
SENATE BILL 6323

State of Washington

55th Legislature

1998 Regular Session

By Senators Roach, Long, Heavey, Swecker, Snyder, McCaslin, Goings and Rasmussen

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

1 AN ACT Relating to adverse possession affecting forest land; and
2 adding a new section to 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 (1) In any action seeking to establish an adverse claimant as the
7 legal owner of a fee or other interest in forest land based on a claim
8 of adverse possession, and in any defense to an action brought by the
9 holder of record title for recovery of title or possession to a fee or
10 other interest in forest land where such defense is based on a claim of
11 adverse possession, the court shall not find the adverse claimant to
12 have established open and notorious possession of the forest lands at
13 issue unless the adverse claimant establishes by clear and convincing
14 evidence that the adverse claimant has made or erected substantial
15 improvements on such lands and has made continuous use of such
16 improvements for at least ten years. The court may find the making,
17 erecting, and continuous use of substantial improvements on the lands
18 at issue, in the absence of additional acts by the adverse claimant,
19 insufficient to establish open and notorious possession.

1 (2) For purposes of this section:

2 (a) "Forest land" has the meaning given to that term in RCW
3 84.33.100;

4 (b) "Adverse claimant" means any person, other than the holder of
5 record title, occupying the lands at issue, together with any prior
6 occupants of the land in privity with that person by purchase, devise,
7 or descent;

8 (c) "Substantial improvement" means a permanent or semipermanent
9 structure or enclosure for which the cost of construction on the lands
10 at issue exceeded fifty thousand dollars; and

11 (d) A "claim of adverse possession" does not include a claim
12 asserted under RCW 7.28.050, 7.28.070, or 7.28.080.

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