

HB 1376 - S COMM AMD

By Committee on Housing & Local Government

ADOPTED 03/02/2022

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

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4 each repealed:

5 (1) RCW 65.12.005 (Registration authorized—Who may apply) and
6 2012 c 117 s 211 & 1907 c 250 s 1;

7 (2) RCW 65.12.010 (Land subject to a lesser estate) and 1907 c
8 250 s 2;

9 (3) RCW 65.12.015 (Tax title land—Conditions to registration) and
10 2012 c 117 s 212 & 1907 c 250 s 3;

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

13 (5) RCW 65.12.025 (Various lands in one application) and 1907 c
14 250 s 5;

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

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

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

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

20 (10) RCW 65.12.055 (Bond of registrar) and 2012 c 117 s 214 &
21 1907 c 250 s 10;

22 (11) RCW 65.12.060 (Deputy registrar—Duties—Vacancy) and 2012 c
23 117 s 215 & 1907 c 250 s 11;

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

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

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

30 (15) RCW 65.12.085 (Filing abstract of title) and 1907 c 250 s
31 15a;

1 (16) RCW 65.12.090 (Examiner of titles—Appointment—Oath—Bond)
2 and 2012 c 117 s 218 & 1907 c 250 s 13;
3 (17) RCW 65.12.100 (Copy of application as lis pendens) and 1907
4 c 250 s 16;
5 (18) RCW 65.12.110 (Examination of title) and 2012 c 117 s 219 &
6 1907 c 250 s 17;
7 (19) RCW 65.12.120 (Summons to issue) and 1907 c 250 s 18;
8 (20) RCW 65.12.125 (Summons—Form) and 2016 c 202 s 43 & 1907 c
9 250 s 206;
10 (21) RCW 65.12.130 (Parties to action) and 1907 c 250 s 19;
11 (22) RCW 65.12.135 (Service of summons) and 1985 c 469 s 60 &
12 1907 c 250 s 20;
13 (23) RCW 65.12.140 (Copy mailed to nonresidents—Proof—Expense)
14 and 2012 c 117 s 220 & 1907 c 250 s 20a;
15 (24) RCW 65.12.145 (Guardians ad litem) and 1907 c 250 s 21;
16 (25) RCW 65.12.150 (Who may appear—Answer) and 2012 c 117 s 221 &
17 1907 c 250 s 22;
18 (26) RCW 65.12.155 (Judgment by default—Proof) and 1907 c 250 s
19 23;
20 (27) RCW 65.12.160 (Cause set for trial—Default—Referral) and
21 2012 c 117 s 222 & 1907 c 250 s 24;
22 (28) RCW 65.12.165 (Court may require further proof) and 1907 c
23 250 s 25;
24 (29) RCW 65.12.170 (Application dismissed or withdrawn) and 2012
25 c 117 s 223 & 1907 c 250 s 26;
26 (30) RCW 65.12.175 (Decree of registration—Effect—Appellate
27 review) and 2012 c 117 s 224, 1988 c 202 s 56, 1971 c 81 s 132, &
28 1907 c 250 s 27;
29 (31) RCW 65.12.180 (Rights of persons not served) and 2012 c 117
30 s 225 & 1907 c 250 s 28;
31 (32) RCW 65.12.190 (Limitation of actions) and 1907 c 250 s 29;
32 (33) RCW 65.12.195 (Title free from incumbrances—Exceptions) and
33 1907 c 250 s 30;
34 (34) RCW 65.12.200 (Decree—Contents—Filing) and 2012 c 117 s 226
35 & 1907 c 250 s 31;
36 (35) RCW 65.12.210 (Interest acquired after filing application)
37 and 1907 c 250 s 32;
38 (36) RCW 65.12.220 (Registration—Effect) and 1917 c 62 s 1 & 1907
39 c 250 s 33;

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

3 (38) RCW 65.12.230 (Application to withdraw) and 2016 c 202 s 44
4 & 1917 c 62 s 3;

5 (39) RCW 65.12.235 (Certificate of withdrawal) and 2016 c 202 s
6 45, 2012 c 117 s 227, 1973 c 121 s 1, & 1917 c 62 s 4;

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

8 (41) RCW 65.12.245 (Title prior to withdrawal unaffected) and
9 1917 c 62 s 6;

10 (42) RCW 65.12.250 (Entry of registration—Records) and 2012 c 117
11 s 228 & 1907 c 250 s 34;

12 (43) RCW 65.12.255 (Certificate of title) and 2016 c 202 s 46,
13 2012 c 117 s 229, & 1907 c 250 s 35;

14 (44) RCW 65.12.260 (Owner's certificate—Receipt) and 2012 c 117 s
15 230 & 1907 c 250 s 36;

16 (45) RCW 65.12.265 (Tenants in common) and 2012 c 117 s 231 &
17 1907 c 250 s 37;

18 (46) RCW 65.12.270 (Subsequent certificates) and 2016 c 202 s 47
19 & 1907 c 250 s 38;

20 (47) RCW 65.12.275 (Exchange of certificates—Platting land) and
21 1907 c 250 s 39;

22 (48) RCW 65.12.280 (Effective date of certificate) and 1907 c 250
23 s 40;

24 (49) RCW 65.12.290 (Certificate of title as evidence) and 2012 c
25 117 s 232 & 1907 c 250 s 41;

26 (50) RCW 65.12.300 (Indexes and files—Forms) and 2012 c 117 s 233
27 & 1907 c 250 s 42;

28 (51) RCW 65.12.310 (Tract and alphabetical indexes) and 2012 c
29 117 s 234 & 1907 c 250 s 43;

30 (52) RCW 65.12.320 (Dealings with registered land) and 2012 c 117
31 s 235 & 1907 c 250 s 44;

32 (53) RCW 65.12.330 (Registration has effect of recording) and
33 1907 c 250 s 45;

34 (54) RCW 65.12.340 (Filing—Numbering—Indexing—Public records)
35 and 1907 c 250 s 46;

36 (55) RCW 65.12.350 (Duplicate of instruments certified—Fees) and
37 1907 c 250 s 47;

1 (56) RCW 65.12.360 (New certificate—Register of less than fee—
2 When form of memorial in doubt) and 2012 c 117 s 236 & 1907 c 250 s
3 48;
4 (57) RCW 65.12.370 (Owner's certificate to be produced when new
5 certificate issued) and 2012 c 117 s 237 & 1907 c 250 s 49;
6 (58) RCW 65.12.375 (Owner's duplicate certificate) and 1907 c 250
7 s 50;
8 (59) RCW 65.12.380 (Conveyance of registered land) and 2012 c 117
9 s 238 & 1907 c 250 s 51;
10 (60) RCW 65.12.390 (Certificate of tax payment) and 1907 c 250 s
11 52;
12 (61) RCW 65.12.400 (Registered land charged as other land) and
13 1907 c 250 s 53;
14 (62) RCW 65.12.410 (Conveyances by attorney-in-fact) and 1907 c
15 250 s 54;
16 (63) RCW 65.12.420 (Encumbrances by owner) and 1907 c 250 s 55;
17 (64) RCW 65.12.430 (Registration of mortgages) and 2012 c 117 s
18 239 & 1907 c 250 s 56;
19 (65) RCW 65.12.435 (Dealings with mortgages) and 1907 c 250 s 57;
20 (66) RCW 65.12.440 (Foreclosures on registered land) and 1907 c
21 250 s 58;
22 (67) RCW 65.12.445 (Registration of final decree—New certificate)
23 and 2012 c 117 s 240 & 1907 c 250 s 59;
24 (68) RCW 65.12.450 (Title on foreclosure—Registration) and 2012 c
25 117 s 241 & 1907 c 250 s 60;
26 (69) RCW 65.12.460 (Petition for new certificate) and 1907 c 250
27 s 61;
28 (70) RCW 65.12.470 (Registration of leases) and 2012 c 117 s 242
29 & 1907 c 250 s 62;
30 (71) RCW 65.12.480 (Instruments with conditions) and 2012 c 117 s
31 243 & 1907 c 250 s 63;
32 (72) RCW 65.12.490 (Transfers between trustees) and 2012 c 117 s
33 244 & 1907 c 250 s 64;
34 (73) RCW 65.12.500 (Trustee may register land) and 2012 c 117 s
35 245 & 1907 c 250 s 65;
36 (74) RCW 65.12.510 (Creation of lien on registered land) and 1907
37 c 250 s 66;
38 (75) RCW 65.12.520 (Registration of liens) and 1907 c 250 s 67;

1 (76) RCW 65.12.530 (Entry as to plaintiff's attorney) and 2012 c
2 117 s 246 & 1907 c 250 s 68;
3 (77) RCW 65.12.540 (Decree) and 1907 c 250 s 69;
4 (78) RCW 65.12.550 (Title acquired on execution) and 2012 c 117 s
5 247 & 1907 c 250 s 70;
6 (79) RCW 65.12.560 (Termination of proceedings) and 2012 c 117 s
7 248 & 1907 c 250 s 71;
8 (80) RCW 65.12.570 (Land registered only after redemption period)
9 and 2012 c 117 s 249 & 1907 c 250 s 72;
10 (81) RCW 65.12.580 (Registration on inheritance) and 1907 c 250 s
11 73;
12 (82) RCW 65.12.590 (Probate court may direct sale of registered
13 land) and 2012 c 117 s 250 & 1907 c 250 s 74;
14 (83) RCW 65.12.600 (Trustees and receivers) and 2012 c 117 s 251
15 & 1907 c 250 s 75;
16 (84) RCW 65.12.610 (Eminent domain—Reversion) and 2012 c 117 s
17 252 & 1907 c 250 s 76;
18 (85) RCW 65.12.620 (Registration when owner's certificate
19 withheld) and 2012 c 117 s 253 & 1907 c 250 s 77;
20 (86) RCW 65.12.630 (Reference to examiner of title) and 1907 c
21 250 s 78;
22 (87) RCW 65.12.635 (Examiner of titles) and 2012 c 117 s 254 &
23 1907 c 250 s 79;
24 (88) RCW 65.12.640 (Registered instruments to contain names and
25 addresses—Service of notices) and 2012 c 117 s 255 & 1907 c 250 s 80;
26 (89) RCW 65.12.650 (Adverse claims—Procedure) and 2012 c 117 s
27 256 & 1907 c 250 s 81;
28 (90) RCW 65.12.660 (Assurance fund) and 1973 1st ex.s. c 195 s 75
29 & 1907 c 250 s 82;
30 (91) RCW 65.12.670 (Investment of fund) and 1907 c 250 s 83;
31 (92) RCW 65.12.680 (Recoveries from fund) and 1907 c 250 s 84;
32 (93) RCW 65.12.690 (Parties defendant—Judgment—Payment—Duties
33 of county attorney) and 2012 c 117 s 257 & 1907 c 250 s 85;
34 (94) RCW 65.12.700 (When fund not liable—Maximum liability) and
35 1907 c 250 s 86;
36 (95) RCW 65.12.710 (Limitation of actions) and 2012 c 117 s 258,
37 1971 ex.s. c 292 s 49, & 1907 c 250 s 87;
38 (96) RCW 65.12.720 (Proceeding to change records) and 2012 c 117
39 s 259 & 1907 c 250 s 88;

1 (97) RCW 65.12.730 (Certificate subject of theft—Penalty) and
2 2003 c 53 s 291 & 1907 c 250 s 89;
3 (98) RCW 65.12.740 (Perjury) and 2003 c 53 s 292 & 1907 c 250 s
4 90;
5 (99) RCW 65.12.750 (Fraud—False entries—Penalty) and 2003 c 53 s
6 293 & 1907 c 250 s 91;
7 (100) RCW 65.12.760 (Forgery—Penalty) and 2003 c 53 s 294 & 1907
8 c 250 s 92;
9 (101) RCW 65.12.770 (Civil actions unaffected) and 2012 c 117 s
10 260 & 1907 c 250 s 93;
11 (102) RCW 65.12.780 (Fees of clerk) and 1995 c 292 s 19 & 1907 c
12 250 s 94;
13 (103) RCW 65.12.790 (Fees of registrar) and 2012 c 117 s 261,
14 1973 1st ex.s. c 195 s 76, 1973 c 121 s 2, & 1907 c 250 s 95;
15 (104) RCW 65.12.800 (Disposition of fees) and 2012 c 117 s 262 &
16 1907 c 250 s 96; and
17 (105) RCW 65.12.900 (Construction—Chapter applicable to state
18 registered domestic partnerships—2009 c 521) and 2009 c 521 s 144.

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

23 NEW SECTION. **Sec. 3.** Unless real property subject to the
24 provisions of chapter 65.12 RCW on the effective date of this section
25 is previously withdrawn from the registry system by its owner in the
26 manner provided by section 4 of this act, the real property shall
27 cease to be subject to the provisions of chapter 65.12 RCW upon the
28 effective date of this section.

29 NEW SECTION. **Sec. 4.** (1) By July 1, 2023, the owner of real
30 property registered under the provisions of chapter 65.12 RCW on the
31 effective date of this section shall surrender their duplicate
32 certificate of title for the real property or their certified copy of
33 the original certificate of title for the real property, as the case
34 may be, to the registrar of titles for the county in which the real
35 property is situated. If such duplicate certificate or certified copy
36 has been lost, mislaid, or destroyed the owner of the real property

1 shall make affidavit before the registrar of titles or any other
2 officer authorized to administer oaths wherein the owner shall state,
3 to the best of his or her knowledge, the circumstances of the loss,
4 the description of the real property, the name and address of each
5 registered owner, and each such owner's interest in the real
6 property.

7 (2) Except as otherwise provided by subsection (3) of this
8 section, the surrender of the duplicate certificate, certified copy,
9 or the making of an affidavit under subsection (1) of this section
10 shall be considered as a withdrawal of the real property therein
11 described from the registry system in accordance with chapter 65.12
12 RCW.

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

15 (a) Accept, without charging therefor, the surrender of such
16 duplicate certificate of title, certified copy of the original
17 certificate of title, or affidavit; and

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

20 (c) Cause to be duly recorded in the office of the county auditor
21 for the county, without charge, the certificate of withdrawal issued
22 under (b) of this subsection and all instruments filed in the office
23 of the registrar of titles that relate to outstanding interests in
24 such real property and to outstanding liens, mortgages, and other
25 charges upon such real property, referred to in or noted upon the
26 original certificate of title to such real property on the date of
27 the issuance of the certificate of withdrawal for such real property
28 pursuant to (b) of this subsection.

29 NEW SECTION. **Sec. 5.** On July 1, 2023, the registrar of titles
30 for the county shall cause the volumes of the register of titles for
31 the county and the accompanying alphabetical indices and tract
32 indices and other files and records in the office of the registrar of
33 titles to be closed and placed in the permanent deed records of the
34 county. At this time all properties remaining in registration are
35 automatically withdrawn according to section 4(3) (b) and (c) of this
36 act.

37 NEW SECTION. **Sec. 6.** (1) By December 1, 2022, the registrar of
38 titles for each county shall send to each owner of real property

1 situated in the county that is subject to the provisions of this act
2 a written notice containing the following:

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

5 (b) A statement that such owner's real property will cease to be
6 subject to registration under this act on July 1, 2023;

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

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

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

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

21 NEW SECTION. **Sec. 7.** Sections 3 and 5 of this act take effect
22 July 1, 2023."

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ADOPTED 03/02/2022

23 On page 1, line 1 of the title, after "titles;" strike the
24 remainder of the title and insert "creating new sections; repealing
25 RCW 65.12.005, 65.12.010, 65.12.015, 65.12.020, 65.12.025, 65.12.030,
26 65.12.035, 65.12.040, 65.12.050, 65.12.055, 65.12.060, 65.12.065,
27 65.12.070, 65.12.080, 65.12.085, 65.12.090, 65.12.100, 65.12.110,
28 65.12.120, 65.12.125, 65.12.130, 65.12.135, 65.12.140, 65.12.145,
29 65.12.150, 65.12.155, 65.12.160, 65.12.165, 65.12.170, 65.12.175,
30 65.12.180, 65.12.190, 65.12.195, 65.12.200, 65.12.210, 65.12.220,
31 65.12.225, 65.12.230, 65.12.235, 65.12.240, 65.12.245, 65.12.250,
32 65.12.255, 65.12.260, 65.12.265, 65.12.270, 65.12.275, 65.12.280,
33 65.12.290, 65.12.300, 65.12.310, 65.12.320, 65.12.330, 65.12.340,

1 65.12.350, 65.12.360, 65.12.370, 65.12.375, 65.12.380, 65.12.390,
2 65.12.400, 65.12.410, 65.12.420, 65.12.430, 65.12.435, 65.12.440,
3 65.12.445, 65.12.450, 65.12.460, 65.12.470, 65.12.480, 65.12.490,
4 65.12.500, 65.12.510, 65.12.520, 65.12.530, 65.12.540, 65.12.550,
5 65.12.560, 65.12.570, 65.12.580, 65.12.590, 65.12.600, 65.12.610,
6 65.12.620, 65.12.630, 65.12.635, 65.12.640, 65.12.650, 65.12.660,
7 65.12.670, 65.12.680, 65.12.690, 65.12.700, 65.12.710, 65.12.720,
8 65.12.730, 65.12.740, 65.12.750, 65.12.760, 65.12.770, 65.12.780,
9 65.12.790, 65.12.800, and 65.12.900; and providing an effective
10 date."

EFFECT: Amends various deadlines throughout the act, including the date on which the owner of real property shall surrender their duplicate certificate of title, close of volumes of the register of titles, notification of discontinued registry system, and the effective date of sections 3 and 5 of this act.

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