
HOUSE BILL 2584

State of Washington

55th Legislature

1998 Regular Session

By Representatives Mielke, Pennington, Ogden, Boldt, Koster, Carlson, Sump, DeBolt, B. Thomas, Hatfield, Doumit, Carrell, Mulliken, Zellinsky, Alexander, Clements, Benson, Reams and Dunn

Read first time 01/15/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to adverse possession; amending RCW 7.28.010 and
2 4.16.020; adding a new section to chapter 4.16 RCW; and declaring an
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 7.28.010 and 1911 c 83 s 1 are each amended to read as
6 follows:

7 Any person having a valid subsisting interest in real property, and
8 a right to the possession thereof, may recover the same by action in
9 the superior court of the proper county, to be brought against the
10 tenant in possession; if there is no such tenant, then against the
11 person claiming the title or some interest therein, and may have
12 judgment in such action quieting or removing a cloud from plaintiff's
13 title; an action to quiet title may be brought by the known heirs of
14 any deceased person, or of any person presumed in law to be deceased,
15 or by the successors in interest of such known heirs against the
16 unknown heirs of such deceased person or against such person presumed
17 to be deceased and his or her unknown heirs, and if it shall be made to
18 appear in such action that the plaintiffs are heirs of the deceased
19 person, or the person presumed in law to be deceased, or the successors

1 in interest of such heirs, and have been in possession of the real
2 property involved in such action for (~~ten~~) twenty years preceding the
3 time of the commencement of such action, and that during said time no
4 person other than the plaintiff in the action or his or her grantors
5 has claimed or asserted any right or title or interest in said
6 property, the court may adjudge and decree the plaintiff or plaintiffs
7 in such action to be the owners of such real property, free from all
8 claims of any unknown heirs of such deceased person, or person presumed
9 in law to be deceased; and an action to quiet title may be maintained
10 by any person in the actual possession of real property against the
11 unknown heirs of a person known to be dead, or against any person where
12 it is not known whether such person is dead or not, and against the
13 unknown heirs of such person, and if it shall thereafter transpire that
14 such person was at the time of commencing such action dead the judgment
15 or decree in such action shall be as binding and conclusive on the
16 heirs of such person as though they had been known and named; and in
17 all actions, under this section, to quiet or remove a cloud from the
18 title to real property, if the defendant be absent or a nonresident of
19 this state, or cannot, after due diligence, be found within the state,
20 or conceals himself or herself to avoid the service of summons, service
21 may be made upon such defendant by publication of summons as provided
22 by law; and the court may appoint a trustee for such absent or
23 nonresident defendant, to make or cancel any deed or conveyance of
24 whatsoever nature, or do any other act to carry into effect the
25 judgment or the decree of the court.

26 **Sec. 2.** RCW 4.16.020 and 1994 c 189 s 2 are each amended to read
27 as follows:

28 The period prescribed for the commencement of actions shall be as
29 follows:

30 (1) Within (~~ten~~) twenty years:

31 (~~(1)~~) For actions for the recovery of real property, or for the
32 recovery of the possession thereof; and no action shall be maintained
33 for such recovery unless it appears that the plaintiff, or his or her
34 ancestor, predecessor, or grantor if the interest passed to the
35 plaintiff pursuant to a will or by intestate succession, was seized or
36 possessed of the premises in question within (~~ten~~) twenty years
37 before the commencement of the action.

38 (2) Within ten years:

1 (a) For an action upon a judgment or decree of any court of the
2 United States, or of any state or territory within the United States,
3 or of any territory or possession of the United States outside the
4 boundaries thereof, or of any extraterritorial court of the United
5 States, unless the ten-year period is extended in accordance with RCW
6 6.17.020(3).

7 (~~(3)~~) (b) Of the eighteenth birthday of the youngest child named
8 in the order for whom support is ordered for an action to collect past
9 due child support that has accrued under an order entered after July
10 23, 1989, by any of the above-named courts or that has accrued under an
11 administrative order as defined in RCW 74.20A.020(6), which is issued
12 after July 23, 1989.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 4.16 RCW
14 to read as follows:

15 The prevailing party in any proceeding concerning adverse
16 possession of real property must pay to the county auditor of the
17 county in which the real property is located an amount equal to the
18 property taxes paid by another party or owed with regard to the real
19 property during the period of the adverse possession. The county
20 auditor shall reimburse any party to the proceeding other than the
21 prevailing party for any taxes actually paid with regard to the real
22 property during the period of the adverse possession.

23 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and takes effect
26 immediately.

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