

120004 STATE OF WASHINGTON,
County of **SKAMANIA**

County Treasurer's Deed
BOOK **144** PAGE **510**

THIS INDENTURE, Made this **13th** day of **April**, 19**34**,

between **Martha L. Keith**, as Treasurer of **Skamania** County, State of Washington, party of the first part, and **Clarence Hunt, assignee of M Robbins** part **Y** of the second part;

WITNESSETH, THAT WHEREAS, At a public sale of real estate held on the **eleventh** day of **September**, A. D. 19**31**, pursuant to an order of the Board of County Commissioners of the County of **Skamania**, State of Washington, duly made and entered, and after having first given due notice of the time and place and terms of said sale; and, **pursuant to the terms of Contract 519.**

WHEREAS, In pursuance of said order of the said Board of County Commissioners, and of the Laws of the State of Washington, and for and in consideration of the sum of **Three** Dollars, lawful money of the United States of America,

to me in hand paid, the receipt whereof is hereby acknowledged, I have this day sold to **Clarence Hunt, assignee of M. Robbins**

the following described real estate, and which said real estate is the property of **Skamania** County, and which is particularly described as follows, to-wit:

Lot 18, Elk Bottom of Coosue, Washington

FILED FOR RECORD
SKAMANIA CO. WASH
BY **Skamania Co.**

12 14 1 42 PM '34
G. Olsson
AUDITOR
GARY M. OLSON

Part of Tax No. **2122**

the said **Clarence Hunt, assignee of M. Robbins** being the highest and best bidder at said sale, and the said sum being the highest and best sum bid at said sale.

NOW, THEREFORE, Know ye that I, **Martha L. Keith**, County Treasurer of said County of **Skamania**, State of Washington, in consideration of the premises, and by virtue of the statutes of the State of Washington in such cases made and provided, do hereby grant and convey unto **Clarence Hunt, assignee of M. Robbins** heirs and assigns forever, the said real estate hereinbefore described, as fully and completely as the said party of the first part can by virtue of the premises convey the same.

Given under my hand and seal of office this **13th** day of **April**, A. D. 19**34**.

Registered
Indexed, Di
indirect
Filed
Mailed

214

By _____
County Treasurer.
Boyer

George J. Kimmel, Skamania County Auditor
Permit 030934
110000

BRADLEY W. ANDERSEN
PROSECUTING ATTORNEY
P.O. BOX 790
COURTHOUSE BUILDING
STEVENSON, WASHINGTON 98648

GRANT E. HANSEN
DEPUTY PROB. ATTY.

SHIRLEY A. LITTLE
LEGAL ASST. I

ROSE DAVIS
SECRETARY

PHONE 509-427-9441
9405
BWR-22A

BOOK 144 PAGE 511

July 7, 1994

SKAMANIA COUNTY TITLE COMPANY
Stevenson,
Washington 98648

Attn: Jim Copeland

Re: Lot 19, Block 5, Town of Cooks, Skamania County, Washington

Dear Jim:

This follows our telephone conversation of last week in which I promised to further research whether the April 23rd, 1938 County Treasurer's Deed was valid despite the lack of the Treasurer's signature. As you will recall, that foreclosure sale was otherwise duly executed except that the then Skamania County Treasurer, Martha L. Keith, failed to sign the County Treasurer's Deed. The question becomes whether or not that deed is valid?

In my research, I found a very old Washington Supreme Court case, France v. Deep River Logging Co., 79 Wash. 336 (1914) in which this very issue was decided. In that case, the Washington Supreme Court held that the grantee's tax title should not be held void simply because of the absence of the subscription of the treasurer's name at the foot of the deed:

"Execution of the deed was duly acknowledged by the County Treasurer, as evidenced by certificate under official seal, endorsed thereon in usual form, by an officer authorized to take acknowledgments. In view of the fact that this deed is but the culmination of the tax foreclosure upon which it rests, that such foreclosure appears in all respects regular, that the treasurer acknowledged its execution before an officer authorized to take acknowledgments, that his name appears in the granting clause as the grantor and the fact that the execution of the deed was nothing more than a ministerial

Clarence Hunt, assignee of J. Robbins

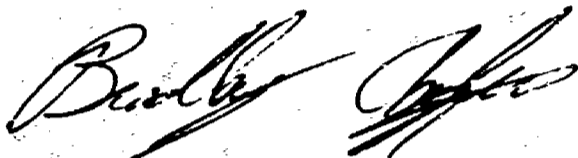
act which respondents were entitled to have the treasurer perform, we are of the opinion that the respondent's tax title should not be held void because of the absence of the subscription of the treasurer's name at the foot of the deed". Id @ p. 347.

Based on that case, it appears that the 1938 deed is valid. The title company should therefore quote Mrs. Hunt a fee insuring title to her grantee.

Short of this, the only alternative is for Mrs. Hunt to bring a quiet title action in the Skamania County Superior Court. The County cannot grant her a deed.

I hope this answers some of your questions.

Very truly yours,



BRADLEY W. ANDERSEN
Skamania County
Prosecuting Attorney

BWA/sl

BAa.09