 ~~61.24.172, into the foreclosure fairness account))~~ three hundred
22 dollars to the county auditor or recording officer at the time of
23 recording the notice of trustee's sale. The ~~((two))~~ three hundred
24 ~~((fifty))~~ dollar payment is required for every recorded notice of
25 trustee's sale for noncommercial loans on residential real property,
26 but does not apply to the recording of an amended notice of trustee's
27 sale. ~~((If the beneficiary previously made a payment under RCW~~
28 ~~61.24.174, as it existed prior to July 1, 2016, for a notice of~~
29 ~~default supporting the recorded notice of trustee's sale, no payment~~
30 ~~is required under this section. The beneficiary shall remit the total~~
31 ~~amount required in a lump sum each quarter.~~

32 ~~(3) Reporting and payments under subsections (1) and (2) of this~~
33 ~~section are due within forty five days of the end of each quarter.~~

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

1 ~~(5))~~ (a) The county auditor or recording officer shall retain
2 three percent for collection of the fee and the amount retained must
3 be used for purposes of operations and maintenance.

4 (b) The county auditor or recording officer shall remit the
5 remaining funds to the department on a quarterly basis for deposit
6 into the foreclosure fairness account.

7 (2) Any beneficiary or loan servicer that is a federally insured
8 depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A),
9 that records fewer than fifty notices of trustee's sale for
10 residential real property during a calendar year may apply to the
11 department for a refund of the recording fee established under this
12 section. At the option of the beneficiary or loan servicer, a refund
13 application may be submitted on a quarterly or an annual basis
14 according to rules adopted by the department.

15 (3) This section does not apply to association beneficiaries
16 subject to chapter 64.32, 64.34, or 64.38 RCW.

17 ~~((6))~~ (4) For purposes of this section, "residential real
18 property" includes residential real property with up to four dwelling
19 units, whether or not the property or any part thereof is owner-
20 occupied.

21 **Sec. 7.** RCW 61.24.040 and 2012 c 185 s 10 are each amended to
22 read as follows:

23 A deed of trust foreclosed under this chapter shall be foreclosed
24 as follows:

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

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

31 (b) To the extent the trustee elects to foreclose its lien or
32 interest, or the beneficiary elects to preserve its right to seek a
33 deficiency judgment against a borrower or grantor under RCW
34 61.24.100(3)(a), and if their addresses are stated in a recorded
35 instrument evidencing their interest, lien, or claim of lien, or an
36 amendment thereto, or are otherwise known to the trustee, cause a
37 copy of the notice of sale described in ~~((f) of this))~~ subsection
38 (2) of this section to be transmitted by both first-class and either
39 certified or registered mail, return receipt requested, to the

1 following persons or their legal representatives, if any, at such
2 address:

3 (i) The borrower and grantor;

4 (ii) The beneficiary of any deed of trust or mortgagee of any
5 mortgage, or any person who has a lien or claim of lien against the
6 property, that was recorded subsequent to the recordation of the deed
7 of trust being foreclosed and before the recordation of the notice of
8 sale;

9 (iii) The vendee in any real estate contract, the lessee in any
10 lease, or the holder of any conveyances of any interest or estate in
11 any portion or all of the property described in such notice, if that
12 contract, lease, or conveyance of such interest or estate, or a
13 memorandum or other notice thereof, was recorded after the
14 recordation of the deed of trust being foreclosed and before the
15 recordation of the notice of sale;

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

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

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

28 (c) Cause a copy of the notice of sale described in (~~((f))~~
29 ~~this~~) subsection (2) of this section to be transmitted by both
30 first-class and either certified or registered mail, return receipt
31 requested, to the plaintiff or the plaintiff's attorney of record, in
32 any court action to foreclose a lien or other encumbrance on all or
33 any part of the property, provided a court action is pending and a
34 lis pendens in connection therewith is recorded in the office of the
35 auditor of any county in which all or part of the property is located
36 on the date the notice is recorded;

37 (d) Cause a copy of the notice of sale described in (~~((f))~~
38 ~~this~~) subsection (2) of this section to be transmitted by both
39 first-class and either certified or registered mail, return receipt
40 requested, to any person who has recorded a request for notice in

1 accordance with RCW 61.24.045, at the address specified in such
2 person's most recently recorded request for notice;

3 (e) Cause a copy of the notice of sale described in (~~((f))~~
4 ~~this~~) subsection (2) of this section to be posted in a conspicuous
5 place on the property, or in lieu of posting, cause a copy of said
6 notice to be served upon any occupant of the property;

7 (~~((f))~~) (2)(a) The notice required in subsection (1) of this
8 section must include a cover sheet on which it is clearly indicated
9 the name of the beneficiary and whether the loan is commercial or
10 noncommercial. The auditor shall index the notice of trustee's sale
11 by beneficiary. Unless clearly indicated that the loan is commercial,
12 three hundred dollars must be remitted pursuant to RCW 61.24.173(1).

13 (b) The notice (~~(shall)~~) must be in substantially the following
14 form:

15 NOTICE OF TRUSTEE'S SALE

16 I.

17 NOTICE IS HEREBY GIVEN that the undersigned Trustee will on
18 the day of, . . ., at the hour of
19 o'clock M. at
20 [street
21 address and location if inside a building] in the City
22 of, State of Washington, sell at public auction to the
23 highest and best bidder, payable at the time of sale, the following
24 described real property, situated in the County(ies) of,
25 State of Washington, to-wit:

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

29 which is subject to that certain Deed of Trust
30 dated, . . ., recorded, . . ., under
31 Auditor's File No., records of County,
32 Washington, from, as Grantor, to,
33 as Trustee, to secure an obligation in favor of, as
34 Beneficiary, the beneficial interest in which was assigned
35 by, under an Assignment recorded under Auditor's
36 File No. [Include recording information for all counties if
37 the Deed of Trust is recorded in more than one county.]

38 II.

1 No action commenced by the Beneficiary of the Deed of Trust is now
2 pending to seek satisfaction of the obligation in any Court by reason
3 of the Borrower's or Grantor's default on the obligation secured by
4 the Deed of Trust.

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

8 III.

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

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

12 Failure to pay when due the following amounts which are now in
13 arrears:

14 IV.

15 The sum owing on the obligation secured by the Deed of Trust is:
16 Principal \$, together with interest as provided in the
17 note or other instrument secured from the day
18 of, . . ., and such other costs and fees as are due under
19 the note or other instrument secured, and as are provided by statute.

20 V.

21 The above-described real property will be sold to satisfy the expense
22 of sale and the obligation secured by the Deed of Trust as provided
23 by statute. The sale will be made without warranty, express or
24 implied, regarding title, possession, or encumbrances on the
25 day of, . . . The default(s) referred to in paragraph
26 III must be cured by the day of, . . . (11 days
27 before the sale date), to cause a discontinuance of the sale. The
28 sale will be discontinued and terminated if at any time on or before
29 the day of, . . ., (11 days before the sale
30 date), the default(s) as set forth in paragraph III is/are cured and
31 the Trustee's fees and costs are paid. The sale may be terminated any
32 time after the day of, . . . (11 days before the
33 sale date), and before the sale by the Borrower, Grantor, any
34 Guarantor, or the holder of any recorded junior lien or encumbrance
35 paying the entire principal and interest secured by the Deed of
36 Trust, plus costs, fees, and advances, if any, made pursuant to the

1 terms of the obligation and/or Deed of Trust, and curing all other
2 defaults.

3 VI.

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

6
7
8

9 by both first-class and certified mail on the day
10 of, . . ., proof of which is in the possession of the
11 Trustee; and the Borrower and Grantor were personally served on
12 the day of, . . ., with said written notice of
13 default or the written notice of default was posted in a conspicuous
14 place on the real property described in paragraph I above, and the
15 Trustee has possession of proof of such service or posting.

16 VII.

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

20 VIII.

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

24 IX.

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

30 [Add Part X to this notice if applicable under RCW 61.24.040((+9+))
31 (11)]

32
33 , Trustee

1 }
2 }
3 }

6 Address
7
8 } Phone

9 [Acknowledgment]

10 ((~~g~~)) (3) If the borrower received a letter under RCW
11 61.24.031, the notice specified in subsection ((~~1~~)(~~f~~)) (2) of this
12 section ((~~shall~~)) must also include the following additional
13 language:

14 **"THIS NOTICE IS THE FINAL STEP BEFORE THE FORECLOSURE SALE OF YOUR**
15 **HOME.**

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

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

22 **SEEKING ASSISTANCE**

23 Housing counselors and legal assistance may be available at little or
24 no cost to you. If you would like assistance in determining your
25 rights and opportunities to keep your house, you may contact the
26 following:

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

29 Telephone: Web site:

30 The United States Department of Housing and Urban Development

31 Telephone: Web site:

32 The statewide civil legal aid hotline for assistance and referrals to
33 other housing counselors and attorneys

34 Telephone: Web
35 site:"

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

1	Attorneys' fees:	\$....	\$....
2	Trustee's fee:	\$....	\$....
3	Trustee's expenses:		
4	(Itemization)		
5	Title report	\$....	\$....
6	Recording fees	\$....	\$....
7	Service/Posting		
8	of Notices	\$....	\$....
9	Postage/Copying		
10	expense	\$....	\$....
11	Publication	\$....	\$....
12	Telephone		\$....
13	charges	\$....	
14	Inspection fees	\$....	\$....
15	\$....	\$....
16	\$....	\$....
17	TOTALS	\$....	\$....

18 To pay off the entire obligation secured by your Deed of Trust as
19 of the day of you must pay a total of
20 \$. . . . in principal, \$. . . . in interest, plus other costs and
21 advances estimated to date in the amount of \$. . . . From and
22 after the date of this notice you must submit a written request to
23 the Trustee to obtain the total amount to pay off the entire
24 obligation secured by your Deed of Trust as of the payoff date.

25 As to the defaults which do not involve payment of money to the
26 Beneficiary of your Deed of Trust, you must cure each such default.
27 Listed below are the defaults which do not involve payment of money
28 to the Beneficiary of your Deed of Trust. Opposite each such listed
29 default is a brief description of the action necessary to cure the
30 default and a description of the documentation necessary to show that
31 the default has been cured.

32	Default	Description of Action Required to Cure and
33		Documentation Necessary to Show Cure
34
35	
36	

1
2
3

4 You may reinstate your Deed of Trust and the obligation secured
5 thereby at any time up to and including the day
6 of, . . . [11 days before the sale date], by paying the
7 amount set forth or estimated above and by curing any other defaults
8 described above. Of course, as time passes other payments may become
9 due, and any further payments coming due and any additional late
10 charges must be added to your reinstating payment. Any new defaults
11 not involving payment of money that occur after the date of this
12 notice must also be cured in order to effect reinstatement. In
13 addition, because some of the charges can only be estimated at this
14 time, and because the amount necessary to reinstate or to pay off the
15 entire indebtedness may include presently unknown expenditures
16 required to preserve the property or to comply with state or local
17 law, it will be necessary for you to contact the Trustee before the
18 time you tender reinstatement or the payoff amount so that you may be
19 advised of the exact amount you will be required to pay. Tender of
20 payment or performance must be made to:, whose address
21 is, telephone () AFTER THE DAY
22 OF, . . ., YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY
23 PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER
24 DEFAULTS AS OUTLINED ABOVE. The Trustee will respond to any written
25 request for current payoff or reinstatement amounts within ten days
26 of receipt of your written request. In such a case, you will only be
27 able to stop the sale by paying, before the sale, the total principal
28 balance (\$) plus accrued interest, costs and advances, if
29 any, made pursuant to the terms of the documents and by curing the
30 other defaults as outlined above.

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

1 The court may grant a restraining order or injunction to restrain
2 a trustee's sale pursuant to RCW 61.24.130 upon five days notice to
3 the trustee of the time when, place where, and the judge before whom
4 the application for the restraining order or injunction is to be
5 made. This notice shall include copies of all pleadings and related
6 documents to be given to the judge. Notice and other process may be
7 served on the trustee at:

8 NAME:
9 ADDRESS:
10
11 TELEPHONE NUMBER:

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

17 ~~((3))~~ (5) In addition, the trustee shall cause a copy of the
18 notice of sale described in subsection ~~((1)(f))~~ (2) of this section
19 (excluding the acknowledgment) to be published in a legal newspaper
20 in each county in which the property or any part thereof is situated,
21 once on or between the thirty-fifth and twenty-eighth day before the
22 date of sale, and once on or between the fourteenth and seventh day
23 before the date of sale;

24 ~~((4))~~ (6) On the date and at the time designated in the notice
25 of sale, the trustee or its authorized agent shall sell the property
26 at public auction to the highest bidder. The trustee may sell the
27 property in gross or in parcels as the trustee shall deem most
28 advantageous;

29 ~~((5))~~ (7) The place of sale shall be at any designated public
30 place within the county where the property is located and if the
31 property is in more than one county, the sale may be in any of the
32 counties where the property is located. The sale shall be on Friday,
33 or if Friday is a legal holiday on the following Monday, and during
34 the hours set by statute for the conduct of sales of real estate at
35 execution;

36 ~~((6))~~ (8) The trustee has no obligation to, but may, for any
37 cause the trustee deems advantageous, continue the sale for a period
38 or periods not exceeding a total of one hundred twenty days by (a) a

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

17 ~~((+7))~~ (9) The purchaser shall forthwith pay the price bid and
18 on payment the trustee shall execute to the purchaser its deed; the
19 deed shall recite the facts showing that the sale was conducted in
20 compliance with all of the requirements of this chapter and of the
21 deed of trust, which recital shall be prima facie evidence of such
22 compliance and conclusive evidence thereof in favor of bona fide
23 purchasers and encumbrancers for value, except that these recitals
24 shall not affect the lien or interest of any person entitled to
25 notice under subsection (1) of this section, if the trustee fails to
26 give the required notice to such person. In such case, the lien or
27 interest of such omitted person shall not be affected by the sale and
28 such omitted person shall be treated as if such person was the holder
29 of the same lien or interest and was omitted as a party defendant in
30 a judicial foreclosure proceeding;

31 ~~((+8))~~ (10) The sale as authorized under this chapter shall not
32 take place less than one hundred ninety days from the date of default
33 in any of the obligations secured;

34 ~~((+9))~~ (11) If the trustee elects to foreclose the interest of
35 any occupant or tenant of property comprised solely of a single-
36 family residence, or a condominium, cooperative, or other dwelling
37 unit in a multiplex or other building containing fewer than five
38 residential units, the following notice shall be included as Part X
39 of the Notice of Trustee's Sale:

1 X. NOTICE TO OCCUPANTS OR TENANTS

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

11 ((+10)) (12) Only one copy of all notices required by this
12 chapter need be given to a person who is both the borrower and the
13 grantor. All notices required by this chapter that are given to a
14 general partnership are deemed given to each of its general partners,
15 unless otherwise agreed by the parties.

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