

Forfeiture of Your Real Estate Contract

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- ❖ Read this only if you live in the state of Washington.
 - ❖ You can find all the fact sheets we link to here at WashingtonLawHelp.org.
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I am buying a home with a mortgage or deed of trust. Should I read this?

No. Read these instead:

- [Foreclosure when You Have a Deed of Trust](#)
- [What are My Rights During Foreclosure](#)
- [Foreclosure When You Have a Mortgage](#)

COVID-19 alert: [Read COVID-19 \(Coronavirus\): If you have a Mortgage on your Home](#) if you have a deed of trust or mortgage and you are having a hard time making payments on your home due to the pandemic.

What is a real estate contract?

It is any written agreement for the sale of real property (land and the buildings on it). In a real estate contract, the seller keeps legal title until the buyer finishes paying for it.

What is “forfeiture” of a real estate contract?

The seller cancels your rights under the contract because you are not meeting your end of the agreement, such as making your monthly payments.

Is it the same as foreclosure?

No. You usually have fewer rights than someone facing foreclosure.

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- ❖ See a lawyer **before** the seller forfeits your real estate contract.
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Does the seller have to go to court?

No. The seller can cancel (“forfeit”) your rights without going to court.

Does the seller have to forfeit the contract?

No. The seller can instead foreclose on the home as if they would if you had a mortgage. A seller who chooses to do it this way must follow the procedure in [Foreclosure When You Have a Mortgage](#). Then you will have the same rights as someone with a mortgage.

When can the seller start the forfeiture process?

As soon as you fall behind in your payments.

What is the process?

A seller must send you a Notice of Intent to Forfeit, and then a Declaration of Forfeiture. **If you get either, see a lawyer immediately.**

❖ The seller cannot forfeit your real estate contract until at least 90 days have passed from the date the seller records the Notice of Intent to Forfeit.

Can I stop the forfeiture?

Yes, if you can both:

- Make up payments at any time until the date in the Notice of Intent to Forfeit.
- Pay the seller's expenses from starting the forfeiture process, if your real estate contract says you must do this.

The seller forfeited my interest in our real estate contract. Do I need to move?

Yes, within ten days after the day the seller records the Declaration of Forfeiture. If you do not, the seller can start the eviction process.

The seller forfeited the contract. Can I get back the money I put into the home?

No. However, you will not owe the seller any more money.

Where can I read the real estate forfeiture law?

See [RCW 61.30](#).

Get Legal Help

Outside King County, call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm.

In King County, call 2-1-1 weekdays between 8:00 am - 6:00 pm. They will refer you to a legal aid provider.

Seniors (age 60 and over) can also call CLEAR*Sr at 1-888-387-7111 (statewide).

You can also **apply online** with CLEAR*Online: nwjustice.org/get-legal-help.

This publication provides general information concerning your rights and responsibilities. It is not a substitute for specific legal advice.

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