

SENATE BILL REPORT

SB 5362

AS OF FEBRUARY 8, 1991

Brief Description: Changing the period for commencement of actions.

SPONSORS: Senators Rasmussen, McCaslin and Roach.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Ben Barnes (786-7465)

Hearing Dates: February 12, 1991

BACKGROUND:

Under current law, an action to quiet title must be commenced within ten years of possession of real property. An action to quiet title under color of title must be commenced within seven years.

There is concern that the present statute of limitations for bringing a suit in adverse possession does not adequately protect the legal owner of real property. It is recommended that the statute of limitations for an action to quiet title be increased.

SUMMARY:

The statute of limitations for a suit in adverse possession is increased from ten to twenty years. The minimum period of possession of real property prior to bringing an action in adverse possession is increased from ten to twenty years.

The statute of limitations for a suit in adverse possession under color of title is increased from seven to fifteen years. The minimum period of possession of real property prior to bringing an action in adverse possession under color of title is increased from seven to fifteen years. The minimum period for payment of taxes under color of title is increased from seven to fifteen years.

In a suit for adverse possession, the court is required to award reasonable attorneys' fees to any prevailing defendant.

Appropriation: none

Revenue: none

Fiscal Note: none requested