

Any such property so sold or leased shall be sold or leased to the highest and best bidder.

Passed the Senate March 11, 1931.

Passed the House March 10, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 83.

[H. B. 55.]

TITLE TO LANDS ACQUIRED BY COUNTY TAX FORECLOSURE.

AN ACT relating to the determination of title to lands deeded to the county in general tax foreclosure proceedings, and amending Sections 1, 2, 3, 5 and 6 of Chapter 171, Laws of the Extraordinary Session of 1925.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 1 of chapter 171, Laws of the Extraordinary Session of 1925 (section 11308-1, Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Section 1. In any and all instances in this state in which a treasurer's deed to real property has been or shall be issued to the county in proceedings to foreclose the lien of general taxes, and for any reason a defect in title exists or adverse claims against the same have not been legally determined, the county or its successors in interest or assigns shall have authority to institute an action in the superior court in said county to correct such defects, and to determine such adverse claims and the priority thereof as in this act provided.

SEC. 2. That section 2 of chapter 171 of the Laws of the Extraordinary Session of 1925 (section 11308-2, Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Section 2. The county or its successors in interest or assigns shall have authority to include in

Amends § 1,
ch. 171, Ex.
Laws of
1925;
§ 11308-1,
Rem. Comp.
Stat., 1927
Sup.

Tax deed
issued to
county.

Action to
determine
adverse
claims.

Amends § 2,
ch. 171, Ex.
Laws of
1925;
§ 11308-2,
Rem. Comp.
Stat., 1927
Sup.

Scope of
action.

one action any and all tracts of land in which plaintiff or plaintiffs in such action, jointly or severally, has or claims to have an interest. Such action shall be one in rem as against every right and interest in and claim against any and every part of the real property involved, except so much thereof as may be at the time the summons and notice is filed with the clerk of the superior court in the actual, open and notorious possession of any person or corporation, and then except only as to the interest claimed by such person so in possession: *Provided*, That the possession required under the provisions of this act shall be construed to be that by personal occupancy only, and not merely by representation or in contemplation of law. No person, firm or corporation claiming an interest in or to such lands need be specifically named in the summons and notice, except as in this act provided, and no pleadings other than the summons and notice and the written statements of those claiming a right, title and interest in and to the property involved shall be required.

Parties.

Possession.

Pleadings.

SEC. 3. That section 3 of chapter 171, Laws of the Extraordinary Session of 1925 (section 11308-3, Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Amends § 3, ch. 171, Ex. Laws of 1925; § 11308-3, Remp. Comp. Stat., 1927 Sup.

Section 3. Upon filing a copy of the summons and notice in the office of the county clerk, service thereof as against every interest in and claim against any and every part of the property described in such summons and notice, and every person or corporation, except one who is in the actual, open and notorious possession of any of said properties, shall be had by publication in the official county newspaper for six consecutive weeks; and no affidavit for publication of such summons and notice shall be required. In case there are outstanding local improvement assessments against any of the real property described in the summons and notice, a copy of the

Summons, filed.

Service.

Publication.

Local improvement assessments.

same shall be served on the treasurer of the city or town within which such real property is situated within five days after such summons and notice is filed.

Contents of summons and notice.

The summons and notice in such action shall contain the title of the court; specify in general terms the years for which the taxes were levied and the amount of the taxes and the costs for which each tract of land was sold; give the legal description of each tract of land involved, and the tax record owner thereof during the years in which the taxes for which the property was sold were levied; state that the purpose of the action is to foreclose all adverse claims of every nature in and to the property described, and to have the title of existing liens and claims of every nature against said described real property, except that of the county, forever barred.

Date for appearance.

Said summons and notice shall also summon all persons, firms and corporations claiming any right, title and interest in and to said described real property to appear within sixty days after the date of the first publication, specifying the day and year, and state in writing what right, title and interest they have or claim to have in and to the property described, and file the same with the clerk of the court above named; and shall notify them that in case of their failure so to do, judgment will be rendered determining that the title to said real property is in the county free from all existing adverse interests, rights or claims whatsoever: *Provided*, That in case any of the lands involved is in the actual, open and notorious possession of anyone at the time the summons and notice is filed, as herein provided, a copy of the same modified as herein specified shall be served personally upon such person in the same manner as summons is served in civil actions generally. Said summons shall be substantially in the

Service on person in possession.

form above outlined, except that in lieu of the state relative to the date and day of publication it shall require the person served to appear within twenty days after the day of service, exclusive of the date of service, and that the day of service need not be specified therein, and except further that the recitals regarding the amount of the taxes and costs and the years the same were levied, the legal description of the land and the tax record owner thereof may be omitted except as to the land occupied by the persons served.

Form and contents of summons.

Every summons and notice provided for in this act shall be subscribed by the prosecuting attorney of the county, or by any successor or assign of the county or his attorney, as the case may be, followed by his post office address.

Subscribed by prosecuting attorney.

SEC. 4. That section 5 of chapter 171, Laws of the Extraordinary Session of 1925 (section 11308-5, Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows:

Amends § 5, ch. 171, Ex. Laws of 1925; § 11308-5, Rem. Comp. Stat., 1927 Sup.

Section 5. At any time after the return day named in the summons and notice the plaintiff in the cause shall be entitled to apply for judgment. In case any person has appeared in such action and claimed any interest in the real property involved adverse to that of the county or its successors in interest, such person shall be given a three days' notice of the time when application for judgment shall be made. The court shall hear and determine the matter in a summary manner similar to that provided in section 11298 of Remington's Compiled Statutes, relating to judgment and order of sale in general tax foreclosure proceedings, and shall pronounce and enter judgment according to the rights of the parties and persons concerned in the action. No order of sale shall be made nor shall any sale on execution be necessary to determine the title of the county to the real property involved in such action.

Application for judgment.

Notice.

Hearing.

Judgment.

Amends § 6,
ch. 171, Ex.
Laws of
1925 ;
§ 11308-6,
Rem. Comp.
Stat., 1927
Sup.

SEC. 5. That section 6 of chapter 171, Laws of the Extraordinary Session of 1925 (section 11308-6, Remington's Compiled Statutes, 1927 Supplement) be amended to read as follows :

Validity of
taxes basis
for action.

Section 6. The right of action of the county, its successors or assigns, under this act shall rest on the validity of the taxes involved, and the plaintiff shall be required to prove only the amount of the former judgment foreclosing the lien thereof, together with the costs of the foreclosure and sale of each tract of land for said taxes, and all the presumptions in favor of the tax foreclosure sale and issuance of treasurer's deed existing by law shall obtain in said action.

Passed the House January 30, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 19, 1931.

CHAPTER 84.

[H. B. 89.]

INSURANCE.

AN ACT relating to insurance and amending Section 36 of Chapter 49 of the Laws of 1911 as amended by Section 1 of Chapter 128 of the Laws of 1929.

Be it enacted by the Legislature of the State of Washington:

Amends § 36,
ch. 49, Laws
of 1911 ; § 1,
ch. 128, Laws
1929 ; § 7080,
Rem. Comp.
Stat.

SECTION 1. That section 36 of chapter 49 of the Laws of 1911 as amended by section 1 of chapter 128 of the Laws of 1929, (section 7080 of Remington's Compiled Statutes) be amended to read as follows :

Written only
through
agents.

Section 36. It shall be unlawful for any insurance company admitted to do business in this state to write, place or cause to be written or placed, any policy of insurance covering risks located in this state, except through or by a duly authorized licensed agent of such company residing and doing