

# Washington (WA) Foreclosure Laws

## Foreclosure Process

**Judicial Foreclosure Available::**yes

**Non-judicial Foreclosure Available::**yes

## Non-judicial Foreclosure

Non-judicial foreclosure proceedings are permitted in Washington, provided there is a power of sale clause in the trust deed, and the real property is not used for agricultural purposes. There can be no pending lawsuit for foreclosure at the same time as a non-judicial procedure is attempted. Default must be defined in the trust deed.

## Preliminary Notices

### Advertising

The trustee must publish the notice of sale as follows: once between the 32nd and 28th days before the sale, and once between the 11th and 7th days before the sale.

### Mailing

A written notice of the foreclosure sale must be mailed by certified mail, return receipt requested, to the borrower at his or her last known address at least 30 days by recording the notice of sale 120 days before foreclosure may be personally served instead.

### Recording

At least 90 days before sale, the trustee must record a notice of the foreclosure sale and mail it to anyone with a lien or claim against the property.

### Posting

At least 90 days before sale, the trustee must post the foreclosure notice on the premises to be foreclosed.

### Cure

The borrower has up to 11 days before the sale to cure the default by paying the past due payments, plus expenses including trustee and attorney fees. Curing the default stops the foreclosure.

## **Sale Procedures**

### **Time**

The time of sale is specified in the notice of sale. It must be not less than 190 days from the date of default.

### **Postponement**

The trustee may postpone the sale.

### **Manner**

The sale is to the highest bidder.

### **Deficiency**

If non-judicial foreclosure is selected by the lender, then it cannot sue for a deficiency judgment. On judicial foreclosure sales, the borrower can be sued for a deficiency, unless the property is found to be abandoned for six months before the decree of foreclosure.