
SENATE BILL 5443

State of Washington

68th Legislature

2023 Regular Session

By Senators Dozier, Pedersen, and Mullet

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

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

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
5 clarify that the first in time, first in right rule of priority
6 applies to all mortgages and deeds of trust and any future advances
7 thereunder without regard to whether such future advances are
8 optional or obligatory. It is not the intent of the legislature to
9 repeal any other statute that expressly provides for special priority
10 over mortgages and deeds of trust.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 61.12
12 RCW to read as follows:

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

1 NEW SECTION. **Sec. 3.** This act applies to all causes of action
2 commenced on or after the effective date of this section, regardless
3 of when the cause of action arose. To this extent, this act applies
4 retroactively, but in all other respects it applies prospectively.

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