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HOUSE BILL 1401

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State of Washington                      53rd Legislature                      1993 Regular Session

By Representatives Dunshee, Horn, R. Fisher and H. Myers

Read first time 01/27/93. Referred to Committee on Local Government.

1            AN ACT Relating to the sale of tax foreclosed property; and  
2 amending RCW 84.64.270 and 84.64.320.

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

4            **Sec. 1.** RCW 84.64.270 and 1991 c 245 s 30 are each amended to read  
5 as follows:

6            Real property (~~heretofore or hereafter~~) acquired by any county of  
7 this state by foreclosure of delinquent taxes may be sold by order of  
8 the county legislative authority of the county when in the judgment of  
9 the (~~members of the~~) county legislative authority (~~they deem it~~  
10 ~~for~~) it is deemed in the best interests of the county to sell the  
11 (~~same~~) real property.

12            When the legislative authority desires to sell any such property it  
13 may, if deemed advantageous to the county, combine any or all of the  
14 several lots and tracts of such property in one or more units, and may  
15 reserve from sale coal, oil, gas, gravel, minerals, ores, fossils,  
16 timber, or other resources on or in the lands, and the right to mine  
17 for and remove the same, and it shall then enter an order on its  
18 records fixing the unit or units in which the property shall be sold  
19 and the minimum price for each of such units, and whether the sale will

1 be for cash or whether a contract will be offered, and reserving from  
2 sale such of the resources as it may determine and from which units  
3 such reservations shall apply, and directing the county treasurer to  
4 sell such property in the unit or units and at not less than the price  
5 or prices and subject to such reservations so fixed by the county  
6 legislative authority(~~(: PROVIDED, That)~~). The order shall be subject  
7 to the approval of the county treasurer if several lots or tracts of  
8 land are combined in one unit.

9 Except in cases where the sale is to be by direct negotiation as  
10 provided in this chapter, it shall be the duty of the county treasurer  
11 upon receipt of such order to publish once a week for three consecutive  
12 weeks a notice of the sale of such property in a newspaper of general  
13 circulation in the county where the land is situated. The notice shall  
14 describe the property to be sold, the unit or units, the reservations,  
15 and the minimum price fixed in the order, together with the time and  
16 place and terms of sale, in the same manner as foreclosure sales as  
17 provided by RCW 84.64.080.

18 The person making the bid shall state whether he or she will pay  
19 cash for the amount of his or her bid or accept a real estate contract  
20 of purchase in accordance with the provisions hereinafter contained.  
21 The person making the highest bid shall become the purchaser of the  
22 property. If the highest bidder is a contract bidder the purchaser  
23 shall be required to pay thirty percent of the total purchase price at  
24 the time of the sale and shall enter into a contract with the county as  
25 vendor and the purchaser as vendee which shall obligate and require the  
26 purchaser to pay the balance of the purchase price in ten equal annual  
27 installments commencing November 1st and each year following the date  
28 of the sale, and shall require the purchaser to pay twelve percent  
29 interest on all deferred payments, interest to be paid at the time the  
30 annual installment is due; and may contain a provision authorizing the  
31 purchaser to make payment in full at any time of any balance due on the  
32 total purchase price plus accrued interest on such balance. The  
33 contract shall contain a provision requiring the purchaser to pay  
34 before delinquency all subsequent taxes and assessments that may be  
35 levied or assessed against the property subsequent to the date of the  
36 contract, and shall contain a provision that time is of the essence of  
37 the contract and that in event of a failure of the vendee to make  
38 payments at the time and in the manner required and to keep and perform  
39 the covenants and conditions therein required of him or her that the

1 contract may be forfeited and terminated at the election of the vendor,  
2 and that in event of the election all sums theretofore paid by the  
3 vendee shall be forfeited as liquidated damages for failure to comply  
4 with the provisions of the contract; and shall require the vendor to  
5 execute and deliver to the vendee a deed of conveyance covering the  
6 property upon the payment in full of the purchase price, plus accrued  
7 interest(~~(: PROVIDED FURTHER, That)~~).

8 The county legislative authority may, by order entered in its  
9 records, direct the coal, oil, gas, gravel, minerals, ores, timber, or  
10 other resources sold apart from the land, such sale to be conducted in  
11 the manner hereinabove prescribed for the sale of the land(~~(: PROVIDED  
12 FURTHER, That)~~). Any such reserved minerals or resources not exceeding  
13 two hundred dollars in value may be sold, when the county legislative  
14 authority deems it advisable, either with or without such publication  
15 of the notice of sale, and in such manner as the county legislative  
16 authority may determine will be most beneficial to the county.

17 **Sec. 2.** RCW 84.64.320 and 1961 c 15 s 84.64.320 are each amended  
18 to read as follows:

19 The (~~board of county commissioners~~) county legislative authority  
20 may dispose of tax foreclosed property (~~to any governmental agency for  
21 public purposes~~) by private negotiation, without a call for bids, for  
22 not less than the principal amount of the unpaid taxes in any of the  
23 following cases: (1) When the sale is to any governmental agency and  
24 for public purposes; (2) when the county legislative authority  
25 determines that it is not practical to build on the property due to the  
26 physical characteristics of the property or legal restrictions on  
27 construction activities on the property; or (3) when no acceptable bids  
28 were received at the attempted public auction of the property, if the  
29 sale is made within six months from the date of the attempted public  
30 auction.

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