

## LAND REGISTRATION ACT PETITIONS (RCW 65.12)

1. Any application for Land Registration under RCW 65.12 shall contain the following notice in the heading:

LAND REGISTRATION ACT APPLICATION. CLERK'S ACTION REQUIRED

2. On the occasion of a Land Registration Act under RCW 65.12 being filed with the clerk, the clerk will forward said application and accompanying documents to the Presiding Judge. The presiding judge will review said documents to ensure that they are complete and in compliance with RCW 65.12. If they are complete and in compliance, the court shall so note on the application and return them to the Clerk for further processing.
3. No bond shall be required of the county auditor with respect to his or her performance of duties as registrar of titles provided that said auditor is insured against errors and omissions in connection with performance of his or her duties as auditor/registrar of titles in a sum no less than one hundred thousand dollars. In the event the county auditor is not so insured, then, in that event, the county auditor must obtain a bond in a sum no less than one hundred thousand dollars conditioned for the faithful discharge of those duties identified in RCW 65.12.055.
4. Upon determining that an application for Land Registration forwarded to the Presiding Judge is complete and in compliance with RCW 65.12, the Presiding Judge will appoint an Examiner of Titles as required by RCW 65.12.090. The Examiner of Titles shall be appointed with reference to the specific case for which the Presiding Judge has appointed the examiner. In appointing said examiner, the Presiding Judge shall take into consideration the apparent complexity of the condition of title as revealed by the abstract of title filed with the petition as required by RCW 65.12.085. No bond shall be required of the examiner appointee provided said examiner is insured against malpractice in connection with the performance of duties required as examiner of titles in a sum no less than five hundred thousand dollars. In the event the examiner appointee is not so insured, he or she must obtain a bond in a sum no less than five hundred thousand dollars conditioned on faithful performance of his or her duties as Examiner of Titles. The examiner appointee shall provide proof of such insurance or a copy of said bond prior to commencing his or her duties under the appointment provided for herein.
5. The costs and compensation of the Examiner of Titles shall be borne by the applicant for land registration. Upon appointment, the examiner appointee shall estimate the anticipated costs and compensation in connection with his or her duties herein based upon an estimate of hours to complete the Examination and the hourly compensation of attorneys of the examiner appointee's level of experience commonly charged in Skagit County. After review and approval by the Presiding Judge, the Court Administrator shall advise the applicant to deposit the estimated amount of anticipated costs and compensation into the registry of the court. The Examiner shall not be required to commence his or her duties as examiner until he or she is notified by the administrator that said funds have been so deposited. The disbursement of said

funds to the Examiner shall be made from time to time upon request of the Examiner of Titles, provided that the applicant shall receive notice of the requested disbursement no less than ten days prior to approval by the Presiding Judge. In the event the applicant makes timely objection to the requested disbursement, the Presiding Judge shall promptly convene a hearing with notice to both the applicant and the Examiner to determine whether a disbursement in a sum determined by the court should be ordered.

6. Entry of Judgments by default may be granted in the manner specified in RCW 65.12.155. If any named defendant responds to the summons, then any party may bring a motion before the civil motions judge for hearing pursuant to RCW 65.12.160. Said motions shall be scheduled on the Court's summary judgment calendar. If, in the determination of the civil motions judge, the matter should be set for a trial or evidentiary hearing, the civil motions judge shall set the matter to an available date on the Court's trial calendar.
7. The Examiner of Title shall not serve as a referee as permitted under RCW 65.12.160. The Examiner's duties shall be complete and his or her automatic discharge shall occur upon the happening of any one of the following events: 1.) Applicant's failure to deposit the Examiner's anticipated costs and compensation into the registry of the court within thirty days of notice to deposit same; 2) Applicant's failure to notify the court of applicant's decision to proceed further or withdraw his or her application within thirty days of notice of the filing of the Examiner's report as provided in RCW 65.12.110; 3.) *The court's entry of a decree of registration.*
8. The Examiner of Titles shall submit his or her final request for reimbursement of costs or compensation within sixty days of his or her discharge. If the funds deposited in the registry of court are inadequate to fully pay the Examiner's approved costs and compensation, the applicant shall deposit enough funds to make up the shortfall into the registry of the court. If any of the funds deposited into the registry of the court to pay the Examiner of Title's costs and compensation remain in the court registry after satisfying the Examiner's final request for reimbursement, said funds shall be refunded to the applicant.