CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1420**

Chapter 76, Laws of 2023

68th Legislature

2023 Regular Session

MORTGAGES AND DEEDS OF TRUST—LIEN PRIORITY

EFFECTIVE DATE: July 23, 2023

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| Passed by the House February 28, 2023  Yeas 97 Nays 0  LAURIE JINKINS  **Speaker of the House of Representatives**  Passed by the Senate March 31, 2023  Yeas 48 Nays 0  DENNY HECK  **President of the Senate** | CERTIFICATE  I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1420** as passed by the House of Representatives and the Senate on the dates hereon set forth.  BERNARD DEAN  Chief Clerk |
| Approved April 13, 2023 9:53 AM | April 13, 2023 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**HOUSE BILL 1420**

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Passed Legislature - 2023 Regular Session

**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Hackney, Corry, Walen, and Ormsby

AN ACT Relating to lien priority of mortgages and deeds of trust; adding a new section to chapter 61.12 RCW; and creating new sections.

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

NEW SECTION. **Sec.**  It is the intent of the legislature to clarify that the first in time, first in right rule of priority applies to all mortgages and deeds of trust and any future advances thereunder without regard to whether such future advances are optional or obligatory. It is not the intent of the legislature to repeal any other statute that expressly provides for special priority over mortgages and deeds of trust.

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

Except as otherwise provided in chapter 60.04 RCW, any mortgage or deed of trust shall be prior to all liens, mortgages, deeds of trust, and other encumbrances that have not been recorded before the recording of the mortgage or deed of trust to the extent of all sums secured by the mortgage or deed of trust regardless of when the same are disbursed or whether the disbursements are obligatory.

NEW SECTION. **Sec.**  This act applies to all causes of action commenced on or after the effective date of this section, regardless of when the cause of action arose. To this extent, this act applies retroactively, but in all other respects it applies prospectively.

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Passed by the House February 28, 2023.

Passed by the Senate March 31, 2023.

Approved by the Governor April 13, 2023.

Filed in Office of Secretary of State April 13, 2023.