
SUBSTITUTE SENATE BILL 6317

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Zarelli and Stevens)

Read first time 02/06/98.

1 AN ACT Relating to adverse possession; and adding a new section to
2 chapter 7.28 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 7.28 RCW
5 to read as follows:

6 In any action involving adverse possession at common law:

7 (1) It shall be an absolute defense to any claim of adverse
8 possession at common law, if proved by a preponderance of the evidence,
9 that the person asserting adverse possession originally entered onto
10 the land with the intent to acquire fee title or use rights in the
11 property.

12 (2) The superior court or any appellate court, may, in its
13 discretion, order reasonable costs, including investigative fees,
14 expert witness fees, and attorneys' fees, to the prevailing party, as
15 justice requires.

16 (3) The person asserting adverse possession must show a clearly
17 identified boundary line demonstrating his or her use of the land for
18 the period of limitations.

1 (4) If the land owner gave written notice, by certified mail, to
2 the person asserting adverse possession, that the land owner is aware
3 of the trespass, at any time during the ten-year period of limitations,
4 any use of the land, subsequent to the date of notice, by the person
5 asserting adverse possession, or anyone else residing at the address
6 where the notice was sent as of the date of the notice, shall be deemed
7 to be permissive.

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