
SENATE BILL 6317

State of Washington 55th Legislature 1998 Regular Session

By Senators Zarelli and Stevens

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

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

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

5 NEW SECTION. **Sec. 1.** The purpose of this act is to abolish the
6 common law doctrine of adverse possession but to retain that doctrine
7 as it existed before the effective date of this act, limited to
8 situations in which all requirements for altering the ownership of real
9 property under the doctrine had been met before the effective date of
10 this act.

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

13 The period prescribed for the commencement of actions shall be as
14 follows:

15 Within ten years:

16 (1) ~~((For actions for the recovery of real property, or for the~~
17 ~~recovery of the possession thereof; and no action shall be maintained~~
18 ~~for such recovery unless it appears that the plaintiff, his or her~~

1 ancestor, predecessor or grantor was seized or possessed of the
2 premises in question within ten years before the commencement of the
3 action.

4 (~~2~~)) For an action upon a judgment or decree of any court of the
5 United States, or of any state or territory within the United States,
6 or of any territory or possession of the United States outside the
7 boundaries thereof, or of any extraterritorial court of the United
8 States, unless the ten-year period is extended in accordance with RCW
9 6.17.020(3).

10 (~~(3)~~) (2) Of the eighteenth birthday of the youngest child named
11 in the order for whom support is ordered for an action to collect past
12 due child support that has accrued under an order entered after July
13 23, 1989, by any of the above-named courts or that has accrued under an
14 administrative order as defined in RCW 74.20A.020(6), which is issued
15 after July 23, 1989.

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

18 (1) Except as provided under subsection (2) of this section,
19 actions to recover real property may be maintained at any time.

20 (2) A person who met the conditions necessary to obtain ownership
21 of real property under the common law doctrine of adverse possession,
22 as that doctrine existed under RCW 4.16.020 before the effective date
23 of this act, may maintain an action to quiet title following the
24 procedures, conditions, and restrictions as they existed before the
25 effective date of this act.

26 **Sec. 4.** RCW 7.28.010 and 1911 c 83 s 1 are each amended to read as
27 follows:

28 Any person having a valid subsisting interest in real property, and
29 a right to the possession thereof, may recover the same by action in
30 the superior court of the proper county, to be brought against the
31 tenant in possession; if there is no such tenant, then against the
32 person claiming the title or some interest therein, and may have
33 judgment in such action quieting or removing a cloud from plaintiff's
34 title(~~(; an action to quiet title may be brought by the known heirs of~~
35 ~~any deceased person, or of any person presumed in law to be deceased,~~
36 ~~or by the successors in interest of such known heirs against the~~
37 ~~unknown heirs of such deceased person or against such person presumed~~

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

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